

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the October 23, 2001 Meeting**

1. **CALL TO ORDER** by Chairman Ann Seabury.
2. **PLEDGE OF ALLEGIANCE**, led by Selectman Rhona Charbonneau.
- 
3. **ATTENDANCE**

**Selectmen:** Ann Seabury, Rhona Charbonneau, Robert E. Clegg, Jr. & Shawn N. Jasper. Terry Stewart was absent (on vacation).

**Staff/Others:** Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Jim Michaud, Assessor; Sean T. Sullivan, Director of Community Development; Richard Gendron, Chief of Police; Frank Carpentino, Fire Chief; Mike Juliano, Fred Deppe and about 70 adults and children on behalf of Hudson Youth Soccer; Benson's Committee Members: Curt Laffin, Laurie Jasper, Esther McGraw, Keith Bowen; From the Planning Board, George Hall and Rich Maddox; Howard Dilworth, Jr; Terry McLlarky; John, Derry News; Ann, TEL; Sue, SUN

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to change the Order of the Day and take up 6F, Field Development Proposal by Hudson United Soccer Club carried unanimously.*

**Field Development Proposal by Hudson United Soccer Club**

**Matthew Veves, 102 Gowing Road, re Support of Hudson Youth Soccer Proposal** -- 13 year old Matthew Veves has been playing soccer since he was in the First Grade, entering the travel league at seven. He also plays for the Memorial School team, where all of their games are played away because of the poor quality of the home fields. The long distance to some of the fields prevents some parents from attending, and that is disappointing. The poorer Hudson fields are used for practice. The travel team's 'home' field is at a factory in Merrimack that often belches smelly smoke. They also have to share a concession stand. He thanked Mr. Juliano for his work with the league and felt that a home field would be the best thing for the team. When he steps out on the field to play soccer, he is representing Hudson. In turn, he wants Hudson to represent him and his friends.

Mr. Juliano, President of Hudson United Soccer Club, distributed an overview of his proposal. There are currently over 800 Hudson youth participating in soccer (many of whom were present, with their parents) and there are not enough fields in Town. Their proposal for a field would have zero impact on tax payers as they would raise the money. The fields in Town are overcrowded and overused. Hudson is the only town in their league that does not have a home field. When they came before the Board on July 24 with the Ayers Pond proposal that was turned down, they were steered toward the Town land on 102 by Hills Garrison/Alvirne, and that's what his proposal is. The field would be available to scholastic and recreational soccer programs. There is an immediate need for fields.

Selectman Charbonneau asked if Mr. Juliano talked to NH DOT about the circumferential land. Mr. Juliano said the Recreation Department was, but the problem with that is it would be temporary. He would consider that for practice fields because they will be losing the Memorial fields next year. They need to do something about fields because, if kids aren't playing soccer, they will be doing something else, and that is reason for concern. It's time to take action.

Selectman Jasper wondered how carefully United Soccer had gone over the site, if there was room for more than a couple fields out there and what they wanted from the Selectmen. Mr. Juliano said Fred Deppe has tried to get higher quality pictures of that area from Town staff, but wasn't able to. They have to pinpoint the site to locate the best proximity for placement of the fields. They would like the Selectmen's blessing to proceed to the next step, which is probably the Planning Board, and support for putting in the field. Selectman Jasper asked about the grant's requirement for a 10-year lease on the property. Mr. Juliano said they would need a letter from the Selectmen, saying they could use that location for soccer for a 10-year minimum.

Chairman Seabury asked if Hudson United Soccer has to pay for the use of other fields and if he's interacted with Recreation Director David Yates. Mr. Juliano said they pay for the field, the porta-potties and the lining of the field. He didn't know how much longer they could use the field in Merrimack because that town is growing. He'd rather pay to support Hudson field space. He has met with Dave Yates and the Rec Committee, and they fully support United Soccer's effort. United Soccer offered clinics for the coaches of the Rec Department to teach them about soccer. They also run a clinic for five and six year olds on Saturday mornings. They would like to work more with the Rec in order to enhance that program and work with the scholastic program, as well. He has contacted Peter Jean to institute a mentoring program in the schools. Keith Bowen was present to represent the Rec Department because Dave could not make it. Chairman Seabury asked if United Soccer was going to come under the Rec Department. Keith said under the 10-year use land agreement, scheduling of the field and things of that nature will be managed by the Rec Department. They will start with one field, which the Rec Department will be in charge of maintaining, with the help of United Soccer. Mr. Juliano said his people will gladly mow the grass.

