

**HUDSON, NH BOARD OF SELECTMEN
Minutes of the Meeting of June 25, 2002**

1. **CALL TO ORDER** by Vice Chairman Teresa Stewart at 7:30 p.m.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Jasper.

3. **ATTENDANCE**

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

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Steve Malizia, Finance Director; Shawn Murray, Assistant Fire Chief; Torrey Demanche, Executive Secretary; Rich Maddox; Ray Rowell; Coleman Kelly; Jean Serino; Linda Kipnes; Howard Dilworth, Jr; Tracy Giordano, SUN; Ann Lundegran, TEL; Stephanie Hooper, Derry News; Cablecasting by Coleman Kelly

4. **PUBLIC INPUT**

Vice Chairman Stewart asked if anyone wished to address the Board. There was no response.

5. **CORRESPONDENCE**

A. From: Steve Malizia, Finance Director
Re: Encumbrances
Refer to: New Business

B. From: Rob Desmarais, Town Engineer
Re: ► Stormwater Management Plan, EPA Phase II Consultant
► Lowell Road Asbestos Removal
► Sewer Bid
Refer to: New Business

C. From: Sewer Utility Committee
Re: ► Consultant's Contract
► Sewer Rate
Refer to: New Business

D. From: Verizon
Re: Pole Petition and License Requests
Refer to: New Business

E. From: Kevin Burns, Road Agent
Re: Monument at Merrifield Park
Refer to: New Business

F. From: Jim Michaud, Assessor
Re: Assessing Items
Refer to: New Business

G. From: Sean T. Sullivan, Director of Community Development
Re: Nadeau Farm Land
Refer to: New Business

I. From: Coleman Kelly
Re: Cable Television Issues
Refer to: Old Business/New Business

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to receive the Correspondence, with appropriate referral, carried unanimously.

6. **OLD BUSINESS**

HLN Cable TV Survey

Coleman Kelly said he received 34 surveys, as of yesterday, and will be in the third issue of the HLN on Friday. The responses indicated people want to see the Selectmen, Budget Committee, School Board, Planning and Zoning Boards televised. A couple people indicated they'd like to see the Cable Committee, too. He also did some research to find out if other communities televise their committee meetings and the overwhelming majority of them do. He said a couple towns televise Cable, adding that the die has been cast, unless there is a groundswell of opinion that doesn't want that to happen in Hudson. He will come back to the Board at a later date with the final results. Part of the reason for the survey was to give the Board an idea of how to handle the \$33,000 encumbrance request, if the Board decides to equip the other side of the building for cablecasting activities.

7. **NEW BUSINESS**

A. **Encumbrances**

Finance Director Steve Malizia said his original encumbrance memo was amended to add \$5,000 for the Cemetery Trustees for the purchase of the Poor Farm Cemetery. An offer has been made to the land owner, but it is not clear at this time if it will be accepted. A copy of that has been distributed to the Board.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to encumber \$2,754,524.77 as outlined in the revised list, provided by the Finance Director.

Mr. Sharon asked what effect that was going to have on the proposed project to wire the other side of the building. Selectman Seabury didn't think that was included, but Mr. Sharon and Selectman Jasper said that it was. Selectman Seabury said then she would not vote for the motion. Selectman Jasper said this is something they have talked about and planned on doing next year-- and should do. For a town the size of Hudson, it is not a bad idea to have two rooms available for television. They shouldn't have to be constantly re-setting up one room. If something goes wrong with one room, the other one is available. This has been budgeted for and it is good long range planning to do it.

Selectman Seabury thought it was a good plan initially, but after hearing from different people and listening to the Chairman, she thought that the purchase of additional tables and cameras for the Selectmen's room would solve the problem. Another issue is the use of the Small Conference Room (for a control room), because it is used frequently for meetings. The other boards could still be seen by TV viewers by using the Selectmen's meeting room. Further, the Budget Committee often meets off-site at the schools, or other facilities when they have their site walks. When they do meet at Town Hall, the Selectmen's room can easily accommodate them. The final Budget Committee meetings can be televised so the people would be able to get a flavor of what the budget process is about.

Selectman Charbonneau asked what happens if the funds are encumbered and they don't go forward with the room next door. Mr. Sharon said the funds remain available for expenditure for cable-related issues. If they are not encumbered, they will go into the General Fund. Selectman Charbonneau does not think they should be in a hurry to cable the room next door, but if they had this money set aside, they could use it if something comes up. She thinks the people should be able to see how the Budget Committee picks and chooses what they want to have done with the budget and why they cut out certain things. The people should see how the department heads are treated when they present their budgets to the Budget Committee. They don't necessarily have to meet in the schools when they conduct an inspection there. It would be educational for the Town to see how the Budget Committee works and how they determine what should be kept and what should be cut. If the funds are encumbered, it doesn't mean they will spend them, but they would be available if something else came up. All meetings could be held in the Selectmen's room.

