

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

1. **CALL TO ORDER** by Chairman Bill Cole at 7:30 p.m. in the Selectmen's Meeting Room at Town Hall.

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

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3. **ATTENDANCE**

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Selectmen: William P. Cole, Shawn N. Jasper, Ann Seabury and Teresa Stewart. (Lisa Riley was out of Town.)

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Kevin Burns, Road Agent; Richard Gendron, Chief of Police; Lt. Don Breault; Lt. Don McCrady; Jim Michaud, Assessor; Curt Laffin; Rev. David Howe; Lars Christiansen; Ray Rowell, Howard Dilworth, Jr; about a dozen residents; Coleman Kelly, CATV; Stephanie Hooper, Derry News

Proclamation in Recognition of Town of Hudson Volunteers

Chairman Cole stated that the Town of Hudson, like hundreds of thousands of other communities across America is very fortunate to have a large group of men and women of all ages, backgrounds and interests that are willing to give of their time and efforts to make the community a better place. He then read a proclamation on behalf of the Board of Selectmen which said that volunteers are participants from all professions, striving to enhance the quality of life for the residents of Hudson and the Board wanted to thank them for contributing countless hours of time and talents to provide a sense of community through their knowledge. April 21-27, 2002 was proclaimed as Volunteer Week in Hudson.

4. **PUBLIC INPUT**

Bob Durand, 24 Putnam Road re. Amending the Noise Ordinance – Mr. Durand read a petition that was signed by 41 Hudson residents and 17 from Litchfield, who are bothered by the noise from the constant riding of dirt bikes in the area of Derry Road, Old Derry Road, Cutler Road, Putnam Road, Kingston Way and Fuller Drive. They asked the Selectmen to consider amending the Noise Ordinance to reduce the allowable decibel limits to better provide for relief from disruptive noise; to eliminate potential loopholes which could enable someone to circumvent liability; to ensure the Town has the ability to enforce the ordinance; and to ensure it will apply to both existing and future circumstances. Since June of 2000, the residents have been attempting to obtain relief from the noise of dirt bikes during the daytime, evening and weekends. The current Noise Ordinance does not adequately address this problem. When called, the Police Sergeant on duty takes measurements, but since they have not been trained in the proper use of the meter, decibel level readings could be challenged. Test methods and applicable noise limits vary according to whether the noise is continuous or impulsive. One could circumvent the lower decibel levels of the continuous category by stopping the noise for a few minutes each hour.

Nelson Dionne, 9 Cutler Road said he has lived for 37 years on Cutler Road. Those in his neighborhood have been severely affected by the constant droning of motor bikes, hour after hour, until dark. It has made outdoor life a lot different and has prompted him to move. He has talked about this before, but it hasn't gotten any better. He thinks they are being held captive by the rights of others, who are infringing upon his rights to enjoy some quiet.

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Doug Murray, 7 Cutler Road, said he is an avid motorcycle rider and if he put straight pipes on his Harley, brought it out to the middle of his yard and cranked it wide open and ran it hour after hour, and then bring a few friends over to do the same, it would replicate the noise they are experiencing with the dirt bikes next door to him. Hopefully, the Noise Ordinance can be amended to find some needed balance.

Selectman Seabury asked what he thought the appropriate amendments might be. Mr. Murray said to modify motorcycle exhaust systems that are exceeding the decibel levels and regulate the number of motorcycles operating simultaneously in a residential area. When motorcycles come out of the factory, they are pretty quiet.

George White, 10 Caldwell Road, asked if there was anything the Town could do about off-road vehicles that dig up people's lawns when they are turning around when people aren't home. Chairman Cole assured him something can be done; whatever it is, they will do their best to accomplish it.

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

5. **CORRESPONDENCE**

A. From: Steve Malizia, Finance Director
Re: Bid Recommendation—FY 2003 Replacement Wheeled Excavator

Refer to: New Business

B. From: Richard Gendron, Chief of Police
Re: Police Annex Building
Emergency Recording System/Purchase
Refer to: New Business

C. From: Kathy McKenna, Town Planner
Re: Capital Improvements Plan
Refer to: New Business

D. From: Lillian J.Bellisle, Hudson Nottingham West Lions Club
Re: Donation of Monies
Refer to: New Business

E. From: Sewer Utility Committee
Re: Various Items
Refer to: New Business

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

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

6. NOMINATIONS AND APPOINTMENTS

Trustees of the Trust Fund

Chairman Cole explained that this is an elected position, but no one ran for this seat in March. The Board of Selectmen is the appointing authority to select a member to serve until the March 2003 election. Both of these individuals came before the Board on April 9 to be interviewed. Selectman Jasper stated that he does business with Northeast Planning, but has never worked directly with Mr. Noel. Therefore, he did not believe there was a conflict.

1. Ray Noel
2. Kathleen Wyatt

Both names were put into nomination by Selectman Stewart, seconded by Selectman Jasper, with Ray Noel receiving four votes. He was declared the appointee by unanimous decision. Chairman Cole said the Town Clerk would arrange for the swearing in to take place.

