

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the July 23, 2002 Meeting**

1. **CALL TO ORDER** by Chairman William P. Cole at 7:30 p.m.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Jasper.
3. **ATTENDANCE**

**Selectmen:** William P. Cole, Rhona Charbonneau, Shawn N. Jasper, Ann Seabury and Teresa Stewart

**Staff/Others:** Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Steve Malizia, Finance Director; Kevin Burns, Road Agent; Frank Carpentino, Fire Chief; Shawn Murray, Assistant Fire Chief; Michael Andrade, William Tate, Michael Fournier, Ann Lundregan, TEL; Stephanie Hooper, Derry News and Stephanie Coyne, SUN.

4. **PUBLIC INPUT**

Michael Fournier, 37 Adelaide Street, thanked the Board for allowing him to air his and his neighbors' concerns regarding Lions Hall. Last year, there were four parties held there that were loud and went far into the night, which kept people in the neighborhood awake. This year, there have been many. In the past weekend, there were two parties. If the functions were for Town youth, he wouldn't have a problem with it going to 11:00 p.m. The Town seems to be in the business of operating a banquet facility and a dance hall and are not being very good neighbors. He thinks the time should be restricted in the evenings. One of the neighbors is undergoing chemotherapy and is woken up at 12:00 or 1:00 a.m. It is a residential area, a small neighborhood community. Lions Hall was originally intended to be a Senior Center and a community center for the Town, but it has turned into a business enterprise. He has Seniors who work for him and they have tried to get the hall on a Saturday or Sunday during the day, and they can't get it. After last year's problems on Derry Road, a Dance Hall Ordinance was adopted by the voters. Yet, the Selectmen are doing the same thing that was done on Derry Road. The newly adopted ordinance mandated that a license was needed to run a dance hall. He called the Town Hall today and found that there is no licensing for dance halls, so the Town is violating their own ordinance. Nothing has been set up since March of this year. Drinking is supposed to be restricted on Town property, with written exceptions issued by the Board of Selectmen and the Police Department. There isn't anything in the Selectmen's Minutes about any requests for alcohol at Lions Hall, so the Town is in violation again. Also, unless otherwise permitted on a case by case basis, it is unlawful within the Town of Hudson ball fields, race tracks, associated parking areas, whether public or private, to possess any alcohol. However, people are being allowed to possess alcohol on Town grounds without appropriate authorization. Regarding dance halls, Article 29 on the warrant says, "Licensing--No person shall operate a dance hall entertainment place assembly within the Town, without a license to do so." He said there is no licensing board for that. The application for a license has to be approved by the Selectmen and the Police Department. Chief Gendron has never gotten an application. The Town is opening itself up to liability. Last Saturday night, he was at the hall three times. Police officers were trying to keep the noise down, but no one there spoke English. The rental agreement for the hall is in English, not Spanish. The Police Supervisor was called down there, but was then called away for an emergency, which he could have responded to more quickly if he wasn't at Lions Hall. Fire exits should be wired to a fire alarm, but they aren't at Lions Hall. They open the doors and the noise goes out to all of the little side streets. When he went down there, there were small children running in the parking lots, back and forth across the street. Motorcycles travel down that street at 60 mph. If a child got hit, would the Town be liable? On Saturday, a driver passed a vehicle on Adelaide Street going 55 mph at 2:00 a.m., after leaving Lions Hall. If he had an accident and killed somebody, after leaving a Town property that allowed drinks, is the Town liable? He thinks the Town is opening itself to lawsuits. The people at the last party don't understand Town ordinances because they don't understand English. The Town of Hudson has inconvenienced all of the neighbors in that area. He suggested that the Selectmen cease and desist rental of the hall beyond 10:00 p.m. until they can find a proper way to do it. If not, they are violating their own ordinances. The Board was probably not aware of the problems that have been addressed to other people, including Mr. Sharon six weeks ago and again today. There are good uses for Lions Hall by elderly people and teenagers. At 2:00 a.m. last week, there was more traffic going up his street than there was on 93. He asked for respect for the people. He hoped the Selectmen would deal with it. If not, the neighbors will deal with it on their own. He hoped the Town would be intelligent enough to deal with this, saying that he liked and respected Selectman Jasper.

Chairman Cole thanked Mr. Fournier and assured him that the Lions Hall has their undivided attention and would be discussed in detail later in the evening.

Chairman Cole asked if anyone else wished to address the Board. There was no response, so he closed Public Input.

