

HUDSON, NH BOARD OF SELECTMEN
Minutes of the July 9, 2002 Meeting

Attorney-Client Session from 7:00 – 7:30 p.m.

1. **CALL TO ORDER** by Chairman William P. Cole at 7:30 p.m.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Teresa Stewart.
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; Kathy McKenna, Town Planner; Richard Gendron, Chief of Police; Thaddeus Luszey; Andrew Singelakis and Stephen Williams, NRPC; Jim Michaud, Assessor; Bill Krajieski, Patriot Properties; Jean Serino; Howard Dilworth, Jr; Ray Rowell; Curt Laffin, Laurie Jasper and Esther McGraw of the Benson's Committee; Stephanie Hooper, Derry News; Beth Corriea, SUN; Ann Lundregan, TEL

4. **PUBLIC INPUT**

Chairman Cole asked if anyone in the audience wished to address the Board.

Jean Serino, 118 Robinson Road, wanted to correct something that was said in an editorial in the Telegraph, stating that the Benson's land and the Nadeau Farm, together, were going to cost \$8 million. It was sort of corrected later on, but people were left with the first impression and she had been hearing all kinds of remarks about that. The fact is that they don't know how much Benson's is going to cost. It could cost very little. The point is to get the land and save it from development and the taxes from going up. They don't know how much the Nadeau Farm will cost, either. She didn't want people to be turned off by being misinformed about these wonderful projects.

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There being no further speakers, Chairman Cole closed Public Input.

5. **CORRESPONDENCE**

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| A. | From: Engineering
Re: Addendum #5, Burns Hill Landfill
Refer to: New Business |
| B. | From: Andrew Singelakis, NRPC
Re: Long-range Transportation Plan
Refer to: New Business |
| C. | From: Curt Laffin
Re: Benson's Committee
Refer to: New Business |
| D. | From: Community Development/Planning
Re: Fees
Refer to: New Business/Public Hearing |
| E. | From: Steve Malizia, Finance Director
Re: Bid Recommendation for Photocopier Lease (FY 2003-FY 2005)
Refer to: New Business |
| F. | From: Jim Michaud, Assessor
Re: Various Assessing Items
Refer to: New Business |

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

6. **NOMINATIONS AND APPOINTMENTS**

Chairman Cole stated that appointments are made at the second BOS meeting of the month, unless a vote is taken to waive the procedures. Once the appointments are made, the Town Clerk will notify the appointee and will arrange for the swearing in to take place.

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

There were no applicants.

B. **Nashua Regional Planning Commission** (1 Alternate, Term to expire 12/31/02)

Thaddeus Luszey said he would like to have some impact on how the greater Nashua area expands. He has some ideas of alternates to the Circumferential Highway that he'd like to propose. Selectman Stewart said Mr. Luszey was also on the Budget Committee and the School Board Technology Committee. Mr. Luszey said he helped to bring computers into the classrooms with internet access and get them wired up. He was also actively involved in getting the elementary school approved. Selectman Stewart said the Budget Committee meets frequently in November and December and wondered if his schedules would conflict. Mr. Luszey said the Chairman of the Budget Committee didn't think that would be an issue.

Jean Serino said she'd like to be a part of this group in order to see the bigger picture. As an environmentalist, she is concerned about farms, the Circumferential Highway and urban sprawl. She has a passion for preserving the environment.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to make the appointment to the NRPC tonight carried unanimously.

Chairman Cole asked the Recorder to call the roll so each Selectman could signify their intention. Selectman Jasper said he has worked with and respects both candidates but, since he can't vote for both of them, he was going to cast his vote for Ms. Serino. The rest of the Board also voted for Jean Serino.

C. **Planning Board** (1 Alternate, Term to expire 12/31/02)

Michael Andrade was not present.

William Tate informed the office that he would not be able to be present this evening.

Motion by Selectman Stewart, seconded by Selectman Jasper, to defer this until the next meeting carried unanimously.

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

There were no applicants.

E. **Zoning Board of Adjustment** (1 Alternate, Term to expire 12/31/04)

Maryellen Davis was interviewed by the Board on June 11.

Michael Andrade was not present.

Motion by Selectman Seabury, seconded by Selectman Stewart, to waive the procedure and appoint tonight.

Selectman Seabury said when Maryellen came before the Board, it was discovered that Mr. Mack had not submitted his resignation (from the ZBA). She showed a great deal of promise and had done a great deal of homework at the time she made a presentation (to the ZBA) and she seemed to be the right candidate for the position. She was also told that she would not have to be re-interviewed by the Board of Selectmen. Selectman Jasper said since one of the candidates wasn't present, they should stay with the regular procedure in hopes that he would be at their next meeting so they could have the opportunity to interview him. Selectman Charbonneau asked if Mr. Andrade gave a reason why he wouldn't be present, or just chose not to be there. Chairman Cole said it was anticipated that he would be present. The only applicant that contacted Town Hall was Mr. Tate, who said he could come back in two weeks. Selectman Jasper said it was unfair to say someone chose not to be present, as emergencies happen which prevent someone from doing something they had planned. Selectman Charbonneau said he could have called. Selectman Jasper said the Board can't be reached when they are in a meeting.