Vice Chairman Stewart said she spoke with Chairman Cole about this before he left. She is in agreement with cabling that room eventually, but not in the near future. She is of the mindset to get a couple additional tables and cameras for the Selectmen's room before they go forward with wiring the other room. Selectman Charbonneau said if they encumber the funds, they don't necessarily have to spend them. Mr. Sharon said that was true, but when something is encumbered, it should be with some degree of specificity—either a contract was already written, an obligation is already there, or it is for a very specific purpose. In this case, he would have to make a specific purpose related to cable expansion. He thinks when Mr. Kelly presented his budget originally, it was to work on his van and to start working on a second site somewhere. As more discussions began to take place, the second site became the other side of the building, and Mr. Kelly said in order to wire the other side of the building, it would

take the \$33,000 left over from this year. They also have the reserve that has been created to allow for, eventually, an access center somewhere. Unfortunately, they are not able to move this money into that reserve.

Selectman Jasper said, regarding the current control room, it is a disgrace for Coleman to have to work in those cramped conditions. He can't even fit into the room that the cable equipment is in. He is half in the room and half out and some of his equipment spills out into the employee's break room. If they are going to tape everyone in Town in the Selectmen's meeting room, they still have another room for meetings. However, it doesn't make any sense to move Coleman over to the other meeting room if they aren't going to put cameras in that room, but his current space is not adequate.

Selectman Charbonneau suggested they wait until Chairman Cole gets back. Vice Chairman Stewart said the encumbrances have to be decided tonight. Mr. Sharon said another alternative would be to encumber part of it. Selectman Charbonneau said Coleman also talked about televising sporting events. If he had to purchase that kind of equipment, he could use the money that was encumbered. She didn't know if he was looking at that or not. Mr. Sharon said he has \$26,000 or \$27,000 in the FY03 budget for small equipment.

Selectman Charbonneau asked if she could make a motion to encumber half of Coleman's request. Vice Chairman Stewart said she could make a motion to remove \$30,000 and leave \$3,000 in to purchase tables and additional cameras for the room. Selectman Jasper said they could not use cable money to buy tables. Buying furnishings for Town Hall is not a legitimate expense of the Cable Committee.

Vote: Motion failed 1-3. Selectman Jasper voted in favor.

Vice Chairman Stewart asked for a motion to amend the total by removing \$30,000 for a new total. Selectman Jasper interrupted to say that that motion had just failed, so now they just need a motion for whatever amount they wish.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to encumber the not to exceed amount of \$2,724,524.77, which includes the \$5,000 the Cemetery Trustees asked for carried 3-1. Selectman Jasper was opposed.

B. Nadeau Farm Land

Selectman Jasper said he'd like to defer this item to a meeting to be determined. Selectman Charbonneau seconded the motion.

Selectman Seabury said Jean Serino came to the meeting specifically to address the Board and asked if she'd be allowed to do so. Jean Serino was recognized, who introduced Linda Kipnes. Ms. Serino said a group of residents got together, including Curt Laffin, Michelle Champion, Jim Battis and Selectmen Jasper and Seabury. At their first meeting, a woman from the Trust for Public Land spoke to them and showed a great deal of interest. They are looking to see if the Town can purchase development rights, or the farm. They did a site walk of the farm today. Mrs. Kipnes said Mr. Nadeau walked them around the farm. It is a beautiful site. It is the last farm around and would be wonderful if it could be kept as open space.

Ms. Serino said Mr. Nadeau was very receptive towards them. Apparently, 25 developers have wanted to speak to him, but he hasn't agreed to yet. Mr. Nadeau does love the farm and knows every blade of grass and every rock. They are trying to find out what they can do with it. There are a lot of options, such as ball fields or sliding in the wintertime. It would be a sin for this to go to something like a Wal-Mart.

Ms. Kipnes said Mr. Nadeau has an engineering firm that will do some survey work to see what could be put on the land and, hopefully, that will lead to a more realistic appraisal of what the land is worth. The Trust for Public Land would like an independent appraisal. They probably will wait, however, until the engineering report is complete, which should be around the first of July. When it is ready, Mr. Nadeau will let them and the Trust for Public Land know. They might be asking for some funds from the Town to do this appraisal, possibly using some Conservation money, too. They will work with the Trust to come up with a good deal.