5. **CORRESPONDENCE**

- A. From: Kathy McKenna, Town Planner  
Re: Route 102/Robinson Road/West Road Improvements  
Refer to: New Business
- B. From: Richard Gendron, Chief of Police  
Re: ► Recommendation to Repeal Overnight Parking (317-20)  
► Melendy Road Sidewalks  
Refer to: New Business
- C. From: Steve Malizia, Finance Director  
Re: Property Liability Renewal  
Refer to: New Business

- D. From: Frank Carpentino, Fire Chief  
Re: Acceptance of Donation  
Refer to: New Business
- E. From: Mary Ann Knowles, Chairman, Library Trustees  
Re: Vacancy on Library Trustees  
Refer to: New Business
- F. From: Matthew J. Waitkins, Transportation Planner, NRPC  
Re: Update of State Road Inventory for Public and Private Roads  
Refer to: New Business
- G. From: Sewer Utility Committee  
Re: Facilities Plan Approvals  
Refer to: New Business
- H. From: Jim Michaud, Assessor  
Re: Assessing Items  
Refer to: New Business

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to receive the Correspondence, A-H, with appropriate referral, carried unanimously.

## 6. NOMINATIONS AND APPOINTMENTS

### A. Building Board of Appeals (1 Member, Term to expire 12/31/02)

There were no applicants.

### B. Planning Board (1 Alternate, Term to expire 12/31/02)

1) Michael Andrade, 9 Kingston Way, said he is 24 years old and has lived in Hudson for 16 years. He was interested in contributing his services to the Town. In talking with his contemporaries, they have issues, but are reluctant to get involved in serving on Town boards. If he is appointed, and becomes educated in Town affairs, he will be able to, in turn, educate his contemporaries. He would like to participate, learn and contribute.

Selectman Stewart asked if he'd be able to participate in the Planning Board's active schedule of three meetings a month, which often end very late. Mr. Andrade said yes, that he was aware of that, having found that information on the Town web site.

Selectman Seabury asked how he wanted to see the Town grow. Mr. Andrade said the Town has grown in parallel to the way he has grown, seeking out new ventures and learning by mistakes. Both he and the Town are at a point where things can be done to change some of the ways business has been conducted. In learning by participating, he can bring a fresh, young point of view from the aspect of his age group. The Town should grow at a comfortable pace that will allow for expansion in other aspects of Town business.

Selectman Seabury asked if he felt the Town was lacking in some area, or if the Planning Board could do something different, or allow different businesses to come into the community, or if there should be additional housing growth. The Planning Board is faced with some major decisions on how to address issues coming before them. She asked if there were some innovative ideas he could contribute. Mr. Andrade said there needs to be a balance between residential and commercial growth. He feels there is a growth in commercial interests and doesn't see a balance for the residential aspect. By balancing them, the community could expand and people could enjoy the opportunities afforded.

Selectman Jasper thanked Mr. Andrade for applying and hoped that if Mr. Andrade was not appointed tonight that he wouldn't take that as a rejection because they don't have enough people interested in Town government, as it is.

2) William Tate, 83 Wason Road, said he has lived in Hudson over 50 years and he has served on NRPC, has been a member of the Chamber of Commerce, and is pro-business. In the past, he talked to the Selectmen about buying open space. Part of the long-term solution is to acquire property to slow down growth. A number of years ago, he asked the Planning Board what the potential population could be, and they had no answer. If they are going to build an infrastructure and tax base to support the schools and the provisions for residential uses, they have to have some number to base it on. He is pro-active for elderly housing and sat on a sub-committee of the Planning Board to work on that around '87. In looking at the big picture, a commercial-industrial tax base is needed. This year, the Assessor said the commercial tax base has fallen off percentage wise from the residential. In 1987, there was a report from the Town through the schools, saying there was 1.7 students per residence. If that trend keeps going, it will be difficult to live in Hudson, or pay for needed improvements. There has to be a balance. He has been active with other companies in Town to re-gravel the cemetery driveways and make them more accessible. He'd like to be able to review zoning, which seems to be helter-skelter, running right up against residential. In 1985, around the area of Route 111, 200 acres of industrial was voted out, with no replenishment. That would have been the

best place to put in industrial, as that is a major artery. He owns some parks on his own and a small business, and has been in business since 1969.

Selectman Stewart asked if Mr. Tate would have a problem stepping down on an issue where there might be a conflict. Mr. Tate said no, not if it was someone he worked for all the time.