Mr. Sharon recommended locating the field so as not to interfere with future roadway construction. Mr. Juliano the next step would be to do a feasibility study of the best location. Selectman Charbonneau said she is for this 100%.

*Motion by Selectman Jasper, seconded by Selectman Clegg, that Hudson United Soccer Club, in cooperation with the Recreation Department, be granted permission to develop plans for soccer fields on property owned by the Town of Hudson, which was recently purchased from the Department of Transportation and to submit plans on behalf of the Board of Selectmen for approval to the Planning Board and that the Board*

of Selectmen commit this property to use as soccer fields for a period not less than 10 years and that said plans shall be brought forward to the Board of Selectmen for their approval prior to submission to the Planning Board carried unanimously.

Chairman Seabury called for a brief recess while the soccer people exited the room.

-  
4. **PUBLIC INPUT**

**Robert Couture, 18 Cottonwood Drive, re changing Date for Trick or Treating and a Pooper-Scooper Law** – Mr. Couture thinks Halloween should be on Friday or Saturday when kids don't have to go to school. Chairman Seabury said several years ago that was tried, but kids filled the Selectmen's room in protest. Mr. Couture said he'd like the Town to enact a pooper-scooper law. He's getting tired of picking up dog poop when he doesn't even own a dog. He tries to keep his yard clean, and then ends up walking in it. Even when dogs are on leashes, they use his lawn and people don't carry bags with them to pick it up. Chairman Seabury said they'd take this up under Other Business.

-  
**Howard Dilworth, Jr.** said the School Board set the date for their deliberative session for February 2. Chairman Seabury said she was going to bring that up under Other Business. Mr. Dilworth said people often try to access Town Hall after the building is locked at 4:30 and thought it would be nice if a sign was put on the front door, indicating the office hours for the building.

-  
5. **CORRESPONDENCE**

- A. From: The Benson Committee  
Re: Preservation of the Benson Site  
Refer to: New Business
- B. From: Kathy McKenna, Town Planner  
Re: Application to the Selectmen for an Extension of Time under RSA 676:4 I (f)  
Refer to: New Business
- C. From: Steve Malizia, Finance Director  
Re: 1996 Police Harley Davidson Motorcycle Bid  
Refer to: New Business
- D. From: Richard Gendron, Chief of Police  
Re: Gas Tank at Town Hall and Purchase of a new Police Motorcycle  
Refer to: New Business
- E. From: Mike Juliano, Hudson United Soccer Club  
Re: Field Development Proposal for Hudson Soccer Park  
Refer to: New Business
- F. From: Sewer Utility Committee  
Re: Hookup Enforcement  
Refer to: New Business
- G. From: Engineering Department  
Re: Street Acceptance  
Refer to: Public Hearing/New Business
- H. From: Frank Carpentino, Fire Chief  
Re: Various Fire Department Items  
Refer to: New Business
- I. From: Southern NH Radio Control Club  
Re: Donation to the Recreation Department  
Refer to: New Business
- J. From: Sean T. Sullivan, Director of Community Development  
Re: Route 102/West Road/Robinson Road Intersection Improvements  
Dame and Ducharme Wells Safe Yield Study  
Refer to: New Business

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

6. **NEW BUSINESS**

A. **Preservation of the Benson Site**

Chairman Seabury, recognized Rhona Charbonneau, Chairman of the Benson's Committee, who recognized the Vice Chair, Curt

Laffin, who recognized the committee members present, in addition to Selectmen Charbonneau and Seabury, who were Laurie Jasper, Esther McGraw and Keith Bowen. The committee is pleased with the way things have been going and the tremendous support from Town departments. They had several meetings and received a lot of positive public reaction at Old Home Days. They developed a concept plan and condensed a lot of ideas into that plan. They have just started to go into all the specifics to analyze them individually so they can discuss each one as an individual project. After they see how everything fits into place, they hope to have a proposal sometime this winter how the entire Benson's parcel could be used. They have had several site visits and discussed an endless variety of ideas. Some things are beyond the charge that was given to the committee, but are important and some of them may need quick action by the Selectmen. They were there to present those concerns, with recommendations.