7. OLD BUSINESS

A. Benson's Discussion: "road ahead"

Chairman Cole said this item was postponed until tonight from April 9. The Benson's Committee held a meeting on April 16 in preparation of tonight's meeting. He then recognized Curt Laffin, who said he was elected as the Chairman of the Benson's Committee, with Esther McGraw as Vice-Chair. He reviewed his letter to the Board, dated April 18, 2002 with the committee's six recommendations and justifications for advancing the Benson project.

1. Confirm the existing charge to the Benson Committee from the Selectmen. Mr. Laffin said that charge asked for the committee to develop a site plan. At this point, they have only developed a concept plan. They would like to go to the Planning Board for clarification of what kind of site plans would be needed.

2. Clarify the continuing role of the NH DOT. Mr. Laffin said at the Selectmen's last meeting, a concern was raised relative to when the transfer of the property will occur. Selectman Jasper agreed to head up that effort, but there are other questions the committee would like to get clarified by DOT. They want to ensure continuing coordination between the Town and DOT as they move forward with the wetland restoration. The committee would like to know if there is going to be any more help from DOT, such as they got from VHB in developing the concept plan.

3. Maintain the current committee and add a Selectman alternate. Mr. Laffin said the current committee is working well. Originally, there were two Selectmen on the committee, but they don't see the need for two. If Selectman Seabury wasn't able to

make a meeting, an alternate could stand in.

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4. Accept the March 26, 2002 proposal from Curt Laffin and make it effective immediately. Mr. Laffin said this is the proposal he submitted to the Selectmen on March 26 to hire him as a consultant to accelerate the movement of the Benson's project. The committee felt there would be no conflict if he were to stay on the committee, even as Chairman, and work as a paid consultant at the same time.

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5. Apply for pending LCHIP Historical Studies & NH Preservation Alliance grants and authorize Committee members to meet with potential funding sources such as LCHIP, other agencies and charitable foundations. Mr. Laffin said this recommendation is to apply for historic resources related grants. Another LCHIP round is coming up in May with grants to study historic structures and there is an opportunity with the NH Preservation Alliance for a similar grant. They would like to get the ok from the Selectmen to work with the grant writer and proceed with those two applications. The LCHIP grant is \$15,000 with funds to study the Haselton Barn and another to study the other historic structures. They would also like the authorization for committee members to interact directly with potential funding sources so they have a better understanding of what they are looking for when they put out their grant application notices and then they can establish a better working relationship with those forces and, hopefully, be more successful.

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6. Establish new committee to study options for creation of a Parks, Recreation & Open Space Department This would work similar to the Benson's Committee, with a charge to explore long-term options for the Town to develop such a department. They don't have enough management capability to take care of the recreational and outdoor resources they have now and with the Benson's project, there will be an increased need for those types of services.

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The Charge to the Committee

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Motion by Selectman Jasper, seconded by Selectman Seabury to confirm the existing charge to the Benson's Committee, as outlined by Curt Laffin in his memo of April 18.

Selectman Seabury asked if they should discuss the goals further. Chairman Cole asked if she wanted a further definition of site plan. Selectman Seabury wondered if the Chairman's memo and Mr. Laffin's letter paralleled each other. Chairman Cole indicated the first item did. Selectman Jasper said the intent of his original motion was to have a site plan, which is defined in the rules and regulations of the Planning Board. They will have a plan that can be used to build a project. There are 12 different units and they should focus on one unit and bring it through the process.

Selectman Seabury asked if there would be charges, other than the site plan. Mr. Laffin said his proposal suggests taking it one step at a time. They need a clearer definition of what they are going to do in each of the 12 units and, hopefully, they can get it in the form of a site plan. When they get those, he will come to the Selectmen with another proposal to keep the process moving. At this time, none of them know what that next step will be.

Chairman Cole said the final recommendation by the Engineers, to concentrate on for a site plan, was the south field and to weather-proof the existing buildings so they don't suffer further deterioration. To be looking at all of the areas as part of the charge is self-defeating. A charge to develop a site plan for the south field is appropriate, based on the public hearing and recommendation, and it's manageable.

Mr. Laffin said, in the short term, they should take each of the 12 units a step further to have a clearer definition of what is anticipated will happen with each of the units because they all fit together. They anticipate the Haselton Barn, in the south field, as a major access point for the trail system that will go through all of the other units, with a walkway into the north field. If they have a better idea of what is going to happen in the north field, all that information will help them do a better job of planning for the south field. That is what the committee would like to see and what he is suggesting in his proposal.

Chairman Cole said if they are going to go forward with the charge that is broad based, he'd like to see a time period when they can expect some sort of a result with regard to clarification or assessment. Selectman Jasper said it is his intent that the Selectmen will work hand-in-hand with the committee as it goes along. They will have to come back to the Board for resources and they are going to be defining what it is they are going to do. That's why he'd rather leave it a little broad at this time.

Vote: Motion carried 3-1. Chairman Cole voted in opposition.