Selectman Seabury said, according to NRPC, build-out is going to be 75,000. Mr. Tate said he never comprehended a number that large. If the Town doesn't buy up the open space, it is going to take a tremendous commercial-industrial tax base to offset it because of the average of \$10,000-\$12,000 to educate. Selectman Seabury said she has a concern in that Mr. Tate is a very successful businessman in the community and she worries about him being placed on this very critical board because members can't be too close to the issues. He has a lot of friends in the community that will be coming forward that he does business with, and that is a concern. In 1966-1976, the boards were predominantly developers, who were the only people interested in the Planning and Zoning. It wasn't until the 70's that the boards started opening up to other members. She has worked with Mr. Tate as a Selectman, and they had a good relationship, but she has a nagging feeling about this appointment. She doesn't want to end up with a top-heavy, pro-development board. There has got to be a balance, with no people who have agendas. Right now, the Planning Board is pretty evenly distributed with an engineer, someone who works for Brox in land planning, a company trouble-shooter, a lawyer, so it is diversified. There is also a Selectman on the board, who is in business, but she is kind of set aside, and Selectman Charbonneau, a former business person who is astute in development. She'd like to keep that balance. She'd like Mr. Tate to be able to tell her there won't be any nepotism because she saw it personally years ago.

Mr. Tate felt he could represent both sides. Moreover, the appointment is only until the end of the year.

(Start Tape 1, 2<sup>nd</sup> Side)

Selectman Jasper said the Planning Board needs practical people, who have the ability to talk about the reality of a project, which may look good only on paper. While Mr. Tate has done some developing over the years, including lot of road building, so he knows that end of it very well.

*Vote: Motion carried unanimously.*

Chairman Cole asked the Recorder to call the roll so the members could signify their choice.

Seabury—Andrade; Stewart—Tate; Cole—Andrade; Charbonneau—Tate; Jasper—Tate.

Chairman Cole said William Tate was appointed to the alternate position on the Planning Board, with a term to expire 12/31/02 and will be notified by the Town Clerk. He congratulated Mr. Tate and thanked Mr. Andrade, saying he hoped he would apply for future openings.

**C. Sewer Utility Committee (1 Alternate, Term to expire 12/31/04)**

There were no applicants.

**7. OLD BUSINESS**

There was no Old Business.

**8. NEW BUSINESS**

**A. Route 102/Robinson Road/West Road Improvements**

Chairman Cole recognized Jason Plourde, Project Engineer with Highway & Traffic Signal Design (HTSD), representing William Batalogianis, who was going to develop a parcel of land at that intersection. They have been working with DOT and have been before the Planning Board several times, and will go again tomorrow night, hopefully receiving final approval. The Town hired a review consultant to review the plans and the traffic studies and they have incorporated the recommendations and comments. One was to install a median along Route 102 to restrict the driveway to a right in, right out only. They are proposing to signalize the intersection. The Town and State are working to upgrade the intersection, to signalize it and to create a five-lane cross-section on Route 102 where it would have exclusive left-turn lanes and two through lanes in each direction. HTSD is proposing to install traffic signals with mast arms far enough back so that when the additional lanes come through, they won't have to be moved. One of the restrictions was the radii along West Road because of the close right-of-way restrictions. Mr. Batalogianis tried to obtain an easement from two property owners, but was unsuccessful, so they worked with the DOT to try to come up with a solution. They have relocated the stop line back and pulled the median back on 102, so the trucks will be able to take a right and not cross over the other lane of traffic. When the State and Town project comes through, they will be adding on an additional through lane in each direction. Then the radii will be able to be widened, based on the land taking. As a private development, they cannot acquire the land. It was the Town Planner's recommendation that he come before the Selectmen in hopes of getting a favorable recommendation to take to the Planning Board.

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to support the off-site improvements, as recommended by Town Planner Kathy McKenna, in her 18 July 2002 letter to the Board, carried unanimously.*

**B. Property Liability Renewal**

Chairman Cole recognized Steve Malizia, the Finance Director, who said the Town has been using NHMA's Property Liability program. A few years ago, they instituted a program to lock in the rate. The Town has done this twice in the past. By locking in for three years, it will save money. The Town has been well served by this group.

Motion by Selectman Jasper, seconded by Selectman Stewart, to authorize the Chairman to sign the forms for NHMA's PLT-2005 program in order to stabilize property and liability insurance rates for the next three years, as recommended by Finance Director Steve Malizia, carried unanimously.

**C. Recommendation to Repeal Overnight Parking (317-20)**

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to refer this to the Highway Safety Committee for drafting of a proposed Ordinance amending the Town Code to remove Chapter 317-20 "Overnight Parking" in its entirety: proposed Ordinance to be submitted to the Selectmen's Office NLT 30 July in support of advertising a Public Hearing as an agenda item for the 13 August BOS meeting.

Selectman Stewart asked if this affected the winter overnight parking ban. Chief Carpentino said no, it did not. Chairman Cole clarified that that was covered under 317-17.