Vote: Motion to waive the procedures and appoint tonight carried 4-1. Selectman Jasper was opposed.

Chairman Cole asked the Recorder to call to roll. Selectmen Cole, Charbonneau, Seabury and Stewart voted for Maryellen Davis. Selectman Jasper abstained because they did not have the opportunity to interview both candidates, and he could not recall the interview with Ms. Davis. Chairman Cole declared that Maryellen Davis was the appointee.

7. OLD BUSINESS

Presentation by Benson's Committee

Curt Laffin, Chairman of the Benson's Study Committee, said the committee has made significant progress and was seeking approval to move forward with the project. At the Selectmen's meeting on May 28, he presented Phase I to the Board, which was a step-down of the total plan into the activities and projects the committee wanted to get started. The Board endorsed that concept, and suggested the committee move forward with developing CIP packages. They presented eight CIP items to the committee on June 18, which summarize Phase I. To develop Phase I, they applied two criteria to the overall plan: to protect the three historic buildings (Haselton Barn, the office and train station) and to provide an interesting and varied experience for visitors. The buildings would be secured and made safe to prevent any further deterioration or vandalism. They would build a primary parking area and in the historic Benson's unit, they would upgrade the landscaping of some of the walkways, build a new foundation and move the train station to the welcome center, restore the Old Woman in the Shoe, secure sites like the elephant barn and the foundation of the former red barn that burned to prevent unauthorized access and, in general, open up the area, clean it up, re-landscape it so visitors can have a nice walkthrough. Another part of Phase I would be the construction of a ¾-mile multi-use, un-motorized, loop trail around the Kimball Hill unit. They would upgrade the walkways around the ponds and put in a couple small fishing docks for catch-and-release fishing, picnic tables, and a nice setting for people to walk around. In summary, visitors would have a place to park, they could tour through the historic Benson's area, go down around the pond and use the Kimball Hill trail. While they are in the process of building the primary parking lot, they suggest building the parking lot at the South Field, which would be involved in Phase II. The Department of Transportation started their wetland restoration work yesterday.

Based on the numbers from VHB, the estimated cost of Phase I is \$1,247,000. The CIP thought that was high, but the costs are based on the assumption they would have to buy everything—engineering services, material and labor—and does not take into account grants, donations, volunteer work, etc. He said the committee would like the Board of Selectmen to approve the Phase I concept; charge the committee with going after additional grant funds, organizing volunteers, talking to anyone who would be willing to donate services, labor or material to the Phase I activities and let them start doing some serious outreach work. They would develop a message around the Phase I concept and publicize that to numerous audiences around the area and the State. If the Board approves the three items, they will begin work immediately at their meeting on July 17 at 6:00.

The committee offered to participate in the negotiations with DOT for the transfer of the property, as the committee is very familiar with the project and the land. If there is anything they can do to help, they would like to. They wanted to bring to the Board's attention the development that is going on adjacent to the Haselton Barn. The road going into that development is very close to the barn and there is no barrier between the development and the barn. It's a very inviting situation for the people working on the development projects and future residents to explore the barn. There is a problem with potential liability and risk of damage to the barn. Selectman Charbonneau thought a fence should be installed around the barn, and that should be their number one priority. Chairman Cole said he felt that way back in March, but that hasn't been done yet. Selectman Jasper said unless the fence goes around all four sides, it won't accomplish anything.

(Start Tape 1, Second Side)

Mr. Laffin said he is pretty confident the Town will get the Historic Structures Report grant. That work can be started rather quickly and will give them additional information relative to weatherproofing the barn. Chairman Cole said if the barn falls down because the Town didn't protect its physical structure, getting a grant would be a moot point. It seems to him there is some level of expertise in the Town as to the protection of the structure, as opposed to waiting for the historic restoration folks. Mr. Laffin said recommendations have been made, but not implemented.

Selectman Jasper said the barn won't fall down on its own. The roofs are excellent, all weather-tight. His inspection of the structure indicated that it is in good shape. The only moisture getting in is through broken and missing windows. In summer, it is not good to close up a barn totally tight. Chairman Cole said the issue of protecting the barn from vandals, weather, etc., has been on the table for the last three or four months and he wondered what, if anything, has been done within the Town to take care of that. He is sure the State will give the Town permission to work out there. He wondered if they have tapped any of the internal resources of the Town in terms of structural stability, etc. Mr. Laffin said the access points of the interior of the barn have been boarded up, but it's in very good shape. The roof is good and the broken windows is allowing air to pass through it, so there is no moisture buildup. The barn is structurally sound right now. They are concerned, however, about the development next door to the barn that may invite people to start exploring the barn. Posting the land and plugging the entranceways to the barn have done a good job in controlling the vandalism.