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Continuing Role of NH DOT

Chairman Cole said they would want to know what mitigation projects the DOT had planned, the schedules, and any number of other issues, including coordinating with the DOT with regard to when they anticipate transferring the property and the issue of cost. With the exception of the actual transfer and subsequent pricing, the other items are more appropriate to the committee,

itself. Last week, reference was made to appointing two Selectmen and a staff member to a new committee to do this, but he changed his mind. He'd like to separate the issue of the Benson's Committee coordinating with the DOT on mitigation projects and the effort to directly coordinate with the DOT to establish an actual timeframe and a proposed price for the transfer and purchase of the Benson's property.

(Start Tape 1, Second Side)

Selectman Jasper didn't have any problem with the Chairman's recommendation that he be designated as the point of contact. However, he's in his eighth year now and they've talked about Benson's for five of them. The Board of Selectmen, as a whole, has never been made aware of any actual meetings or discussions that have taken place, so while he has always assumed there have been a number of supporters working behind the scenes, he hasn't seen any fruit, although he keeps hearing "12-18 months." The Board of Selectmen should be more pro-active in making this happen. He no longer is confident things are happening behind the scenes. They have to get their ducks in a row for the next budget cycle.

Motion by Selectman Jasper, seconded by Selectman Stewart, that the Board of Selectman Chairman be designated as the Point of Contact for all formal coordination directly related to and in support of the transfer of the Benson's property to the Town of Hudson carried unanimously.

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Chairman Cole assured the Board he would tell them everything that he could. However, members of the audience should realize there are sensitive issues with regard to the transfer of the property. Selectman Jasper said what one member of the Board is entitled to know, all Board members are entitled to know. As long as they are behind closed doors in a legal right-to-know meeting, the members are all entitled to know. He said in the DOT's MOA, they do mention their continued involvement in the area of engineering. That's one of the things that's more appropriate for the Board to inquire more than the committee and could fall within the charge to the Chairman. The language indicates they may have some obligation to be a partner in developing the site plan beyond what they have done. Chairman Cole said he's read the MOA several times and there is more room for interpretation than makes him feel comfortable.

Adding a Selectman's Alternate to the Benson's Committee

Chairman Cole said at the last meeting, Selectman Seabury was appointed as the Board's liaison to the Benson's Committee. Relative to adding an alternate, no motion was made. Chairman Cole said since he's been on the Board, he's been doing a search on the formation of the Benson's Committee, which has a storied history, especially with regard to how the Selectmen got on the committee in the first place. If anyone wants some interesting reading, he suggested they go back to 1997 and work their way forward. It's an interesting road how the committee got started and how de facto people got on the committee, etc.

Curt Laffin's Proposal of March 27, 2002

Motion by Selectman Jasper, seconded by Selectman Seabury, to accept the March 27, 2002 proposal from Curt Laffin and make it effective immediately.

Selectman Jasper said, as a practical matter, this is the only way they are going to move this forward and Mr. Laffin has laid out very effectively what needs to be done in the proposal. Selectman Seabury asked Mr. Laffin if he thought he could work effectively as both a Consultant and Chairman of the Benson's Committee. Mr. Laffin said yes, and didn't think there would be a conflict. After he puts in 200 hours, he will come back with a report of how things are progressing. Any problems can be ironed out then.

Selectman Stewart said Curt Laffin had been working with the NRPC on Riverwalk, but she hadn't heard any updates. Mr. Laffin said he was doing that strictly as a volunteer with the Friends of Hudson's Natural Resources. They ran into some roadblocks and weren't getting anywhere, so they backed off. The latest he heard is that the Planning Board is working with NRPC to get that started again. Selectman Stewart asked if he'd still be serving on the Friends committee. Mr. Laffin said it's not a committee but a group of townspeople who like to get things done. There is no conflict with the trails project and Benson's. Selectman Stewart didn't want to see the trails project end, as they've been talking about it for two years.

Selectman Stewart thought they usually seek bids and advertise for services. Mr. Sharon said not necessarily for professional services. He asked Mr. Laffin how he would handle it if a conflict did arise. Mr. Laffin said the committee and the consultant are working for this Board. The ultimate decision would rest with this body.

Chairman Cole asked when they would get something back on the deliverables listed on the proposal. Mr. Laffin said within two months. Chairman Cole said the maker of the motion might want to include a date. Selectman Seabury suggested three months, considering site plan review as that department is booked solid. Chairman Cole referred to # 3, "Can complete most of the

follow-up tasks at very low cost” and asked Mr. Laffin how he would know what the follow-up tasks were if he hasn’t even started on the original task. Mr. Laffin said that was referring to the immediate tasks, following up from now. Chairman Cole asked about the Town’s liability with regard to benefits, travel expenses, etc. Mr. Laffin said he was not asking for any of those things.