Selectman Seabury if parking was allowed on narrow streets, it would prevent emergency vehicles from getting through. Chief Carpentino said the Highway Safety Committee discussed the amount of rentals, where parking already occurs. They also discussed the issue of narrow streets, but they have not encountered any impassable situations with emergency vehicles, to date. However, if the police do run across that, they will do what it takes to have those streets clear. Selectman Seabury thought that was going to be a problem. Chief Carpentino said it is a problem now because they aren't able to enforce it 100%.

Selectman Charbonneau said there are some streets with no parking on one side, such as Maple Street. Mr. Sharon said there have been cases where the Board of Selectmen have imposed no parking on one side, to allow emergency vehicles to pass. If problems do arise, that is an option. Selectman Jasper concurred, saying that if it is a problem at night, it probably would be a problem during the day, and that needs to be dealt with. They can deal with narrow streets on a case by case basis. He didn't think motorists can park on the street if the tire extends over the fog line. If vehicles are out onto the streets on a major thoroughfare, there may be a potential for problems. He wished that someone from the Police Department was present to answer the question about the fog line. Mr. Sharon thought Selectman Jasper was correct. Chairman Cole said someone from the Police Department could be present on August 13 to address the specifics.

Vote: Motion carried unanimously.

**D. Melendy Road Sidewalks**

Motion by Selectman Stewart to authorize the Highway Department to budget for the installation of sidewalks on the north side of Melendy Road from Central Street to Belknap Road, as recommended by the Highway Safety Committee, did not receive a second.

Selectman Charbonneau said this is a narrow road and bears further study. If a sidewalk is put in, it will be difficult when there is snow. Selectman Jasper thinks the Town Engineer, Road Agent and Highway Safety Committee should look at the ability to widen that area so there can be a bike path, moving the mailboxes back. His concern is not to force bikes into a narrow road and, in the winter, because there are going to be mailboxes on that side of the road, they won't have the capability to plow. School walkers will be forced into the road. If a paved 5' shoulder is put in, Kevin's crews can wing that back, and with striping or a rumble strip, it will be a much safer situation.

Chairman Cole reminded the Board that the motion was simply to authorize the Highway Department to put this item into their proposed budget. They can get more specific at that time. He asked if Kevin wanted to talk about this. Mr. Burns said if the Board directs him to bring something forward, he will, but he asked that he not be tied to a certain side of the street. There are a lot of utilities to relocate on the north side of the street. The south side would be quicker and less expensive. If they do sidewalks with granite curbing, he will have to put in a closed drainage system. There will be land taking, drainage easements, etc. A shoulder with a rumble strip is probably something he could do from townwide paving. He'd also like to tie this in with the State doing the Melendy Road bridge. Selectman Stewart didn't want to run into the problem they ran into on Pelham Road. When residents found out they were going to lose part of their front yards, trees, fences, etc., they came out in droves to protest. She'd also like to tie this into Memorial School, where there are a lot of walkers.

Selectman Jasper said they should leave the Road Agent with some direction, such as his plan to tie this into the paving program. Perhaps the Road Agent could come back to the Board with a time line and recommendations on what is operationally feasible. He asked the Road Agent if he understood what the Board was looking for, and asked if he could come back with one or two options. Mr. Burns said he would include it with next year's budget, and would try to tie it in with the bridge.

**E. Acceptance of Donation to the Fire Department**

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to accept, with thanks, the \$302 donation from State Farm Insurance Companies to the Fire Prevention Department to purchase three literature displays carried unanimously.

**F. Vacancy on Board of Library Trustees**

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to advertise to fill the vacancy on the Library Board of Trustees, pursuant to RSA 669:75, as requested by the Chairman of the Library Trustees, Mary Ann Knowles, carried unanimously.

**G. Update of State Road Inventory for Public and Private Roads**

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to approve the list of new Class V (public) and private road mileage in the Town of Hudson, identified in the correspondence from Matthew J. Waitkins, NRPC Transportation Planner, and authorize the Chairman to sign the form, as the Engineering Department has confirmed the accuracy of the list.

Selectman Jasper said a public road is one that is owned and maintained by the municipality. Many of the roads listed as Class V roads are still private, unaccepted roads. The intent is they will all become Class V public roads, but as of today, they are not—such as Flying Rock Road. Chairman Cole recognized the Town Administrator, who said that was an excellent point and requested that this be deferred until the next meeting so it could be investigated.

Selectman Charbonneau withdrew her motion; Selectman Stewart withdrew her second.

Motion by Selectman Jasper, seconded by Selectman Stewart, to defer this to the August 13 meeting carried unanimously.

(Start Tape 2, Side A)

**H. Facilities Plan Approvals:**

**1) Reeds Brook Village**

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the Facilities Plan for Reeds Brook Village, which has been signed off on by the Sewer Utility Consultant/Interim Town Engineer, Sewer Utility Committee and Road Agent, carried unanimously.