Ms. Serino said everyone has thanked her for trying to do something to keep this land. She thinks the public, in general, would love to preserve this land. Ms. Kipnes said everyone she has spoken with has been supportive. They are hoping to do some public outreach, explaining why it is a good deal for the Town and how they can actually save money by buying the land instead of letting it be developed. Ms. Serino said there are grants available and they will be looking at everything, with the help of the Trust for Public Land.

Selectman Charbonneau said the State has money in Land Trust. Ms. Kipnes said they sometimes do things like fronting the money for the Town. It will take a long time to get funding, but they are just starting. Selectman Charbonneau said the Federal Government came in and saved many acres up north. Ms. Kipnes said the Trust for Public Lands will help them work with the

appropriate officials.

Vice Chairman Stewart asked if there was a ballpark figure on the value of the property. Ms. Kipnes said the asking price is \$4 million, but no one has made any offers. Once they have the engineering study, they will have a better feel for how many house lots they could get and what the actual value would be. The Trust for Public Land representative mentioned that if the Town could buy it, Mr. Nadeau might be able to get some tax breaks, so the cost would be less.

(Start Tape 1, Second Side)

Selectman Jasper said the reason he wanted to defer this is because it made sense to wait until they have a better idea of what an appraisal would cost. Selectman Charbonneau said a survey would be a smart thing to do and she hoped to be in attendance at this committee's next meeting. Ms. Serino thanked Ann and Shawn for their helpfulness and attendance at the meetings and hopes Rhona will join them.

Vote: Motion carried unanimously.

C. Stormwater Management Plan, EPA Phase II Consultant

Motion by Selectman Jasper, seconded by Selectman Seabury, to award the bid for Storm Water Management to CDM in an amount not to exceed \$14,000 carried unanimously. (There was no discussion.)

D. Lowell Road Asbestos Removal

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to authorize funding of 20% of the costs associated with the asbestos removal, as outlined in the letter from Continental Paving dated May 15, 2002 to Frank Bauer, NH DOT.

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Selectman Jasper asked if the \$220,000 was coming from the Corridor Account. Mr. Sharon said the budget for the Lowell Road project was sufficient, given the low bids that came in.

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Vote: Motion carried unanimously.

E. Burns Hill Sewer Construction

Motion by Selectman Seabury, seconded by Selectman Jasper, to award the bid for the construction contract for the Burns Hill Sewer to the sole bidder Windsor Industries, Corp. in the amount of \$388,272.13 carried unanimously. (There was no discussion.)

F. Monument at Merrifield Park

Mr. Sharon said that a request was received from the widow of Sgt. Richard Merrifield, who was with the Hudson Police Department in 1975. His widow asked if the Board would consider a monument at the park in his honor. She volunteered to supply the bronze plaque. If the Board decides to go ahead with this worthy idea, the Town can find the necessary boulder for it to be mounted on. Staff from Recreation, Highway and Community Development cannot see a problem with this.

Selectman Jasper said this was a very nice idea and asked what size boulder would be required. Mr. Sharon said they would work with Mrs. Merrifield because it should be appropriate to the size of the plaque. Selectman Jasper said he would step away from the table and put on his Historical Society hat because there is a boulder near the driveway at the Hills House that, at one time, had a plaque on it. Nobody knows where it came from, or what the plaque was. If it is something that would work, he would be willing to talk to the Society to see if they would donate the rock. You can see that there was a circular plaque on it and where it was pinned. It's a relatively low boulder, which might be appropriate for the park.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to direct the Town Administrator and Selectman Jasper to coordinate with staff to bring this project to fruition carried unanimously.

G. Sewer Consultant's Contract

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve the contract for the Sewer Consultant for the period July 1, 2002 through June 30, 2003, as recommended by the Sewer Utility Committee carried unanimously. There was no discussion.

H. Sewer Rate

Motion by Selectman Jasper, seconded by Selectman Seabury, to maintain the current sewer rate for upcoming fiscal year, as recommended by the Sewer Utility Committee carried unanimously.

I. Pole Petition and License Requests

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to grant pole petitions for licenses for 9AADBB; 925590; 925760; 925934; 9AADHR; 944207T carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to deny the petitions for licenses for 606899; 925344; 925321 because they are not on Town property carried unanimously.

J. Assessing Items

1) Veteran's Tax Credit Application (30 Westchester Court, Map 023/Lot 017/Sublot 4-19)

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

2) 2001 Abatement Request (22 Kimball Hill Road, Map 25/Lot 214)

Motion by Selectman Jasper, seconded by Selectman Seabury, to deny, as recommended by the Assessor, carried unanimously.