Chairman Cole asked what he would expect for support from Town staff and facilities. Mr. Laffin said for the first phase, he assumes he would be working with the Community Development Department. He would envision using the Town’s GIS capability and working with NRPC to get maps. He’d like to keep a photographic record of what is going on with a digital camera, so he might need that type of help. There may be some general guidance-type questions for the Town Engineer. If he has time to organize a cleanup, he would need to know how Public Works would like that handled.

Selectman Jasper withdrew his original motion; Selectmen Seabury withdrew her second.

Motion by Selectman Jasper, seconded by Selectman Stewart, to accept the March 27, 2002 proposal from Curt Laffin, effective immediately, with an end date of August 1, 2002, carried unanimously.

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Grants

Mr. Laffin said he was trying to get ahead of the curve on this because, eventually, they would come to the Board for authorization to apply. If they get the ok now, they will get the applications put together. Chairman Cole’s understanding was that the actual submission of the grants has to be approved by the Board. Mr. Laffin said that was correct. They want the green light to talk to other potential sources, such as charitable foundations.

Motion by Selectman Jasper, seconded by Selectman Stewart, to authorize the committee to explore all potential grants and funding sources for the Benson’s project, with final approval for any applications by the Board of Selectmen.

Selectman Seabury said after June 30, the Town wouldn’t have a grant writer. Mr. Sharon’s remarks were not discernable. Mr. Laffin said he has experience writing grants, but doesn’t want to become a grant writer before he gets into the first phase.

Vote: Motion carried unanimously.

Creation of Hudson Parks, Recreation and Open Space Department

Selectman Jasper said this is something that he thinks should be explored internally, at least initially. The Road Agent and the Recreation Director should be involved, as Benson’s is going to become intertwined in those two departments. Those two department heads would be the best ones to explore what they are going to need to effectively operate that. Mr. Sharon said they also embarked on a new committee, which would be involved at some point, i.e., the Joint Planning Committee with the schools and Budget Committee. Chairman Cole hoped Mr. Laffin’s 200 hours would clarify some of the many issues that are out there. It seems to him that as concise as the Engineer’s report was on Benson’s, it left him with more questions than answers—in a positive way. There being no further questions or comments, he thanked Mr. Laffin.

B. Adelphia

Chairman Cole said this item was deferred to tonight from the April 9 meeting. He recognized Coleman Kelly, Chairman of the Cable Committee. Mr. Kelly said one of the items they have been working on with Adelphia for renewal is the implementation of an institutional network. It is part of the requirements document that was initially created, based on a survey of Town residents, members of Town government, staff and has been on the agenda for almost seven years. Adelphia initially took the position that this item of Federal law, the Communications Act, did not apply to them. In the last couple of months, they have finally yielded, and the consortium (Hudson, Milford and Litchfield) yielded on some of the issues. Adelphia wants the Town to sign a lease agreement for the fiber, which would become the backbone for the institutional network for the Town, which is \$180,000. Questions have been raised whether or not this should be done because of the price. His understanding is that there are some departments who believe that the school does not need to be included and they can do a scaled down version of that for their needs for considerably less money. There is a question whether or not other telecommunications providers that operate in the public way might raise an issue that the space in the pole reserved for fire alarm can be used for non-fire alarm purposes. Communications infrastructure is not a fire alarm purpose. That’s one question that would have to be resolved with the PUC. He asked if the Board wishes him to continue with Adelphia on this issue, walk away, try to get a better price, look at what the Town can do to make it apples to apples comparison because part of it was to include the school. It would be a waste of manpower to do the same job twice. This is what they lost with Adelphia’s reluctance to go forward cooperatively much earlier. The price has gone from \$130,000 to \$180,000. The \$130,000 would have been for them to hang the fiber for the I-NET as they did the rebuild in Town. The rebuild is all but complete.

Selectman Seabury said she wouldn't approve this after reading the memo from Cathy Hawkins. Mr. Sharon said staff has had some concerns about this commitment to Adelphia for some time. He's also had conversations with Coleman about this and didn't know if Coleman has talked to the Superintendent about this. Mr. Kelly said he had. Mr. Sharon said the indication to him was that he wasn't enthralled with it. In the last few years, there have been a lot of changes in technology. What used to be the advantages of cable provided I-net have been, to some degree, taken over by the ability to provide our own intranet, which has been done and could do everything that optic I-net would do. As far as the pole contacts and hanging fiber optic by their own personnel, it's done all over by other communities. The presumption is that they are going to be able to do that. The Fire Department is willing to get into that. Cathy Hawkins submitted a memo in which she raises some very serious issues. (Additional remarks not discernable.)

Chairman Cole said he just got Cathy Hawkin's memo tonight and he hadn't had a chance to read it, so he couldn't speak to it. He recognized Selectman Jasper, as the liaison to the Cable Committee, and asked him how he felt the Board should go. Selectman Jasper said he, too, just saw the memo. He doesn't have enough expertise to make a decision, regardless of his confidence in Coleman. There are competing interests and other things to look at. The Joint Planning Committee may need to get involved.

