

**HUDSON, NH BOARD OF SELECTMEN  
Minutes of the December 11, 2001**

7:00 p.m. – 8:20 p.m. Attorney-Client Session

1. **CALL TO ORDER** by Chairman Ann Seabury at 8:25 p.m.

-

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

-

Chairman Seabury asked everyone to remain standing for a moment of silence in recognition of the start of the Attack on America which began three months ago today.

-

3. **ROLL CALL**

**Selectmen**: Ann Seabury, Rhona Charbonneau, Shawn N. Jasper, Robert E. Clegg, Jr., & Terry Stewart

**Staff/Others**: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Dave Yates, Recreation Director; Ed Caban, Recreation Department; Nominations & Appointment applicants; Budget Committee members Howard Dilworth, Jr., Chairman, John Drabinowicz, Joyce Goodwin and Fred Giuffrida; Ann, TEL; Bob, SUN; John, Derry News

4. **PUBLIC INPUT**

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

-

5. **CORRESPONDENCE**

A. From: Robert Webber, Jr.  
Re: 2002 Motor Vehicle Race Track License (Hudson Speedway)  
Refer to: Licenses and Permits

B. From: Ann Seabury, Chairman  
Re: 2002 BOS Meeting Schedule  
Refer to: New Business

C. From: Richard Gendron, Chief of Police  
Re: Acceptance of a Donation  
Refer to: New Business

D. From: Esther McGraw  
Re: Acceptance of a Donation (Former Benson's Ticket Booth)  
Refer to: Public Hearing/New Business

E. From: Frank Carpentino, Fire Chief  
Re: Acceptance of a Donation (Beanie Babies)  
Refer to: Public Hearing/New Business

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

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

6. **NOMINATIONS & APPOINTMENTS**

A. **Building Board of Appeals** (2 Members, terms to expire 12/31/04 and 1 Member, term to expire 12/31/02)

-  
**Jay H. Gove** said he was new to the community and wants to get involved. With his background, he thought he would be a good addition to this board.

**Jeff Emanuelson** (incumbent) had to leave because his son was ill.

-  
**B. Cable Committee** (2 Members, terms to expire 12/31/04)

- 1) **Coleman Kelly** (Incumbent), who has been a member since the committee's inception, would like to complete the cable franchise process.
- 2) **John Beike** (Incumbent), who has been a member since the committee's inception, would like to complete the cable franchise process.
- 3) **Rickey Lemon** withdrew, in view of the two previous well-qualified incumbents.

**C. Conservation Commission** (3 Members, terms to expire 12/31/04; 1 Member, term to expire 12/31/03;  
 1 Alternate, term to expire 12/31/04)

- 1) **James Battis** (Incumbent, Acting Chairman) was unable to be present.
- 2) **Michelle Champion** (Incumbent) was not present.
- 3) **Kenneth Dickinson** (Alternate Incumbent) was unable to be present.
- 4) **Doug Robinson** was involved in the CIP committee this year. He is the Founder of Friends of Music and wrote the grant for Alvirne's marching band. He'd like to give something back to the Town, with a preference to serve on the Planning Board.

**D. NRPC** (1 Member, term to expire 12/31/04)

- 1) **Howard Dilworth, Jr.** (Current Alternate) Mr. Dilworth said he attends all of the meetings and would like to move up into a membership position.
- 2) **Doug Robinson** (interviewed under Conservation Commission) volunteered to fill the Alternate's position.

-  
**E. Planning Board** (2 Members, terms to expire 12/31/04; 1 Alternate, term to expire 12/31/04)

- 1) **Leonard Smith** (Incumbent), who has been a member for at least 19 years, would like to continue to serve in order to preserve the rural atmosphere of the Town.
- 2) **Suellen Quinlan** (Incumbent) was appointed as an Alternate and when a member resigned, she was appointed to that seat. It is a good board, she enjoys serving, has a perfect attendance record and hopes to continue. Selectman Stewart praised Ms. Quinlan's legal knowledge and said she was an asset to the committee. Selectman Charbonneau concurred.
- 3) **Jeffrey Rider** said his background suits both the Planning and Zoning Boards and believes he would be an asset to either one. If he's not appointed to the Planning Board, he hopes to be re-appointed to the Zoning Board.
- 4) **Doug Robinson** (interviewed under Conservation Commission)

**F. Recreation Committee** (1 Member, term to expire 12/31/04; 1 Alternate, term to expire 12/31/04)

- 1) **Al Simms (Alternate Incumbent, applying for membership position)** was unable to be present.
- 2) **Robert Logano** has lived in Hudson two years and wanted to get involved. He has three children who are involved with soccer, baseball and softball. In college, he was a Recreation major.