Selectman Charbonneau said NRPC talked about a type of material that should be used on the windows, and that is very important. Last

year, they just wanted to board it up for the winter. They should move forward with that type of material and they should have a fence around the barn.

Mr. Sharon said the Highway Department has taken some action to hearten that facility against vandalism and do some basic weatherization. Any permanent weatherizing ought to wait until the architectural study is done because it may impact that. There has to be a clear message as to what the Highway Department should be doing, if anything. A fence would provide a barrier but, beyond that, he's not sure what is being asked for. Mr. Laffin thinks they are o.k. for the time being. The committee would discuss this to see if there are any other ideas. Mrs. Jasper asked if the Highway Department could put something there immediately, until that decide what is appropriate. The road has been put in in the past couple of months, and that is where they are seeing the problem. Mr. Sharon didn't know if she was talking about a fence on all four sides, or what. Mrs. Jasper asked if the DPW could put horses out there, a physical barrier between the barn and road, without too much of a problem. Mr. Sharon asked if she was talking about Jersey barriers or boulders. Selectman Jasper didn't think anyone would be driving in there and anything short of a fence isn't going to stop anyone from walking in. There is a concern that the committee should act rather quickly to go out and get a couple of proposals and get back to the Selectman so they can do something permanent and not waste Town resources on something that isn't going to accomplish anything.

Mrs. Jasper said the committee has come before the Selectmen with general concerns, but nothing specific has happened. This has been a concern of theirs all along; this isn't something new. Chairman Cole asked what the Selectmen were supposed to do. He asked if the committee brought something to them in the past that they ignored or didn't vote on, or if the Board did not accommodate the committee's recommendation. If so, he apologized. Mrs. Jasper said it might have been before his time, but the committee did bring forward concerns of general problems. Most of them were accomplished, including the signs, the Jersey barriers and stabilization for winter. Regarding the metal lathing that Selectman Charbonneau was talking about, Gordon Leedy drew up an architectural design, but that would be a temporary fix.

Chairman Cole asked about the dump sites and what was in there that might require capping. Mr. Laffin said Benson's used those sites. When he was down there this morning, he asked the wetlands preservation people if they were going to be working in that area, cleaning up the site or covering it, but they said they are not going to get down that far. These are things that are ultimately going to have to be addressed. Maybe during the negotiations with DOT would be a good time to do that because they don't know if there is hazardous material in there. When the leaves are off the trees, the debris can be seen better. He didn't know if any assessment has been done of those fills or not. Chairman Cole asked if the engineers uncovered any of this in the study they did. Mr. Laffin said no.

Selectman Charbonneau said the State did a lot of cleaning up in there quite awhile ago, spending about \$500,000. They should be asked what they cleaned up, what debris was discovered and what they got rid of. Mr. Laffin said the committee would be willing to discuss that with them and if the Board approves of the Phase I concept tonight. He'd like to talk to Nancy Mayville and Mark Loren to let them know what the immediate plans are to make sure they are consistent with DOT's work. Chairman Cole thought it would be prudent to follow Selectman Charbonneau's recommendation. Mr. Laffin asked if he wanted the committee to do that, as the Selectmen are negotiating with DOT on the transfer. Chairman Cole said there was an appraisal going to be done on the property and he expected that that would include what is actually on the ground, with regard to a potential dump sites. One way or another, they are going to be getting the information, short term and long term.

Selectman Charbonneau said the Selectmen Chairman should speak with Nancy Mayville and DOT, not the committee, about what has been cleaned up from the Benson's property. Chairman Cole said he would be happy to, if that was the will of the body.

Selectman Jasper said it's more important to find out what hasn't been cleaned up and the environmental impacts. They need to ensure, in the transfer process, that if there are any environmental concerns that DOT will continue to accept those responsibilities. As wonderful an opportunity as the Benson's project is for the Town, it's also taking a white elephant off DOT's hands, after they accomplish their goals of wetlands mitigation. There is a lot of property there to manage and a lot of things that need to be taken care of long term. It works better for DOT if the Town acquires the property, but right now, they are responsible for any environmental concerns out there. Landfill issues can run into huge amounts of money. Benson's was a very large park that was in operation for a very long time, and they landfilled all their trash for a long time. This is an issue they need to be very careful with. He hoped it was just regular trash, but one never knows.

Mr. Sharon doesn't want to leave the viewing public with the idea that there are a couple of super fund sites out there. No one has seen 55-gallon drums delivered there in the middle of the night. He has never heard of any hint of asbestos on the Benson's property. The DOT has an obligation and he those sites should have been identified on the initial environmental assessment of the site. He is bothered by the term capping, which has a definitive implication in terms of hazardous waste sites. A normal dump associated with a park isn't usually capped. Selectman Jasper said that wasn't what he intended to imply, but from Flying Rock Road, you can look down and see the edges of the landfill area. Large debris and pieces of metal are sticking out, and that wasn't generated by the patrons. It is an issue they have to address and they have to make sure the Town isn't going to have any liability issues.