Chairman Cole asked Mr. Kelly what he'd like from the Board. He asked if all of the principals have gotten together and actually discussed this to actually talk about it. Mr. Kelly said not formally, but there have been individual conversations over the years that left him with a comfortable feeling of what he thought the Town's interest might be today, based on what they said they needed and his own ability to look at what the future might be for technology and the ability to implement that for the Town. He was trying to avoid playing catch-up. It's unfortunate they've lost this opportunity, but that does not negate the belief that he has, and one that Paul shared with him many years ago, that an institutional network for the Town can be a significant infrastructure contribution. He has talked with providers, other than Adelphia. As far as a recommendation and where they go from here, he'd like to reserve those comments for Nonpublic.

Chairman Cole asked the Town Administrator to initiate or direct Cathy Hawkins, as staff member, in conjunction with Mr. Kelly, to hold a meeting, which would include the appropriate other members, such as the Fire Chief and whomever and lay this out and, at the same time, either prior to or subsequent to, meet with Selectman Stewart and Selectman Jasper, who are the representatives to the new Joint Planning Committee with the Selectmen, School Board and Budget Committee to bring them up to speed.

(Start Tape 2, Side A)

There needs to be something concrete for the Board to look at. Mr. Kelly said they are down to two issues with Adelphia: the I-Net and audio leveling. When bouncing from channel to channel, most people have found that the audio level is not consistent. Adelphia has been reluctant to engage in an aggressive technological solution. Mr. Sharon didn't think the other members of the consortium were requiring the I-Net. Mr. Kelly said no, they gave up in frustration. He was alone in trying to move the rubber tree plant.

C. Legal Contract

Chairman Cole said this item was also deferred from the April 9th meeting to tonight. He asked the Town Administrator what the options were. Mr. Sharon said the Board needs to decide if they want him to solicit proposals and interview firms again or extend the current contract for at least another year.

Selectman Jasper said last year they had a proposal before them to go with a retainer and wondered if the Town Administrator had tracked where they would have been under a retainer versus where they are with what they did. Mr. Sharon said he hasn't done it that way, but he'd be happy to do such an analysis. He had been tracking how the retainer by Bossie, Kelly, Hodes, Buckley and Wilson has been working, which is pretty well. Selectman Jasper said it sounds like they are ahead of the game. Mr. Sharon said they were.

Motion by Selectman Jasper, seconded by Selectman Stewart, to continue the contract with Bossie, Kelly, Hodes, Buckley & Wilson for another year.

Chairman Cole said the motion was to enter into negotiations for renewal. Selectman Jasper said what they have done in the past is to say to the law firm they would do another year at the same rate. If the firm declined, or proposed a different billable rate or structure, they would go out for proposals. The intent is for them to go with the same contract as last year. Chairman Cole asked what happens if the law firm says no. Selectman Jasper said it would come back to the Board and then they would go out for proposals.

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Selectman Seabury asked if the Town Administrator was still going to provide them with the comparison figures. Mr. Sharon said he would.

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Vote: Motion carried unanimously.

8. NEW BUSINESS

A. Bid Recommendation—FY 2003 Replacement Wheeled Excavator

Chairman Cole recognized Road Agent Kevin Burns, who said they received funding in FY-03 to replace their excavator. They prepared detailed bid specs, with bids mailed to four interested vendors. The bid opening was on April 2. His recommendation was to award the bid to Chadwick Ba-Ross.

Motion by Selectman Jasper, seconded by Selectman Stewart, to award the 5-year lease purchase bid for a replacement wheeled excavator to Chadwick Ba-Ross in an amount not to exceed \$158,305 as recommended by the Road Agent and Finance Director.

Chairman Cole asked if the spec sheet was industry-generated and what was known of performance by this type of equipment. Mr. Burns said the specs were generated in-house, based on their needs. Continental has an identical machine and they are happy with it. He has seen a lot in use. The Town doesn't currently own any Volvos. The did a demo and everyone was very pleased with it. Chairman Cole asked how spare parts would be handled. Mr. Burns said they have a large parts department in Concord. The excavator has a one-year complete warranty with a five-year extended warranty on the drive train, which was part of the bid. Chairman Cole asked if training on the equipment for Town personnel was included. Mr. Burns said they are offering four hours of hands-on training, but his guys know what they are doing. The controls are similar to the machine they have. He is more concerned about the training for his mechanics so they know how to service it. They will provide all of the maintenance training necessary.

Vote: Motion carried unanimously.

B. Police Annex Building

Chairman Cole recognized Chief Gendron and Lt. McCrady. Chief Gendron said Public Works took down all of the walls, which exposed a lot of problems. It was heavily infested with carpenter ants and termites, the walls weren't properly insulated and it wasn't built to code. They want to use the building for a fitness center and the other half of the building can be used for a public meeting room, defensive tactics room and eventually become the Department's community room.

Lt. McCrady said they received three bids for the project. The scope of the project covers about ¾'s of the building, which is gutted down to the cinder block walls. They put out specs as to the work they wanted completed, which covers everything but the interior painting, the flooring and electrical. They received bids from three companies. Their recommendation was to go with Mason Bros. Construction Corp., the low bidder, at \$19,875; the electrical work by Mason Electric would be an additional \$5,275.