-  
**G. Sewer Utility Committee** (2 Members, terms to expire 12/31/04)

**Howard Dilworth, Jr.** (Incumbent) has been on this committee since 1998. Chairman Seabury praised Mr. Dilworth's knowledge, saying he was perfect for this committee.

-  
**H. Solid Waste Study Committee** (1 Member, term to expire 12/31/04)

**Rickey Lemon** said he would be very glad to help in this effort. Chairman Seabury said this committee needs to start working this year in earnest for the next contract, which is very, very expensive.

-  
**I. Zoning Board of Adjustment** (1 Member, term to expire 12/31/04; 2 Alternates, terms to expire 12/31/04)

- 1) **Richard Botteron** (Incumbent) was an Alternate for four years and appointed as a Member last year when Mr. Carr left. He is still in the learning curve and would like to continue to serve.
- 2) **Jeffrey Rider** (Alternate Incumbent) (Interviewed under Planning Board)
- 3) **William J. Mack** has been a Hudson resident for about a year and a half. He is an Information Services Manager, but his hobby is owning and managing real estate property. He wants to get more involved in the Town.
- 4) **Jay H. Gove** (Interviewed under Building Board of Appeals)

Chairman Seabury said the Board would make their appointments at their meeting on December 18.

## 7. OLD BUSINESS

### A. Warrant Articles

#### 1) Nonunion Wage and Salary Increases

“To see if the Town will vote to raise and appropriate \$59,386 for wage and benefit increases for the following 10 non-union positions: Police Chief, Town Administrator, Fire Chief, Community Development Director, Road Agent, Finance Director, Recreation Director, Assistant Fire Chief, Police Prosecutor and Executive Assistant. Of this sum \$29,215 has been allocated for up to a 4.5% COLA based on the Consumer Price Index and \$30,170 has been allocated for a Comparability Adjustment Allowance.”

*Motion by Selectman Jasper, seconded by Selectman Stewart, to forward to the warrant, carried unanimously.*

#### 2) Warrant Article amending Chapter 53 of the Town Code, re Code of Ethics

Chairman Seabury said this article was drafted about a month ago and forwarded to the Ethics Committee, who forwarded it to the Board of Selectmen to decide whether or not to pursue the matter. The suggested amendments to the Code are as follows:

Amend §53-2 to read: The purpose of this code is to identify incompatible offices between members of town government and establish guidelines for ethical standards of conduct for all officials and employees by setting forth those acts or standards that are incompatible with the best interests of the town and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the town; and to add §53-4.1 to read: Incompatibility of Offices. No part-time town employee shall at the same time hold the office of selectmen. The acceptance of part-time employment or the office of selectmen shall terminate, as effectively as resignation, the prior office of selectmen or part-time employment, respectively. Any part-time employee or selectman who is employed or in office at the time this ordinance is adopted shall be exempt for a period of one year from the date of adoption; and Amend §53-4 to read: §53-4.2. Prohibited Conduct.

Selectman Clegg wanted to question a member of the Ethics Committee, but none was present. He has a problem with there being no definition of a part-time employee. Were they talking about call firefighters, substitute school teachers or what? Selectman Jasper said the Ethics Committee had nothing to do with drafting the ordinance, nor did they discuss the components of it. It was drafted by the Town attorneys, who sent it to the Ethics Committee, who sent it back to the Board of Selectmen. They did not take a position on it.

Mr. Sharon said there are definitions for part-time Town employees within the Personnel Policies. Selectman Clegg believes that the School is part of the Town. His understanding is that if this passed, neither Selectman Seabury nor Selectman Jasper would be allowed to sit as a Selectman. If that is the intent of the ordinance is that one could sit at the table but the other one couldn't, it would be unfair. He believes that if anyone is paid by the taxpayer, he or she is working for the Town. He thinks it's an awful ordinance. Mr. Sharon said the definition of a part-time employee in the Personnel Policies is the definition the Board of Selectman has adopted by adopting the policies, with no attempt to define, other than employees that are functioning as part-time employees for the Town itself. Selectman Clegg argued that the School is part of the Town. He asked if this was written just to cover people who worked for the Town Hall segment, not the School. Mr. Sharon said that understanding was correct.

Selectman Clegg asked if it was proper to make a motion to not send this to the Warrant, which Selectman Stewart seconded. Selectman Jasper thought a negative motion was out of order. If no motion was made, it would die on the table. If a negative motion was made, and it tied, it would fail. Selectman Clegg withdrew his motion; Selectman Stewart withdrew her second.

Selectman Clegg didn't like this kind of politics and would have a problem voting for it because both individuals are valuable members to the community and to the Board of Selectmen. To say someone who volunteers their time or fills in for a teacher who is absent cannot sit as a Selectman sends the wrong message. There already are a lot of vacancies on Town boards and commissions.