K. Cable Television Issues

Vice Chairman Stewart recognized Coleman Kelly, who wanted to talk to the Board about the franchise agreement. Mr. Kelly thought they would have discussions in Nonpublic Session, but was willing to discuss it in open session. Vice Chairman Stewart said with Adelphia being in the news so much, the people are concerned and interested and would want to hear what is going on. Mr. Kelly said the committee met and voted unanimously to recommend that the Board, as the franchising authority, deny Adelphia Communications the right to renew its cable television franchise with the Town. He will have a letter for the Board's signature tomorrow morning, stating that. Vice Chairman Stewart said it was her understanding that the Milford is considering this move. Mr. Kelly said Milford and Litchfield have already voted to deny.

Selectman Jasper asked if Mr. Kelly still wanted to talk to the Board in Nonpublic Session. Mr. Kelly said the only reason for his request for Nonpublic was to delve into background detail. Mr. Sharon said he would defer to Selectman Jasper's judgement and asked if he saw anything that would make it eligible for Nonpublic, as everyone's hand was pretty well tipped. Selectman Jasper said it is a contract negotiation, but agreed that it might not qualify, even though he'd feel more comfortable having more specifics about the denial. Mr. Kelly said the areas are the inability to reach agreement after a protracted period on the language of the franchise renewal and Adelphia's financial situation, which is less than stable.

Selectman Jasper asked if Adelphia still has to pay the franchise fee if the Board votes to deny. Mr. Kelly said yes; they are collecting the money. Selectman Seabury asked what happened to the cable users if the Board if the Board votes to deny and Adelphia pulls out. She wondered if another company magically appears on the scene. Mr. Kelly said it becomes a high stake poker game. If the cable company shuts off the system, they would lose \$3 million a year in revenue from the Town. The Board could advise their constituency to put their money in an escrow account for the period of time the system had no television signals on it.

Mr. Sharon clarified that Mr. Kelly was not suggesting they escrow their payments now. All the creditors of Adelphia, and any bankruptcy judge, are going to be very concerned that this revenue stream continues uninterrupted, and they cannot walk away from their physical plant. If Hudson doesn't vote to deny, they will be the only one left in the consortium still in the game. Mr. Kelly said that was true and then Adelphia has the chance to sell the franchise. He didn't think the Town wanted to be in that position of doubt as who a successor company might be. The Town has more leverage with the franchise being in doubt. The successor company will have to come to the Town, in the existence of a denial.

Selectman Jasper said if they deny, and there is no agreement since the old one is expired, he wondered what Adelphia's obligation was to pay to the franchise fee. Mr. Sharon said the company is going to be under outside pressures to meet their obligations, including collecting from current customers and providing services to collect them. Selectman Jasper was still doubtful. Mr. Sharon said the Town's attorney has been advising the Consortium partners all through this. Mr. Kelly said that was correct. Selectman Jasper said they would see, adding that they should have encumbered the \$33,000.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to deny Adelpia Cable carried unanimously.

8. OTHER BUSINESS

A. Redistricting

Selectman Jasper said his comment was directed to the Supreme Court and State Senate. He's not thrilled with the redistricting. In the effort to have one-person/one-vote as equal as possible, they've ignored the reality of who will be representing whom. Litchfield is going to Manchester; Hudson, Londonderry and Auburn are the new district. That is a shame because Hudson and Litchfield have so much in common. The Senators are likely to know the issues in Litchfield, but if there is a Senator of Auburn, what will he or she know about Hudson? They left out the practical side of having people represent them that actually know the issues and having communities that are tied together in districts from town to town. He'd like the Selectmen to send a letter to the Supreme Court, copied to their Representatives, regarding the concern to divide towns into districts. In Hudson's case, it will be seven--a real disaster. They would probably have a real lack of representation because the chances of getting a Republican and a Democrat from each district to run is probably almost non-existent. They would be left with people elected on write-ins, or people elected because there was no one else interested. He also wondered who was going to pay for the redistricting. He will not vote to spend one dime towards that effort. They will never be able to figure it out in time for the primary. The Town should send a letter to the Supreme Court, outlining the issues. He does not believe there will be adequate representation by having Hudson divided into seven districts because of lack of interest. Selectman Seabury agreed that Selectman Jasper should write the letter. He said he would be glad to draft it. He asked if there was agreement to do that. Everyone responded in the affirmative.