Chief Gendron said they were going to wait on the flooring and employees have volunteered to do the painting. The money will come from vacant salaries and various other lines. During the budget process, both the Board of Selectmen and Budget Committee had said if he had money left over in this year's budget that he could get this project done.

Motion by Selectman Stewart, seconded by Selectman Jasper, to authorize the Police Department to go forward with renovations to the Police Annex, with the award of bid to Mason Bros. Construction in the amount of \$19,875 and to do the electrical work, as required.

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Selectman Stewart asked if they went out to bid on the electrical work. Chief Gendron said no because when the interior was being dismantled, they had to bring in an electrician right away, so Mason Electric came in. Brian will be the best one to put it all back together because he knows what he cut and what has to go where. Someone else would have to start from scratch. Chairman Cole asked when they anticipated this would be started. Chief Gendron said next week.

Vote: Motion carried unanimously.

C. Emergency Recording System/Purchase

Chairman Cole recognized Chief Gendron and Lt. Breault. Chief Gendron said as the Board already knows through his monthly Activity Reports, they have been experiencing difficulties with the recording device, which records all calls coming into the Police Station on phone lines and radio transmissions. They were going to put this into the budget this year, but they pulled it out in order to hold the line. Since December, they have experienced eight failures. Dictaphone has been in, trying to fix it. Recently, there was an armed robbery in the south end of Town, and the Department was unable to play back the calls coming into the station. This is a safety issue that needs to be addressed. He will pull the money from various lines, including the money he saved on cruisers, etc., to make a one-year lease happen.

Lt. Breault said the problems they were experiencing were getting worse instead of better every time Dictaphone came out. They didn't put this out to bid, but called specific vendors that had equipment similar to what they had. Everything now is DVD and not data tape. He called three companies and got three different bids, all with a five-year lease. The lowest bid was from Beltronics for an Exacom Recorder and they also included an extended five-year warranty at no extra charge. This is a 16-channel recorder, similar to the one just purchased by the Fire Department, although that one is much larger. If the two centers merge into one Communications Center, the two units are compatible.

Selectman Jasper said if they go with a five year lease, it will cost \$27,7998. He thought it would be financially prudent to purchase it outright at \$21,078 and find the money somewhere. Chief Gendron said he is anticipating a lot of overtime, so he is trying to economize as much as he can. The bid originally came in at \$5,200 for the lease and \$3,500 a year for a maintenance agreement. Lt. Breault talked with them and they came up with the figure before them, which includes maintenance. He didn't know what will happen regarding maintenance if they buy it outright. Selectman Jasper said he didn't feel as bad, if maintenance is covered. They could probably find the money someplace but only if they can get the extended warranty. Chief Gendron said if the direction is for him to go back and try to find the money, he wasn't sure he could. Lt. Breault said that question wasn't asked because they weren't considering an outright purchase. Mr. Sharon said they are in the last quarter and although they have saved some money in some areas, they've had extraordinary expenses they didn't anticipate in other areas.

Chairman Cole said if they look at what Selectman Jasper is suggesting, the Police Department will still be operating a system that can go into failure at any time. He asked if the five-year lease is executed, if there was going to be an extended warranty for each of the years. Chief Gendron said the first year is covered by the manufacturer. The extended warranty covers the second to the fifth year. By the time they get to the fifth year, they will have to work out something. They are recommending to go with the \$5,559.61 tonight to get it off the ground this year and then put it in the budget next year. If they purchase it outright, he didn't know how they would handle the extended warranty. Chairman Cole understood the Administrator to say the Town doesn't have the money to purchase it outright. Mr. Sharon said he was trying to be judicious. Chief Gendron said if he gets hit with a major incident, his overtime budget will be shot.

Motion by Selectman Seabury, seconded by Selectman Stewart, that the Police Department purchase an Exacom Recording system from Beltronics with a five-year lease purchase of \$5,559.61 per year, which includes the warranty.

Selectman Seabury said she'd like the Police Department to contact the company to find other options. She agreed with Selectman Jasper regarding the excessive fees and felt the Chief and Finance Director could find the money somewhere. Chief Gendron said the \$21,078 does not include the warranty, so it will be more than that. He wanted to know if they should go with that option if the final price is less than the five year lease total. Chairman Cole said they need to solve the problem and get the Department's operational capability back to where it should be for the overall protection of the Town. He is aware of the sensitive nature of the monies, but he is more sensitive to the operational capability of the Town.

Vote: Motion carried unanimously.