Selectman Charbonneau hated names being brought up on this because it is not a personal issue. She feels it should go to warrant and let the people decide about part-time people and Selectmen being on a board. It's not up to her or the

Selectmen to make that decision. It should be the voters. She is sick and tired of people thinking this is a personal issue because it is not. She has never made anything a personal issue and does not want to be accused of making this a personal issue. Selectman Jasper said the people have already decided. Every time he has run for Selectman, he has made it clear that he is a fire fighter. If he wasn't sitting on this Board this ordinance would not even be before them, so that does make it personal. He thanked Selectman Clegg for his comments.

Selectman Clegg apologized to Selectman Charbonneau, saying he meant no harm by his remarks. He didn't realize she had drafted the ordinance. He thought the Town Attorney had for the Ethics Committee. He would have tempered his remarks if he had known a member of the Board had actually drafted it. Selectman Jasper said it was drafted by the Town Attorney. Selectman Charbonneau said the Town Attorney drafts all of their warrant articles.

(Start Tape 1, Second Side)

**B. Pepsi's Proposal for the Hudson Skate Park**

Chairman Seabury said if the Board gave the soccer people a 10-year lease, she couldn't see why they can't commit to a seven-year lease with Pepsi. Selectman Jasper said they didn't. They just guaranteed that the land would be used for soccer for a period of not less than 10 years.

Ed Caban of the Recreation Committee said the last time he was here, the Board was going to find out from the Town Attorney if they could accept Pepsi's proposal of an exclusive right to sell their product at the skate park for seven years. Mr. Sharon said the attorney's answer is that they could enter into that agreement.

Selectman Clegg said the Board was supposed to get a copy of the contract Pepsi wants them to sign. Mr. Caban said there wasn't anything in writing yet. Selectman Clegg said he would like to see it before voting on it because it may contain a clause that states that someone, such as a businessman, can't bring in bottled water or treat the kids to something else, such as A & W Root Beer. He'd like to see if there are any restrictions in the contract beyond allowing Pepsi to put their machines in. Chairman Seabury asked Mr. Caban if he would get a copy of the contract first. He said he would.

**8. NEW BUSINESS**

**A. Board of Selectmen's 2002 Meeting Schedule**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to approve, as amended, carried unanimously.* (September 10 is voting day, so the Selectmen's meeting was changed to September 9.)

**B. Acceptance of a \$400 donation from the Hudson Police Relief Association to purchase replacement uniforms and equipment for the Police Honor Guard**

*Motion by Selectman Clegg, seconded by Selectman Jasper, to accept carried unanimously.*

**C. Public Hearing/Acceptance of a donation by Esther McGraw of a Ticket Booth, which carries a value of \$500, that was once at the former Benson's Wild Animal Farm and**

**D. Public Hearing/Acceptance of a donation by Janie Delano of Fire Fighter Bean Bag Babies to each member of the Fire Department that carries a value of \$496 to \$620**

Chairman Seabury opened the public hearing for Items C & D at 10:12 p.m. and asked if anyone wished to speak. There was no response, so she closed the hearing.

*Motion by Selectman Stewart, seconded by Selectman Clegg, to accept the donations, with thanks, carried unanimously.*

**E. Assessing Items:**

**1) Applications for Elderly Exemptions & Abatements** (52 Belknap Road, Map 007/Lot 064; 3 Cheney Drive, Map 036/Lot 066)

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

**2) Veteran's Tax Credit Application** (6 Berkeley Drive, Map 023/Lot 017/Sublot 04-3)

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

**3) Yield Tax Warrant** (Map 030/Lots 007 & 008)

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

**4) Application for Blind Exemption & Abatement** (24 Belknap Road, Map 049/Lot 003)

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

**5) Applications for Abatement** (148B Barretts Hill Road, Map 026/Lot 090/Sublot 07B)

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

**9. OTHER BUSINESS**

**A. Newspaper Advertising**

Selectman Stewart, seconded by Selectman Jasper, to reaffirm their vote from last August that the Town of Hudson continues to advertise all local public ordinances in the local newspaper.

-  
Chairman Seabury asked Selectman Stewart if it bothered her to have her feet held to the fire and wondered if there was a legal requirement to [advertise in a certain paper]. Selectman Stewart said not that she was aware of. Chairman Seabury is all for helping the local newspaper, but it bothers her when she is told she has to do something.