Selectman Charbonneau said with all of the problems the Legislature has had with the schools, etc. she cannot understand why they let the Supreme Court make this judgement. The Legislature should have decided this. To bring someone out of South Carolina to help out makes even less sense. It is going to be very difficult if Hudson, with a population of 23,000, is cut up into seven districts. Nashua has 65,000 and only has nine wards. She didn't see how this could be done before a primary.

Selectman Seabury asked whose idea this was. Selectman Jasper said this was being bandied about by the Supreme Court. The Legislature was able to decide, but the Governor did not agree. The Democrats have been using this as a bargaining chip, saying they wanted election reform. That has nothing to do with the districting and that has become the problem. There is demand from the minority saying they aren't going to budge unless they do away with straight ticket voting and other things they are demanding. The House leadership has rightly said it is unrelated to the issue of districts. It was really a hostage situation. He said the letter should be sent to the Chief Justice of the Supreme Court, with copies to Hudson's Representatives. Hudson needs to go on record of not agreeing with this and dividing Hudson into seven districts is not in the best interest of the community, and contrary to the State Constitution.

B. Police Department Personnel Recognitions

Vice Chairman Stewart said the Chief of Police asked her to make the following announcements:

Congratulations to Sgt. Bob Tousignant and Record Clerk Mary Wing for receiving the Officer and Employee of the Year award from the VFW.

Officer Dan Dolan received the Community Service Award from the Hudson Grange #11 for his community service in promoting bicycle safety in Town.

Officer Kevin Sullivan received the Community Service Award from the Hudson Watanick Grange for his dedication towards the K9 Unit.

Officer Matt Keller was recently honored by the NH Police Academy and the NH Highway Safety for his efforts. He was given the *Looking Beyond the Ticket* award for the arrest of a major cocaine dealer as a result of a motor vehicle stop on Route 102.

The 128th NH Police Academy will be graduating on Friday, June 28. Officers Jessica Roy, Kevin Riley and Kevin Pucillo will be graduating. Anyone interested in attending should let the Chief know.

9. LICENSES AND PERMITS (There were none.)

10. ACCEPTANCE OF MINUTES

Minutes of the BOS Meeting of June 11, 2002

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

(Start Tape 2, Side A)

11. COMMITTEE ANNOUNCEMENTS

6/26 7:00 Planning Board in CD Meeting Room
6/27 7:00 CIP in BOS Meeting Room
6/27 7:30 ZBA in CD Meeting Room
7/1 6:30 School Board in BOS Meeting Room
7/1 7:00 Friends of Hudson's Natural Resources in CD Meeting Room
7/4 Fourth of July Holiday—Town Hall Closed
7/9 7:30 BOS in BOS Meeting Room
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

12. REMARKS BY THE SELECTMEN

Ann Seabury said she attended a Library meeting last night and she felt badly for them. Because of some complaints, the monthly book sale by the Friends of the Library was shut down for the summer. They had to go before the Zoning Department and it cost them \$140 to send letters out to the abutters, etc., which was unfortunate because it wasn't the abutters that complained. It doesn't seem right that this non-profit group, who take time out of their schedule on a Sunday to sell a few novels once a month, are considered a retail business. The profit goes right back to the Library. She can't understand why that occurred. She thought the fees could be waived, as this is a Town facility. She really doesn't understand why they are being yanked around. They are upset and she is disappointed. The Library Director is up to her eyeballs in CIP projects and end-of-the-year projects and the amount of time she has spent on this is outrageous.

Rhona Charbonneau wished everyone a very happy 4th of July and to be careful when shooting off fireworks.

Shawn N. Jasper echoed Selectman Seabury's comments. He congratulated retired Fire Capt. Richard Marshall, who was elected as one of four State Vice Commanders of the American Legion. He noted that two weeks ago, a petition was presented to the Board with about 200 names of people who said, essentially, the neighbors on Cutler Road should 'get a life,' but the vast majority of signers don't even live in Town or anywhere near Cutler Road. No wonder the noise doesn't bother them. A good number of them actually work in retail establishments near there, so it wouldn't bother them. There might have been four people on the list who actually reside anywhere near, so it should be taken with a grain of salt.

Terry Stewart wished everyone a happy 4th of July and to have a safe holiday.

13. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Charbonneau to enter Nonpublic Session under RSA 91-A:3 II (b) hiring of personnel and (d) real estate issues carried 4-0 by roll call vote.

Nonpublic Session was entered into at 8:35 p.m. and was terminated at 9:00 p.m.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to hire Christopher Cavallaro and David Cayot as police officers, effective 1 July 02, at \$16.89 per hour, in accordance with the Police Union Contract, Local 3657, carried unanimously.

14. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Seabury, to adjourn at 9:04 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