Mr. Laffin said, if the committee is talking to DOT about Phase I, doesn't it make sense for them to ask about information relative to the

landfills? He understands that the Selectmen are dealing with the actual transfer of the property, but wondered if there are things they should or shouldn't be saying/asking DOT. If they are just collecting information and talking with them anyway, why can't they ask for that information? Chairman Cole asked Selectman Charbonneau if she cared to respond. (Response not discernable.) Chairman Cole said information gathering is at the worker-bee level, Nancy Mayville and that particular area, that the committee can gather the information, or if it is the will of the Board, he will contact the Commissioner and ask her the question, in his capacity representing the Selectmen in the transfer negotiations. He asked for the will of the body.

Selectman Seabury said the State should have a good idea of what is in the dump sites and that is probably going to have some impact on the price. Therefore, she feels the Chairman should be the one talking with the State, and agreed with Selectman Charbonneau. Selectman Jasper said, in terms of gathering information, probably Curt and the committee are more familiar with the particulars. This may be settled with a snap of the fingers because they may have all the information there. The Town just hasn't asked for it before. If they go forward with Phase I and ask the committee to develop further plans, the cleanup of the perimeter of the dumps is going to be a necessary part of that, so they need to get that information directly from DOT.

Chairman Cole said the vote will be either Committee for Curt and his people to get the information, or Chair, for him to contact DOT. Selectman Charbonneau: Chair; Selectman Jasper: Committee; Selectman Seabury: Chair; Selectman Stewart: Chair. Chairman Cole said he will contact the Commissioner.

Mr. Laffin said the committee will not talk about the dump sites, but wondered if they could talk about the general Phase I aspects of their plan with DOT. Chairman Cole said they could talk about the dump sites all they wanted, but he hoped there was more than a couple Pepsi cans out there. The committee could talk about the dump sites from the standpoint of wetlands mitigation. They could take Nancy over and show her the sites and maybe get some information off the site, but with regard to actually going to the DOT, referencing these two sites that have been identified and asking about the history of what was taken from there and what is still there, with an eye to negotiating a price, the Chairman will do that.

Mrs. Jasper asked who would contact the committee about the information. Chairman Cole said, in most cases, it would be public information. Mrs. Jasper asked who would come to the committee with the answers. Chairman Cole said Selectman Seabury. Mrs. Jasper reminded the Selectmen that three of them signed the Memorandum of Agreement that says they must go to the DOT with any proposed activities, outlined in writing. They would like to know of the activities with a minimal overview and comments, just so they are aware of what is going on.

Chairman Cole asked for a scaled-down version of the Benson's map, with the dump sites indicated, so when he sends it to the Commissioner and then talks to her, they will be reading off the same sheet of music. Mr. Laffin asked if they would have access to GIS. Mr. Sharon said yes, but they have several copies floating around.

Regarding the three requests for Board action by the committee, Chairman Cole stated that the first one was "Accept the proposed Phase I Plan," and asked exactly what the committee was looking for. Mr. Laffin said they have already met with several civic and volunteer groups, but have been able to talk only in the overall, general plan. He'd like to be able to go back to them and say the Selectman have accepted Phase I plan, outlining what they want to get done first. For instance, the Rotary Club can choose to work on the pond, or the historic area. Chairman Cole said, from his perspective, they have a concept of the operation, not a plan. Mr. Laffin said before them was the one-page summary, but they also have the plans for each of the 12 units that was presented on May 28, so the Selectmen have a lot more detail about every one of the items, the actual actions that have to be carried out to reach the goals.

Motion by Selectman Jasper, seconded by Selectman Stewart, that the Board of Selectmen adopt the proposed Phase One plan.

(Start Tape 2, Side A)

Chairman Cole asked if the motion implied an approval for the committee to move forward. Selectman Jasper said yes. Chairman Cole said he didn't see a plan and asked if all of these items went before the CIP. Mr. Laffin said yes.

Vote: Motion carried 4-1. Chairman Cole was opposed.

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Chairman Cole said the second item was to charge the Benson Committee with seeking additional grants and recruiting and organizing volunteers and donations of materials and services that reduce the cost of implementing Phase One. He asked what the committee was looking for from the Board. Selectman Jasper said all the Board has done is tell the committee to develop plans, but never have them any authorization. He thinks this request is in addition to their primary charge, which is to develop plans and get into the implementation.

Motion by Selectman Jasper, seconded by Selectman Stewart, that the Board add to the charge to authorize the Benson Committee to seek additional grants and recruit and organize volunteers and donations of materials and services that will reduce the cost of implementing Phase One and to refine the cost estimates for the purpose of the budget process.