**2) Windham Road Multi-Family**

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the Facilities Plan for Windham Road Multi-Family, which has been signed off on by the Sewer Utility Consultant/Interim Town Engineer, Sewer Utility Committee and Road Agent, carried unanimously.

**I. Assessing Items:**

**1) Veteran's Tax Credit Application (46 Highland Street, Map 056/Lot 041)**

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to grant the Veteran's Tax Credit, as recommended by the Assessor, carried unanimously.

**2) Application for Elderly Exemption (4A Hopkins Drive, Map 036/Lot 038/Sublot 00A)**

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to grant the Elderly Exemption, as recommended by the Assessor, carried unanimously.

**J. Evisceration of Draft Letter to Chief Justice Brock (Selectman Jasper's item)**

Chairman Cole recognized Selectman Jasper, who said it wasn't his intention to be contentious, but he felt there were three very important points that he made in his draft letter. He keeps hearing about what the court is likely to do and that it is likely the State is going to have 400 separate districts. For Hudson, that means seven, and the seventh might be part Hudson and part Nashua. Regardless, it is going to be a disaster for the voters, and for those of them trying to run an election. He thinks it is very important to send a letter. In this case, it didn't matter because it didn't make it through to the Justice, but there are other venues. He felt it important that specific examples were used, as opposed to saying "we think," or "we feel." That's why he had pointed out in his draft that Hudson has been unable to field a full slate of candidates on both tickets on a regular basis. That was changed to allude to the full political spectrum, which goes into Libertarians and a whole myriad of other candidates. He also thought it was very important to point out that two of the remaining incumbents for the fall are very likely to live in the same district, Rudy Lessard and Joan Tate, if they choose to run. He wanted to use the specific example that Hudson, at one time, had nine districts and there wasn't one election where those districts had competitive races. He thinks that will be the reality they will be facing. Voters should always have a choice. He also spoke about the unfunded mandate. Creating seven districts will end up costing the Town money, including sending out mailings to every voter to tell them what district they are in. The points that he made in his draft letter were critical and, to have them taken out, eviscerated the letter. The final letter didn't contain the real meat of the draft.

Chairman Cole said the Town received a response to its correspondence to Chief Justice Brock, (objecting to the redistricting), stating that since the case is pending, the Code of Judicial Conduct prohibits Chief Justice Brock and the other members of the court from considering communications from anyone outside the presence of the parties and, therefore, the letter will not be distributed to the court.

If the Town wishes to bring their concerns to the attention of the Court, it is suggested that they file a motion to appear as an amicus curiae (friend of the court). He asked for the will of the body.

Selectman Jasper said they owe it to the citizens of Hudson to do something. If that means filing a motion as a friend of the court, they should do that, through the Town attorneys. Chairman Cole said a copy of the letter did go to the Town's Legislative Delegation, but he has not heard anything from any of them. Selectman Jasper said, unfortunately, there is nothing they can do.

Motion by Selectman Jasper, seconded by Selectman Seabury, to file a motion to appear as a Friend of the Court and forward to the attorney, copies of the draft and Chairman Cole's final letter, as a basis.

Selectman Charbonneau wanted to know how many other towns have written to the Supreme Court. If Hudson is the only one, the Court isn't going to listen and it is going to be a waste of money. Selectman Jasper hoped other communities have similar concerns and may have taken action. It might be appropriate for Paul to contact the Municipal Association and find out if there has been any action taken by other towns or, perhaps to encourage the Municipal Association to put out a message to other communities, letting them know about Hudson's concerns and asking them to do the same. They need to do something because, in November, for the general election, 4,000-5,000 people will not know who they are supposed to be voting for or what district they are in. The Selectmen will be able to say they did what they could.

Mr. Sharon hadn't heard that any other town has filed an amicus curiae and wondered what the role of the Town's Legislative delegation was. Selectman Jasper said this went to court, although he didn't know how it got there. The Legislators role is over. They tried to have a special session, but that was not successful. He didn't know who the parties were to the suit if, in fact, that is what it is. He doesn't have a clear grasp of what happened. He thinks that because there was no agreement, it ended up in the hands of the court. The whole thing is unfortunate. Selectman Charbonneau said if they didn't listen to the Legislators, they are not going to listen to one town.

Chairman Cole wondered if the maker of the motion would withdraw it, at least until some of the questions are answered, such as the extent of other towns' involvement opposing this, what the legal procedure is and the estimated cost. Selectman Jasper felt it was necessary to leave it on the table because by their next meeting, the decision will have been reached. He didn't want to miss the window of opportunity. If they file a motion to appear, the attorneys could simply put in a brief brief to the court.