D. Capital Improvements Plan

Chairman Cole recognized Rich Maddox, Chairman of the CIP and asked him why this item was on the agenda. Mr. Maddox said to inform and request. The report in the Selectmen's packet was from the Town Planner, indicating that the CIP met several times and moved department head presentation schedule up to June so the Budget Committee and Board of Selectmen can have a working document prior to budget time. He requested the Board's support of the schedule and for their cursory approval of the projects submitted to the CIP. If the Selectmen are not behind the project, it's fruitless to put it through the process. Selectman Jasper said the committee did a great job. He was only able to attend the first meeting, but he did emphasize the need to fast-track this. He appreciates that that has been accomplished. He also emphasized the need to develop a standard for the department heads. There are items they don't need to bring forward to the Board, but at times items pop up on the CIP that may cost millions that the Board has never seen. Before a lot of time and effort goes into those types of projects, there ought to be some

sense from this Board they would or wouldn't support it. That is something they might think about as they go on. Chairman Cole assumed that the Town Administrator would coordinate this with the department heads, in concert with this schedule in order to get an executive summary up front, taking into consideration Selectman Jasper and Mr. Maddox' comments. Mr. Maddox said that is exactly what they were looking for.

(Start Tape 2, Second Side)

E. Donation of \$200 to the Police and Fire Departments by the Nottingham West Lions Club

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept the \$100 for the Police Department and \$100 for the Fire Department, with thanks, carried unanimously.

F. Sewer Utility Items:

1) Sewer Acceptance, Thurston's West on Bush Hill Road

Motion by Selectman Jasper, seconded by Selectman Stewart, to accept the sewer, as recommended by the Sewer Utility Committee and Town staff carried unanimously.

2) Transfer of Funds Policy

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the Transfer of Funds Policy, ¶ 11, § III. D of the Sewer Utility's Policy and Procedures Manual, as recommended by the Sewer Utility Committee carried unanimously.

3) Requests for Sewer Abatements

Motion by Selectman Stewart, seconded by Selectman Jasper, to grant the sewer abatement request for 203 Lowell Road in the amount of \$595.25 as recommended by the Sewer Utility Committee carried unanimously.

G. Various Assessing Items:

1) Yield Tax Warrant (Map 030/Lots 007, 008 & 009; and Map 033/Lot 039/Sublot 001)

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

2) Charitable Exemption (Hitchcock Clinic, Map 41/Lot 10-2)

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

3) Application for Elderly Exemption (Map 024/Lot 035/Sublot 011)

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

4) Veteran's Tax Credit Application (Map 046/Lot 026; Map 039/Lot 069/Sublot 03A)

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

5) Abatement Application (Map 10, Lot 18)

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

6) Abatement Application (Map 31, Lot 110 and 111)

Motion by Selectman Jasper, seconded by Selectman Stewart, to sign the settlement agreement, as recommended by the Assessor, carried unanimously.

7) **Abatement Application** (Map 31, Lot 80-1 thru 80-18)

Motion by Selectman Jasper, seconded by Selectman Stewart, to sign the settlement agreement, as recommended by the Assessor, carried unanimously.

9. **OTHER BUSINESS**

Noise Ordinance

Selectman Jasper said, relative to the residents who came before the Board during Public Input, he wanted to know how the Board wanted to address the issue, as it is something that needs to be dealt with. Chairman Cole asked if this was an enforcement issue, a measuring problem, a combination, or what. Selectman Jasper said part of the problem may be the definition of intermittent and continual. If you stop for 30 seconds, does that mean it is no longer continual? Therefore, it wouldn't fall under the definition while, in fact, it may be going on all day. There is also a matter of training, which he thought they had directed be taken care of because this was an issue they had for years; they don't have people properly trained. This is an issue that is becoming unbearable for the people out there, obvious by the petition they submitted with so many names. There needs to be some relief. They need to look at the ordinance, but he's not sure how to go about that.

Selectman Seabury said the Meadow Drive people spent years dealing with a noise issue concerning the industrial park behind them. At that time, it was said that you cannot generate noise that goes beyond your property, or else you interfere with other people's rights. In this case, it is over and above. Other people have called about this. They have problems with 4-wheelers running up and down their boundary lines, etc. They've reached a point where they have to get the noise consultant back in. The Meadow Drive area is now livable, but it took an awful long time. She wondered why they couldn't regulate the dirt bikes to operate the same time as the Speedway, but not on Sunday.

Selectman Jasper said it is not a commercial operation and doesn't need to be licensed. Sundays would be a good time to allow it because their Sundays are ruined for outside enjoyment anyhow. It is every evening and all day Saturday and Sunday. Decibel levels are something they can regulate. If it was commercial, they could close it down for not having a site plan. Their residential enjoyment is ruining everyone else's.

Mr. Sharon said staff has been out there and continues to do so. The problem is with the technical details of the Noise Ordinance, not necessarily lack of training. They are able to take decibel readings, but as they are being read, they are falling under the threshold. That probably needs to be adjusted. The consultant needs to be brought in to see what he can develop. It is frustrating for staff, who are trying to enforce it the best that they can.

Motion by Selectman Seabury, seconded by Selectman Stewart, to go forward and contact the noise consultant and meet with him to develop a proposal to add an addendum to the noise ordinance that will address OHRV's.