Selectman Stewart asked how the money would be handled if the committee accepts donations. Selectman Jasper said the motion specifically states, "donations of materials and services." The intention is that they not take money. If that is done, something needs to be set up separately. Selectman Stewart didn't want someone from "TV land" to write a check. Mr. Laffin said a note came to the Benson's Committee, saying they wanted to donate some money. He assumed that was passed on to the Town. Mr. Sharon said it needs to be handled through the Finance Department; they should avoid a situation like the animal shelter. Selectman Jasper said the Town Administrator should ask the Finance Director to come up with a plan how donations should be handled. Chairman Cole agreed, but it should be run by Legal Counsel first.

Selectman Charbonneau said if donations are taken in, those people's names and addresses should be noted, in case the money has to be returned. Selectman Jasper said the committee is not authorized by the motion to accept checks or cash donations, so that will not be an issue. As a member of the CIP Committee, he is concerned about the cost estimates. The numbers are way out of line. He hoped that the committee could actually start working with some contractors to formulate a plan. It was never the Taj Mahal, so they shouldn't try to turn it into one. The committee needs to get the numbers way down if they plan to get anywhere. The CIP didn't find the numbers to be acceptable.

Mrs. Jasper said she was the representative from the Historical Society to the Benson's Committee, and the Historical Society has endorsed accepting donations. They will set up something separately, with the hopes of this project becoming Benson's Park. The committee suggested looking into a 501-C-3 account, and that is sort of in conjunction with the Friends of Benson's discussion, which is further down the road.

Chairman Cole asked the Town Administrator to task the Finance Director and Town Counsel to put together the who, what, where, when and why in regard to contributions in support of Benson's, cash, check and materials, with a report available for the next meeting. Mr. Sharon said he would take care of that.

Mrs. Jasper said her concern from the beginning has been the liability of volunteers. She asked if that could be a part of the legal opinion, too. The volunteers should sign something, saying they are volunteers, etc. Mr. Sharon said that wasn't a Town Counsel issue, but a Public Liability Trust matter, and they've already had some preliminary discussions and answers back from them in terms of getting back signed release forms and that sort of thing. Selectman Jasper said he does have that concern, particularly since the Town doesn't own the property. Since it is still the State property, he wondered if the Town should be coordinating with the State. Mr. Sharon said the MOA acknowledges that the Town is going to be taking some definitive action and have some presence on that site, even before ownership. It's a matter of how that gets expanded to include others. Selectman Jasper wondered how the Town's insurance carrier viewed that. Mr. Sharon said a public official and the committee would be covered, but he's kept a tight rein on approving anyone else going onto the property. Selectman Jasper said before any volunteers can go out there, they need to know how that will be handled. Mr. Sharon said an organization like the Boy Scouts, who perform clean-up operations, have their own coverage for those types of activities.

Vote: Motion carried unanimously.

- Chairman Cole asked Mr. Laffin if he wanted the Board to vote on #3, *Charge the Benson Committee with implementing the attached Benson Project Outreach Strategy*. Mr. Laffin thought that would be appropriate.

Motion by Selectman Jasper, seconded by Selectman Stewart, that the Board of Selectmen charge the Benson's Committee with implementing the attached Benson's Project Outreach Strategy in the memo of June 28, 2002.

- Chairman Cole asked what the strategy was. Mr. Laffin said they would develop a message relative to Phase I. The objective is to convince Hudson residents that implementation of Phase I is a cost-effective asset and to stimulate voter support for implementation of Phase I. They will develop a message and identify the markets they want to get the message to and then deliver the message to those markets, i.e., the Rotary Club, the Planning Board, individual citizens, etc. Selectman Charbonneau asked if there was going to be a cost to get the messages out. Mr. Laffin said if there are any cost items, they would come to the Board to discuss them.

Vote: Motion carried 4-1. Chairman Cole voted in opposition.

- Motion by Selectman Jasper, seconded by Selectman Stewart, for a recess carried unanimously. Chairman Cole declared the meeting was in recess at 8:50 p.m. and gavelled it back to order at 9:00 p.m.

8. NEW BUSINESS

A. Presentation by NRPC re. Long-range Transportation Plan

Andrew Singelakis, NRPC Director, and Stephen Williams, Assistant Director/MPO Coordinator, were recognized by Chairman

Cole. Mr. Williams said this was the Regional Long Range Transportation Plan update from 2003-2022, prepared by NRPC, and he distributed a handout, which he read from. This minor update of the plan is to add new projects approved within the last two years; incorporate updated census data; add environmental justice analysis to meet new requirements; update information for projects that have changed; and stay on schedule for air quality conformity requirements with other NH MPO's.