The first concern is vandalism. They saw visible changes to the structures in between site visits. People were able to get in quite easily because it wasn't posted or properly gated and fences were being knocked down. The land has since been posted and some of the access points beefed up. Some things could still be done, such as adding lighting around Haselton Barn and the back entrance where some of the buildings are. The Town could issue a press release to let people know why they had to close the land off, i.e., the vandalism and damage to some of the facilities. Fences could be shored up. They would like the Police Department to hold a set of keys that would allow them access to the land and buildings around the clock. The Selectmen might want to consider hiring a part-time security consultant to make periodic site visits.

Another concern is deterioration to the structures from age and weathering. They are most concerned about the Haselton Barn, the former office building and the Railroad Station. Since he submitted something in writing, the Highway Department has boarded them up, but there is still concern with moisture building up inside. NRPC and VHB have made some recommendations of ways ventilation could be allowed to pass through to prevent the buildup of moisture, which could be looked into in more detail. Roof covers for the Railroad Station and the office building might be a good. Perhaps Highway could offer suggestions.

The third concern is for a better understanding of the condition of the Haselton Barn, the office building and the Railroad Station which have a lot of potential, but not knowing the cost for renovation and maintenance, they can't make a solid recommendation. Action is underway to address that concern and they would like support from the Selectmen to apply for a LCHIP (Land Community Heritage Investment Program) grant that provides funding for land conservation and protection of historic resources. An assessment of the three buildings will cost \$60,000-\$70,000. Half of the amount will be included in the grant. The Town has to come up with the other half, but half of that can be in-kind services. 25% has to be a cash match, or \$15,000-\$20,000 of Town money.

The next item is an opportunity to accomplish many tasks using volunteer help. They've had some very strong reaction from volunteers who would like to get involved in various projects, but they have to clarify the question of liability. They would like a statement from the Town Attorney on. They anticipate a need to hire someone to periodically plan and coordinate the numerous volunteer activities. Possibly, a volunteer in Town might want to take on that task, but it is a daunting undertaking.

Mr. Laffin suggested the establishment of a *Friends of the Benson's Project* group. There are many public land holdings and organizations around the State that have "Friends" groups, people who get organized to look out for a particular asset, such as the Benson property. These groups can become designated as 501C3 non-profit organizations, which gives them authority to raise funds.

The last concern is the inability of the Town to maintain the various parks, recreation lands and open space in Town. When you add in the Benson's property, it is a huge undertaking. A tremendous investment is being made in that property and the committee thinks the Town should think about establishing a Parks and Recreation Department that would be permanently available to maintain the resources that the Town has.

Chairman Seabury asked if they were looking for assistance in writing the grant. Mr. Laffin said that has already been started, but they will need help from the Selectmen when it comes to making the match. Chairman Seabury asked if the match would come out of the Benson fund. Mr. Sharon said yes, but they would have to request it from the Trustees of the Trust Funds. Selectman Jasper appreciates all of the work the committee has done, but objected to spending \$70,000 to assess the buildings. That money would go a long way in taking care of the immediate problems in the buildings. Mr. Provencher put a roof on the barn not too long before Benson's went out of business, but they need to take immediate action on roofing the train station and the elephant barn.

Mr. Laffin said NRPC estimates \$35,000 is needed to assess the barn and the remainder is for the other structures. He's reluctant to commit anything to the barn until he is convinced it is cost-effective to renovate and maintain it long term. Some old buildings can just suck them dry with long-term management. It's very important to get good information on the condition of the barn.