Selectman Jasper said no one was putting his feet to the fire, but he doesn't look in the Telegraph for notices on Hudson events. They had some problems in the past with things getting lost and he asked that a running tally be kept. He didn't know if there have been any problems since then. If there have been, they haven't been brought to his attention. And that is a concern. Each time there is a problem, such as notices not properly or timely placed, the Town Administrator ought to bring that to the Board's attention in a public forum so everyone is aware of it. If that continues to be a problem, then they have to look elsewhere. The principals of the paper are aware that there was a problem and are working on that. The HLN is where they need to be advertising to make sure the most people in Hudson see the notices. Chairman Seabury knows that, but she'd like to think that America is the land of the free and they can advertise where they want to advertise--and the Telegraph is local, too.

Selectman Charbonneau thought they did advertise in the HLN and used other papers when advertising for employees and things like that. Selectman Stewart said she was talking about a public notice for this meeting that was placed in the Telegraph three weeks ago. It was reprinted in the HLN, so it cost the Town twice for one public notice. Chairman Seabury asked what the cost comparison was. Selectman Stewart didn't know.

Mr. Sharon said the reaffirmation should be a motion that a newspaper of general circulation be used for advertising that pertains to information that requires dissemination to a wider circulation than the community of Hudson and a local newspaper be used for items of a local nature. There is no question that the ad for the Beanie Babies should have been in the HLN. What she is asking to reaffirm is a policy adopted by the Board that splits it. (Talking over each other.) Selectman Stewart said she can see advertising for a crossing guard, but for police officers, they would advertise in the Union Leader, Boston Globe, Telegraph, etc.

Selectman Charbonneau didn't think there were any problems whatsoever. Chairman Seabury said they lost some items, and they didn't put things in in time, but that was awhile ago.

Vote: Motion carried unanimously.

**B. Zoning Petitions**

Motion by Selectman Jasper, seconded by Selectman Stewart, to forward zoning amendment petitions that are received in the Selectmen's Office through December 12, 2001, that have been validated by the Town Clerk's Office for signature verification, to the Planning Board carried unanimously.

10. **LICENSES AND PERMITS**

**2002 Motor Vehicle Race Track License (Hudson Speedway)**

*Motion by Selectman Charbonneau, seconded by Selectman Jasper, to defer, pending recommendations from staff, carried unanimously.*

11. **ACCEPTANCE OF MINUTES**

- A. **Minutes of the Board of Selectmen's Meeting of November 3, 2001**
- B. **Minutes of the Board of Selectmen's Meeting of November 27, 2001**
- C. **Minutes of the Board of Selectmen's Meeting of December 4, 2001**

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

12. **COMMITTEE ANNOUNCEMENTS**

- 12/12 Last day to accept Petitions to amend the Zoning Ordinance
- 12/12 7:00 Planning Board in CD Mtg. Rm.
- 12/12 7:00 Budget Committee at SAU
- 12/13 6:30 Recreation Committee @ Rec Center
- 12/13 7:00 Sewer Utility Committee in BOS Mtg. Rm.
- 12/13 7:30 ZBA in CD Mtg. Rm.
- 12/13 7:00 Budget Committee at SAU
- 12/17 7:30 Conservation Commission in CD Mtg. Rm.
- 12/18 7:30 BOS in BOS Mtg. Rm.
- 12/19 7:00 Budget Committee at SAU
- 12/20 7:00 Budget Committee in CD Mtg. Rm.
- 12/25 Town Hall Closed for Christmas Holiday
- 12/27 7:30 ZBA in CD Mtg. Rm.
- 1/2/02 7:00 Budget Committee at SAU
- 1/3/02 7:00 Budget Committee in CD Mtg. Rm.
- 1/8/02 Last day for Selectmen to accept petitioned Warrant Articles
- 1/28/02 Last day for Selectmen to post the Warrant
- 2/2/02 School District Meeting @ Memorial School
- 2/9/02 Town Meeting @ Memorial School
- 3/5/02 Annual Report due
- 3/5/02 Last day to submit protest petitions
- 3/12/02 Voting Day @ Lions Hall

13. **REMARKS BY THE SELECTMEN**

**Selectman Charbonneau** said the snow was a surprise, but it is melting. She hopes the rest will stay up north.

**Selectman Stewart** said there is an adult comedy night on January 19 at Lions Hall and challenged the Board members to attend. Chairman Seabury said she hates comedians, especially if you sit in the front row because you are dead. . . and she speaks from experience.

14. **ADJOURNMENT**

*Motion by Selectman Clegg, seconded by Selectman Stewart, seconded by Selectman to adjourn at 9:25 p.m. carried unanimously.*

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

HUDSON BOARD OF SELECTMEN

---

Chairman Ann Seabury

---

**Rhona Charbonneau**

---

**Robert E. Clegg, Jr.**

---

**Shawn N. Jasper**

---

**Terry Stewart**