Hudson's projects are as follows:

- 1) Reconstruction of 102 from Highland St. to McDonald's, including extension of sidewalks. Revisions, due to drainage issues, were required. Asbestos was found in the area and mitigation issues must be resolved. NH DOT hopes to go to construction in 2003, if issues can be resolved.
- 2) Safety improvements at 102/West Rd/Robinson Road. intersection. DOT is attempting to fast-track signal and channelization portions of project, with developer contribution. Environmental review underway. Other improvements will be undertaken in 2004.
- 3) NH 102 overlay from NH 3A to Buttrick Road, scheduled for 2005.
- 4) Reconstruction of 3A from Rena Street to Dracut Road. Utility location is underway. Project completion expected during this construction season.
- 5) Widening of 3A from Wason Road to Executive Drive. Utility relocation is complete. Asbestos mitigation is more costly than anticipated. DOT will be contacting Town regarding status.
- 6) Bridge project over Second Brook on County Road expected to be started in 2004.
- 7) Bridge project over Second Brook on Melendy Road expected to be started in 2004.

Regarding the Circumferential Highway, the EPA issued an Intent to Veto notice for the project in mid-1990's. The main concern was wetlands impact on the south section of the project from NH 3A north to NH 111. NH DOT decided to go ahead with the north segment of the project from NH 111 west to the FEE Turnpike. A Supplemental Environmental Impact Statement (SEIS) is under development for that segment. The project status is as follows: SEIS expected to be released in September 02; Public Input meeting expected for October 02; applications have been made for Army Corps of Engineers 404 Permit and Wetlands permits; NRPC has asked NH DOT to consider funding mitigation studies that will include agricultural preservation, water supply analysis and trail system development; After approval of the SEIS and permits, the project must go through identification of funding, final design, final environmental, right-of-way and construction. The earliest the project can begin construction, at this point, is 2008. It will be built in phases over the course of about eight years.

The Manchester Airport access road project has received the required permits and final design is underway. Right-of-way acquisition is beginning and the project will be constructed between 2004 and 2006.

The I-93 widening is from the MA line to the 93/293 split in Manchester. The Environmental Impact Statement will be released by the end of July. A Public Hearing on the EIS is to be conducted by early October and construction to begin in 2005. The project will take about eight years and is expected to cost \$325 million. Environmental mitigation cost is currently \$18 million, although the proposed mitigations have not been accepted. The Legislature has identified this project as its highest priority statewide.

The Hudson-Litchfield Traffic Study focuses on safety and operational improvements at 25 intersections. It incorporates growth in traffic expected from development in the two communities based on master plans and includes traffic changes that will result from the Circumferential Highway and Manchester Airport Access Road projects. The data collection is complete and has been provided to the consultant. Traffic modeling by NRPC is complete. The next steering committee meeting is expected to take place in August.

Mr. Singelakis said the Commuter Rail project is going very well. At this point, they have about half of the funding necessary. It is in the preliminary engineering process. A site has been agreed to at the end of Spit Brook Road. Bids are being solicited for final design, which is the next stage in the process. He is confident that project will happen. Selectman Charbonneau said Amtrak was in trouble. Mr. Singelakis said that was a totally different thing.

Mr. Sharon said, regarding the two bridge projects, the Town had been ready to go, but the State hadn't. Now, the warrant articles have lapsed.

Chairman Cole asked what “environmental justice” meant and any possible impact on Hudson projects.

(Start Tape 2, Second Side)

Mr. Williams said previously the application of the Civil Rights Act and Transportation Planning had been relatively cursory. In the last couple of years, Federal Highway Administration has been asking them to actively analyze the areas where transportation projects are being developed in the region and make sure there are no disproportionate distribution of benefits or impacts from those project. They look at things like census data and other information to identify areas where there are high concentrations of minority or low income populations and make sure they are not targeting all of their projects just to those areas in an overt attempt to remove those communities from the region. They don’t expect any impact on Hudson or the region from that issue. Chairman Cole said it sounded more like an issue of *social* justice. There being no more questions or comments, he thanked Messrs. Singelakis and Williams for attending.

B. Planning Board Fees/Public Hearing

Chairman Cole opened the Public Hearing at 9:15 p.m., stating that the purpose of the hearing was to receive Public Input relative to amending Chapter 205-7, “Fees of the Town of Hudson,” and asked if anyone in the audience wished to speak. There being no one, he closed the hearing at 9:16 p.m.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to adopt the proposed amendments to the Fees Schedule, Chapter 205, §7 A (1) (a) [1] and (2) and §7 B (1) (b) and (2) of the Hudson Town Code, as recommended by the Town Planner and Hudson Planning Board.

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Selectman Jasper asked when the fees were last updated. Town Planner Kathy McKenna didn’t know when the fees were implemented, but these fees were supplied by the consultant at the beginning of the year. Selectman Jasper asked what the rationale was for the increases. Ms. McKenna said it was negotiated by the Town’s Community Development Department and the consultant. They believed the amount of work putting forth on behalf of the applications they were reviewing, and the amount of man hours spent reviewing, warranted the increase, as they weren’t currently recouping the cost they were expending at the current rate. Selectman Charbonneau believed the increase was reasonable.

Vote: Motion carried unanimously.

C. Bid Recommendation for Photocopier Lease (FY 2003-FY 2005)

Motion by Selectman Seabury, seconded by Selectman Stewart, to award the bid to Offtech, in the amount of \$40,322.88 for FY 2003 to FY 2002, as recommended by the Finance Director.