Chairman Cole agreed with Selectman Charbonneau. If the Town is broken into districts, he didn't believe the citizens will wander around, not knowing what to do. Selectman Jasper said when Hudson was divided into nine districts, during off-year elections, there was a very low turnout. It was a very confusing time for a lot of people. He was an election official and Town Moderator. This year, they will be voting for Governor, a Senator, Congressman, County Commissioners, all the County officers, which means a lot more people will turn out. Trying to direct people to their districts will be confusing, especially when they are piling in at a tremendous pace. Paper ballots will have to be used, so people will have to check out before leaving. If the court does this, it is because they are totally unfamiliar with the process.

Selectman Seabury agreed with Selectman Jasper, saying she lived through the Council years, as well, and as a volunteer worker at the polls, she saw people coming from Alvirne High School, who were supposed to go to Lions Hall, and then there was a third place for voting, which she thinks was St. Catherine's. Even if the Town is a lone voice in the wilderness, they are at least trying to educate the higher authorities that this might not be the best way to go.

Mr. Sharon asked how the attorneys should formulate the brief. The Board will have to view what is going to be submitted. Selectman Jasper said he'd be glad to participate in that, if the motion passes. Mr. Sharon asked if he was still supposed to check to see if anyone else has filed, or is going to file. Selectman Jasper thought it would be good for Mr. Sharon to contact NHMA to find out if others have, to encourage others to do so and find out what concerns the Association has, or has heard about. This has taken everyone by surprise and people are just beginning to realize what's going on.

Chairman Cole said regardless of how many other towns have filed, Hudson is still going forward. Selectman Jasper said contacting the association is to get other communities interested and aware that at least there is one town doing something. It might spur some others to do likewise. Even Nashua is going to have wards within wards and each ward is going to be divided and that is going to be a nightmare in itself. Selectman Charbonneau said she hasn't heard about Nashua or Manchester objecting, or even Derry, who has a husband and wife that is split down the middle of the house. She is concerned about the districting, as well, but she can't see spending the money and not getting anything out of it. She can understand checking with NHMA, but she cannot vote for submitting a brief.

Vote: Motion carried 3-2. Selectmen Cole and Charbonneau were opposed.

## 9. **OTHER BUSINESS**

### **Lion's Hall**

Chairman Cole recognized the Town Administrator, who said they've been battling with Lions Hall since 1994. The Town has subsidized it up until the current year, running about 80% of the expense, and it has gotten worse. They've changed the maintenance crew and invested a lot of money over the past year, doing necessary upgrades. The Community Development Department is doing the best they can in terms of booking events, but social events (loud dances) have caused nothing but problems. The contracts that have been used provide for a hefty deposit, a rental fee, an extra charge for the kitchen, liability insurance coverage, restrictive hours (until 2:00 a.m.), and police detail officers when alcohol is served. Yet with all of that, it doesn't solve the problem. Some of the dances have caused damage to the hall and problems in the neighborhood.

Having detail officers there isn't sufficient to take care of all of the problems. The implication that it is an ethnic group is not necessarily fair. Six weeks ago, after a particularly bad Saturday night, they stopped any bookings of non-residents. The exception to that was those social occasions that had already been booked for weddings and that sort of thing. They are now down to one, which is a wedding next week. He suggested that the Board set a curfew of midnight instead of 2:00 a.m. and consider banning alcohol altogether. Often, there hasn't been any problem at all with alcohol, such as with the Chamber dinner, but a bad apple will spoil the whole bushel. They can't book enough good daytime revenue functions, such as the antique operation and the quilters to be able to cut into the expenses. Any curtailment of the bookings means more subsidy for the hall.

(Start Tape 2, Second Side)

Selectman Jasper said the Town has inadvertently caused a problem for the neighbors. He has never looked at the Lions Hall as a money-making operation. There is a community purpose for that building that hasn't been as well defined as it might have been. A lot of good functions are held there. The expenses of Lions Hall, compared to the Town budget, is a drop in the bucket. If there are fewer events, there will also be less need of an intensive cleaning contract. As they discussed last night, it may be an opportune time to look at what the school district has done with their cleaning services. The contract for Lions Hall went to \$40,000 a year from \$12,000. He wouldn't have a problem with no outside, non-community related functions in there. Mr. Sharon said they've already imposed that. Selectman Jasper thought midnight was late enough for any event. They should also make sure the doors are closed, as it is an air-conditioned building. It would appear that the Town has violated their own ordinances and they need to be more careful about that. Mr. Sharon said the Board has always taken the position that it shouldn't exempt itself from review by the Planning Board and Zoning Board but, in this instance, the licensing (not discernable). Selectman Jasper said it's always nice to have that license hanging there for everyone to see.