Chairman Cole said they appear to have a situation where if they assess, analyze, and/or identify a violation, they could enforce it. He asked if there was a reasonable expectation that the individuals involved would comply with this. Mr. Sharon said when this first started two summers ago, toward the end of the season, the noise consultant came out and found they were in violation. They sat down with the property owner and told him to stop because he was in violation. The bikes were retrofitted and muffled to bring them under the threshold. The Town had some test runs and found they were in compliance. The owner has been cooperative to that degree. Chairman Cole assumed they were heading towards bringing the consultant back in with the intent of amending the Noise Ordinance, based on findings over a period of time this Summer and Fall, as the folks out there do have a problem.

Vote: Motion carried unanimously.

10. **LICENSES AND PERMITS**

A. **Request by the Alvirne High School Friends of Music for an Outdoor Gathering Permit June 2, 2002 from 8:00 a.m. – 6:00 p.m.**

Motion by Selectman Stewart, seconded by Selectman Jasper, to approve, as it meets the requirements and staff has signed off on it, carried unanimously.

B. **Request for a Block Party Permit by John Roberts for June 22, 2002 on Stonewood Lane**

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve, as it meets the requirements and staff has signed off on it, carried unanimously.

11. ACCEPTANCE OF MINUTES

Minutes of the Board of Selectmen's Meeting of April 9, 2002

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

12. COMMITTEE ANNOUNCEMENTS

4/24 7:00 Planning Board in CD Meeting Room
4/25 7:30 ZBA in CD Meeting Room
4/29 6:30 School Board in BOS Meeting Room
4/30 6:00 Benson's Committee Meeting in BOS Meeting Room
4/30 7:00 Cemetery Trustees in Small Conference Room
5/1 7:00 Planning Board Workshop in CD Meeting Room
5/2 7:30 Joint Planning Board/ZBA/Conservation in CD Meeting Room
5/4 9:30 Mayor's Regional Roundtable @ Nashua City Hall
5/6 7:00 Friends of Hudson's Natural Resources in CD Meeting Room
5/8 7:00 Planning Board in CD Meeting Room
5/9 6:30 Recreation Committee at the Rec Center
5/9 7:00 Sewer Utility Committee in BOS Meeting Room
5/9 7:30 ZBA in CD Meeting Room
5/10 6:00 Loyalty Day Dinner @ VFW
5/13 6:30 School Board in BOS Meeting Room
5/14 7:30 Board of Selectmen in BOS Meeting Room
5/16 7:30 Budget Committee in CD Meeting Room
5/20 7:30 Conservation Commission in CD Meeting Room
5/20 7:30 Library Trustees at Ferry Street Annex
5/22 7:00 Planning Board in CD Meeting Room
5/23 7:00 CIP in BOS Meeting Room
5/23 7:30 ZBA in CD Meeting Room
5/27 Memorial Day Holiday—Town Hall Closed
5/27 2:00 Memorial Day Parade
5/28 7:30 Board of Selectmen in BOS Meeting Room

13. LIAISON REPORTS

Selectman Stewart said she attended the Budget Committee last week and suggested that when they receive their budget books, if they have any questions, they should give them in advance to the School or Town liaison so the department head can be prepared when they appear before the committee.

Joint School/Selectmen/Budget Committee Chairman Cole asked if Selectman Stewart or Selectman Jasper heard anything from the School Board about the Joint Committee. Neither of them had. Chairman Cole asked Howard Dilworth, Jr., Chairman of the Budget Committee, if they were involved in the Joint Committee with Mr. Alukonis. Mr. Dilworth said yes, they are, but he hasn't heard anything about when they are going to meet. They have appointed representatives to the committee. Mr. Sharon said he's met with the School Superintendent about it, and he's all geared up for it.

14. REMARKS BY THE SELECTMEN

Selectman Seabury received a call from someone inquiring about the West View Cemetery, which she has referred to the Town Administrator. Mr. Sharon said it is regulated by a State agency. Selectman Seabury asked if there was a Board of Cemetery Trustees in Town. Mr. Sharon said the Cemetery Trustees don't manage private cemeteries.

Selectman Stewart said this Thursday, the Fire Department will start their fire detector/pizza program and invited her to ride along. They have three pizza places involved for a six-month period and will rotate them.

15. NONPUBLIC SESSION

Motion by Selectman Stewart, seconded by Selectman Jasper, to enter Nonpublic Session under RSA 91-A:3 II (a) personnel issues and (e) pending litigation carried 4-0 by roll call vote.

Nonpublic Session was entered into at 9:35 p.m. and was terminated at 9:50 p.m.

Votes taken in Open Session

Motion by Selectman Stewart, seconded by Selectman Jasper, to sign the settlement agreement and abatements re. the Nash Family Investments, as recommended by the Assessor, carried unanimously.

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Motion by Selectman Jasper, seconded by Selectman Stewart, to adjust the salary of Pam Lavoie, Administrative Aide, to \$14,10 carried unanimously.

16. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Stewart, to adjourn at 9:55 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

Shawn N. Jasper

Lisa A. Riley

Ann Seabury

Teresa Stewart