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Selectman Charbonneau asked if it was better to lease than to buy because of the per-copy price. Finance Director Steve Malizia said if they go over the estimated amount, there will be a charge. The only things the negotiated price does not include are staples and paper. The copy machines have a lot of parts to them and, after three years, they start breaking down a lot. From a technology and cost perspective, it seems to be better to lease it. Every three years he bids out the lease contract. The proposed contract will save the Town \$6,500 a year over the current contract. It is a very competitive market.

Selectman Jasper said he did a good job and asked who the Town currently has. Mr. Malizia said Minolta out of Salem, but he recommended going with the lowest bidder that meets the specs, and that is Offtech. This contract is for two copiers at Town Hall and one at the Police Station.

Chairman Cole asked about overages. Mr. Malizia said the price before them has a factor of 55,000 copies per month, based on past experience, and averaged out over the year. If they go over that, the cost is .0056¢ per copy. Chairman Cole asked if anything was known on the past performance of this company. Mr. Malizia said their references checked out, which included the City of Nashua.

Vote: Motion carried unanimously.

D. Addendum #5 to Burns Hill Landfill, Supplemental Site Investigations

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to approve Addendum #5, Supplemental Site Investigation.

to the October 27, 2000 GZA contract re. Burns Hill Road Landfill, as recommended by the [former] Town Engineer.

Selectman Jasper asked where the money was coming from. Finance Director Steve Malizia said at the end of the year, he prepared a transfer, identifying where the money was coming from, i.e., overtime accounts, health accounts, etc., and then the \$89,000 was encumbered. Chairman Cole said, basically, what they have is their proposal being forwarded to the State. Mr. Sharon said that was correct.

Vote: Motion carried unanimously.

E. Assessing Items:

1) Veteran's Tax Credit Application

(731 Fox Hollow Drive, Map 013/Lot 012/Sublot 731)

Motion by Selectman Jasper, seconded by Selectman Stewart, to grant, as recommended by the Assessor, carried unanimously.

Selectman Jasper said there were two applications, but they only granted one.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to reconsider the motion carried unanimously.

(731 Fox Hollow Drive, Map 013/Lot 012/Sublot 731; and 15 Berkeley Drive, Map 023/Lot 017/Sublot 4-38)

Motion by Selectman Jasper, seconded by Selectman Stewart, to grant the two applications, as recommended by the Assessor, carried unanimously.

2) Application for Blind Exemption (10 Gillis Street, Map 047/Lot 094)

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to grant, as recommended by the Assessor, carried unanimously.

3) Abatement Application, 2001 (72 Lowell Road, Map 46/Lot 22)

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to lower the assessment on 72 Lowell Road from \$288,800 to \$237,600 per the settlement agreement, as recommended by the Assessor, carried unanimously.

4) Abatement Application, 2001 (13 & 17 Hampshire Drive, Map 10/Lot 7-1)

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to lower the assessment on 13 and 17 Hampshire Drive from \$4,879,400 to \$3,618,000 per the settlement agreement, as recommended by the Assessor, carried unanimously.

9. OTHER BUSINESS

Selectman Stewart welcomed Chairman Cole back.

Selectman Jasper said he had distributed a copy of a letter he drafted to Chief Justice Brock. At the last meeting, the Board discussed sending a letter to the Court. He apologized for not getting it to the Board sooner. It needs to get out soon because a decision will be rendered this month. Chairman Cole said if any of the Selectmen have any comments, etc., to get them to Priscilla by the end of tomorrow so she can prepare the letter for his signature.

Chairman Cole said he wanted to bring up something for possible clarification so he doesn't get another Derry News headline in regard to Public Input. He reviewed procedures passed by previous Boards and stated that Public Input is limited to 30 minutes, unless extended by the Chair. The speaker must be a Hudson resident, unless waived by the Chair, for exceptional reasons. Selectman Charbonneau agreed. Selectman Jasper said either the Chair or the Board because the Chair might say no, but the Board might want to listen. Chairman

Cole said then they could discuss it. Under the heading of those who sign up, in keeping with the deadline for publishing the agenda, five minutes limit per person, unless extended by the Chair; one speaker per topic. He asked if that was agreed upon. The only comment was by Selectman Charbonneau, who said five minutes was too long.

Selectman Jasper said he reviewed the previous Minutes, too, to see what had happened. If people came in that hadn't signed up, then it was one person per topic. If five people called up and wished to get on the agenda, they would be allowed to speak. In any case, they are limited to 30 minutes. If 10 people sign up, it could end at 30 minutes. That's what the Board has to decide and what the record reflects. Chairman Cole asked when that was decided. Selectman Jasper didn't remember exactly. Chairman Cole said he had the Minutes from May 9, 1995 when the motion was made by Selectman Jasper, seconded by Selectman Dilworth, but it didn't address the first category. He asked, if five people sign up, who all want to speak on the same subject, what happens to those people who want to speak on something else? Selectman Jasper said the Chair can take people on different subjects, but they shouldn't be limiting the people who have taken the time to sign up.