Selectman Seabury said maybe it's time to reassess the hall. Possibly they could fix up the Recreation building and put the Seniors in there and give Lions Hall to the Recreation Department because they need a bigger place.

Chairman Cole said the reason he asked the Town Administrator to talk about this tonight is because of recent events. He doesn't think the Town should be in the rental business. This item was brought forward as a prelude to a more detailed discussion by the Board, with appropriate staff, at the next meeting on August 13, at which time he expects that Town Administrator to coordinate a number of possible options or scenarios for the Board to consider. The time has come to stop the bleeding in this area.

Selectman Charbonneau agreed with Selectmen Seabury, in that the Rec Department has outgrown their facility. The Rec Center holds around 250 people and there are over 700 kids in the Rec program this year. The Lions Hall should be for community operations and the Seniors need a place, as well. If they fix up the whole place (Rec Center), it would be an ideal spot (for the Seniors) because it is in the middle of Town. Selectman Jasper thinks the building is ideally suited for that, but he's not sure the surroundings are. The 700 kids don't want to spend all their time indoors and, if they go outdoors, there's nothing but the parking lot. At the Rec Center, they have the field and the neighbors affected at HO Smith are used to it. If there are 700 kids all day, every day at Lions Hall, that is a new dynamic for the neighborhood. The suggestion merits looking at, but it should be done cautiously.

Chairman Cole asked if everyone was in agreement to request that the Town Administrator coordinate/put together a presentation for the Board, with appropriate staff, with options as to the future of the Lions Hall and the Town of Hudson. Selectman Stewart asked if staff would include Dave Yates and Kevin Burns. Mr. Sharon said yes, including Sean Sullivan, Steve Malizia, etc. He will put it on the staff meeting agenda tomorrow. Chairman Cole asked if the Town Administrator had any questions or needed further guidance. Mr. Sharon said no, he did not.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, for a recess at 9:10 p.m. carried unanimously.* Chairman Cole gaveled the meeting back to order at 9:20 p.m.

## 10. LICENSES AND PERMITS

### A. **Request by Barlo Signs to operate Commercial Trucks prior to restricted Hours and/or on Restricted Streets.**

Chairman Cole said the wording on the permit is what is currently in effect, which is different from the wording on the application.

*Motion by Selectman Stewart, seconded by Selectman Jasper, to grant a waiver to Barlo Signs for one year from operating a commercial truck prior to restricted hours and/or on restricted streets from Greeley Street to Old Derry and Old Derry to Route 102, only for arriving one way in when trucks come back after 7:00 p.m., but not for leaving prior to 6:00 a.m., subject to revocation upon residents' complaints and subsequent review by the Board of Selectmen.*

Selectman Seabury said she was going to vote against it again, as she has in the past. The neighbors had complained a lot about truck traffic. Residents shouldn't have to be subjected to a lot of noise early in the morning. Chairman Cole said he would also be voting against this, as he is not a big fan of granting waivers, as a general rule. He read the history of this item and was somewhat confused as to how they got to the current waiver that is in effect. Selectman Jasper said this was subject to revocation upon residents' complaints, with a subsequent review. This will be the third year that this came before them. In previous years, the Board hasn't received any complaints. As a practical matter, rules always have a waiver procedure. This was a rule put in because of Brox Paving. Driving 16-wheelers up and down the road makes a tremendous amount of noise. Sign trucks don't have the same issues, and that's why the Town hasn't received any complaints. There is no reason not to grant the waiver. Chairman Cole agreed, but his issue is why it was ever granted in the first place.

*Vote: Motion failed by a 2-2 vote.* Selectmen Jasper and Stewart voted in favor; Selectmen Cole and Seabury were opposed; Selectman

Charbonneau abstained.

**B. Request for a Block Party Permit by Deanne and Steve Malizia for August 3, 2002, from 4:00 – 10:00 p.m.**

*Motion by Selectman Seabury, seconded by Selectman Stewart, to grant, carried unanimously.*

**C. Request for a Block Party Permit by Laura Bisson for September 7, 2002, from 4:00 – 10:00 p.m.**

*Motion by Selectman Charbonneau, seconded by Selectman Jasper, to grant, carried unanimously.*

**D. Raffle Permit Request by the Wattannick Grange to hold a raffle during Old Home Days, August 16-18, to benefit the Grange.**

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve, carried unanimously.*

**E. Raffle Permit Request by the Hudson Seniors to hold a raffle at Lions Hall, Old Home Days and Harvest Fest, from July – October, 2002 to benefit the Seniors' Building Fund.**