Chairman Cole said the handout available to the public talks about one person representing a group on a topic. Selectman Jasper said there can be people who are not part of a group, but have a concern about an issue, but may be coming at it from a different perspective. They need to listen to the people, but they should be asked not to repeat what has been said, and that is the Chair's prerogative. Chairman Cole said he tried that once.

Recapping, Chairman Cole said it was his understanding that, under the heading of those who sign up, the Chair will allow more than one speaker on the same topic, with the Chair having the discretion to cut it off, if he or she thinks it is getting unmanageable. The Selectmen nodded their agreement. Selectman Jasper said if it gets repetitive and, particularly, if there are a lot of other people who want to speak, the Chairman can use his discretion, but they need to be as open as possible to hear what the citizens of Hudson have to say to them, within 30 minutes. Chairman Cole said that in '95, Selectman Dilworth stated that Public Input wasn't a right, but a privilege. He asked if what he stated was the will of the Board. Selectman Seabury said it didn't matter to her. Others nodded agreement.

Chairman Cole said, regarding those who have not signed up to speak prior, if time allows, at the discretion of the Chair, he or she can extend the time, but they are not to speak to a topic that has been spoken to. He would take that from the amendment to the motion back in May 9, 1995, "Those who have not signed up may do so after those who did sign up have done so, provided those comments fall within the half hour allotted, etc., and provided that none of the additional speakers speak to a subject matter which has already been addressed by another speaker." Selectman Jasper said they need to allow opposing views on the same subject. Chairman Cole said there are people either signing up, or coming before the Board on meeting night, with an issue that is very important to them, and he didn't want to cut them short because he doesn't understand what the will of the Board is. Regarding Selectman Jasper's comment, his understanding is that it is the discretion of the Chair to rule on behalf of the Board.

Selectman Seabury said she knew what subject he was talking about and agreed with the Chairman that the people that came forward, who were not Hudson residents, and spoke so vehemently for this particular issue, they should not have been allowed to speak. Chairman Cole said they all knew the issue, but that is not what drove this discussion. He wants to make sure he understands the procedure. He had asked Priscilla to dig out the 1995 Minutes to see exactly what the Board did then, so there would be no mistake in the future. His understanding is they have an agreement—but they will all have to read the Minutes to see what they agreed to. The Selectmen nodded their concurrence.

(Start Tape 3, Side A)

10. LICENSES AND PERMITS

A. Request for Hawker/Peddler License by Leah Lavoie to sell Uncle Benz Ice Cream, July-October

Motion by Selectman Jasper, seconded by Selectman Stewart, to grant the license, as all of the requirements have been met, and staff has signed off on it, carried 4-1. Selectman Charbonneau was opposed.

B. Request for a Raffle Permit by Carbon Scrapers for a 50/50 raffle during Old Home Days, August 16, 17 & 18, to benefit NH Vets Home

Motion by Selectman Stewart, seconded by Selectman Seabury, to approve carried unanimously.

11. ACCEPTANCE OF MINUTES

Minutes of the BOS Meeting of June 25, 2002

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

12. COMMITTEE ANNOUNCEMENTS

7/10 7:00 Planning Board in CD Meeting Room
 7/11 6:30 Recreation Committee @ Rec Center
 7/11 7:00 Sewer Utility Committee in BOS Meeting Room
 7/11 7:30 ZBA in CD Meeting Room
 7/15 7:30 Conservation Commission in CD Meeting Room
 7/15 7:30 Library Trustees in Library Annex
 7/16 7:00 CIP in CD Meeting Room
 7/17 6:00 Benson's Committee in BOS Meeting Room
~~7/18 7:30 Budget Committee in CD Meeting Room~~
 7/23 7:30 BOS in BOS Meeting Room
 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

Selectman Stewart said the Budget Committee, scheduled for July 18, was cancelled.

13. REMARKS BY THE SELECTMEN

Selectman Jasper said the Rec Committee and Sewer Utility Committee are meeting on the same nights. He asked if someone else could take over as liaison to one of those committees. Selectman Stewart volunteered to be liaison to the Recreation Committee, starting in August.

14. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Stewart, to enter Nonpublic Session under RSA 91-A:3 II (a) personnel issues; (b) hiring of personnel; (d) real estate issues; (e) pending litigation carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:48 p.m. and was terminated at 11:00 p.m.

Votes taken in Open Session:

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to hire Katrina Farland as Summer Counselor in the Recreation Department at \$7.75 per hour for the 2002 summer season, effective July 10, 2002, carried unanimously.

15. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to adjourn at 11:05 p.m., carried unanimously.

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

HUDSON BOARD OF SELECTMEN

William P. Cole, Chairman

Rhona Charbonneau

Shawn N. Jasper

Ann Seabury

Teresa Stewart