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to approve, carried unanimously.*

**F. Raffle Permit Request by St. John the Evangelist Women's Guild, to hold a raffle from August through November, to benefit the church.**

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to approve, carried unanimously.*

**G. Raffle Permit Request by Hudson United Soccer Club to hold a 50-50 raffle during Old Home Days, August 16-18, 2002, to benefit field development.**

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to approve, carried unanimously.*

**11. ACCEPTANCE OF MINUTES**

**Minutes of the BOS Meeting of July 9, 2002**

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to accept the Minutes, as presented, and refer to file, carried unanimously.*

**12. COMMITTEE ANNOUNCEMENTS**

7/24 7:00 Planning Board in CD Meeting Room  
7/25 7:00 CIP in CD Meeting Room  
7/29 6:30 School Board in BOS Meeting Room  
7/30 6:00 Trustees of the Trust Funds  
8/5 7:00 Friends of Hudson's Natural Resources  
8/6 6:00 Trustees of the Trust Funds  
8/7 7:00 Planning Board Workshop in CD Meeting Room  
8/8 6:30 Recreation Committee @ Rec Center  
8/8 7:00 Sewer Utility Committee in BOS Meeting Room  
8/8 7:30 ZBA in CD Meeting Room  
8/12 6:30 School Board in BOS Meeting Room  
8/13 7:30 BOS in BOS Meeting Room  
8/14 7:00 Planning Board in CD Meeting Room  
8/15 7:30 Budget Committee in CD Meeting Room  
8/19 7:30 Conservation Committee in CD Meeting Room  
8/22 7:30 ZBA in CD Meeting Room  
8/26 7:30 School Board in BOS Meeting Room  
8/27 7:30 BOS in BOS Meeting Room  
8/28 7:00 Planning Board in CD Meeting Room

**13. REMARKS BY THE SELECTMEN**

**Selectman Charbonneau** said there was an article in the Union Leader around the first of July that a woman by the name of Mrs. Gilson is 110 years old, who is in the Fairview Nursing Home.

**Selectman Seabury** noticed that it is very quiet during the day around Town. The Manager of Market Basket told her in the summer, the store is empty. He hoped the traffic counts are taken in September for the new store.

**Selectman Stewart** said the skate park is coming along. DPW has been doing an awesome job on it, as well as on the other playgrounds. Last night, she, Selectman Jasper and the Town Administrator met with the SAU and the Budget Committee for a Joint Planning Committee meeting. Their next one is scheduled for September 4. They talked about areas in which the Town and School could share, such as technology and facilities. Chairman Cole asked if there would be minutes coming out of that meeting that would be cc'd to the Board. Selectman Stewart and Mr.



Sharon both said yes, that David Alukonis was elected chairman and Randy Bell, the minute taker. In response to Chairman Cole's question on the makeup of the committee, Selectman Jasper said there are two Selectmen, two Budget Committee members, two School Board members, plus the Town Administrator and Superintendent.

**14. NONPUBLIC SESSION**

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to enter Nonpublic Session under RSA 91-A:3 II (a) personnel issues: (b) hiring of personnel; (d) real estate issues at 9:34 p.m. carried 5-0 by roll call vote.

- Nonpublic Session was terminated at 10:25 p.m.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to hire Al Simms as the 2002 Soccer Director, effective July 24, 2002 for the fee of \$1,000 carried unanimously.

- Motion by Selectman Stewart, seconded by Selectman Jasper, to create the position of Highway Department Supervisor and, upon filling that position, eliminate the vacant position of Sewer Foreman, subject to approval by the Supervisor's job description by the Board of Selectmen and, further, to authorize internal posting of the position carried 3-2. Selectmen Cole and Charbonneau were opposed.

- Motion by Selectman Stewart, seconded by Selectman Seabury, to eliminate the position of Call Force Captain and replace it with the position of Call Force Administrative and Training Lieutenant, with the pay rate for this position to be the same as a current Call Force Lieutenant within the Department's Call Force and the approve the position description for Call Force Administrative and Training carried 4-0. Selectman Jasper abstained.

- Motion by Selectman Jasper, seconded by Selectman Stewart, that Jess Forrence be appointed Acting Highway Department Supervisor, until such time as the position is permanently filled, carried unanimously.

**15. ADJOURNMENT**

Motion by Selectman Jasper, seconded by Selectman Stewart, to adjourn at 10:30 p.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert  
Executive Assistant to the Board of Selectmen

**HUDSON BOARD OF SELECTMEN**

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**William P. Cole, Chairman**

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**Rhona Charbonneau**

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**Shawn N. Jasper**

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**Ann Seabury**

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**Teresa Stewart**