(Start Tape 1, Second Side)

Selectman Clegg agreed that the \$70,000 is a little steep for an assessment and would like to see them to get an estimate from someone who is in the business of old barn restoration to find out what it would cost for an estimate. He'd hate to hand \$70,000 to a consultant. Mr. Laffin said the estimate came indirectly from the National Park Service. NRPC has connections with professional historic preservations people. The committee can't really address the specifics, as it is coming from another source and they are just passing it on. Selectman Clegg said there has to be someone local that will look at it instead of going through NRPC, who goes through the Park Service, who then contacts someone else. There are at least two barn restoration companies in the State. He can attempt to get the names and they can be called directly. Mr. Laffin said these are concerns that are beyond the purview of the committee. They were charged with coming up with a concept plan. The Selectmen shouldn't be looking at him to justify the \$70,000.

He didn't know who would coordinate that; perhaps Mr. Sharon. Mr. Sharon said he would do what he could. Mr. Laffin said Kathy McKenna, Betsy Hahn and Gerry Coogan are working on the LCHIP grant application. Mr. Sharon said Mr. Coogan was hired to start chasing grants. Chairman Seabury asked what that would incorporate. Mr. Sharon thought it would have to be relatively specific, but could be more than just an assessment, depending on how it was written. Mr. Laffin said it is not going to include any structural renovations.

Selectman Charbonneau agreed they could contact other people who could take a look at this. If they could get that information as soon as possible, Paul could coordinate that whole thing because they only have until the end of November.

Selectman Jasper said in terms of the Haselton Barn, a grant would be more appropriate towards the actual restoration. It needs to be re-sided and to have an alarm system installed. It's a heavy timber barn that supported tons of farm produce and anything they would put in there would be much less than that. He is knowledgeable on restoration of barns because he has been involved with that within his own family. He thought the Haselton Barn should be vinyl sided for ease of maintenance. Selectman Charbonneau said if they do that, it will lose its historical value. They have to keep the same material on the outside, but can do whatever they want on the inside.

Selectman Clegg said the LCHIP program was going to be very competitive. They stand a better chance of getting money to restore the barn than for consulting. There's an expectation that a great amount of the award that the Legislature gave LCHIP will go towards the purchase of the International Paper Company in the North Country. Whatever money is left is going to be very competitive. Mr. Sharon said Gerry Coogan thinks there are some monies specific to barn renovation. Selectman Charbonneau said restoration of barns is only a \$3 million grant and difficult to get.

Selectman Jasper said the train station needs to be re-roofed immediately, a relatively simple job and there is plenty of time to do it before it gets any worse. The State did not tear everything off the elephant barn that they were supposed to and that also needs to be re-roofed. Of the two, however, the train station is more important. Selectman Charbonneau said Kevin Burns is going to be checking out the roof and Paul is checking with PSNH about getting lighting in where the historical buildings are. The shed on the elephant barn was so it could be used to store equipment. The Highway Department cleaned up the paint ball mess again and put up No Trespassing signs. Now that the Police have an ATV, they can patrol in there on weekends, which should cut down on vandalism quite a bit.

Chairman Seabury asked if the Board should take any action. Selectman Charbonneau said it was just a progress report and the committee was looking for the cooperation of the Selectmen along the way. Chairman Seabury said this was a great project and she was excited over it and the committee has a great deal of enthusiasm. Everyone seems pleased with the committee's work. Selectman Charbonneau said the HLN printed an information sheet for gratis and they received 22 responses from that. She was pleasantly surprised. If it is run again, they will probably get more feedback. She thanked the HLN for running it. Mr. Laffin said they are compiling all of the forms that were filled out at the October 2 workshop, including the ones in the HLN. Selectman Charbonneau said everyone has worked hard and Laurie Jasper has done a wonderful job on the Minutes.

**B. Application to the Selectmen for an Extension of Time under RSA 676:4 I (f) (Kimball Heights II Subdivision Plan)**

George Hall, Chairman of the Planning Board, and Richard Maddox, Vice-Chair, were present to request the Board of Selectmen, pursuant to RSA 676:4 I (f), grant an extension of time for a subdivision plan in Kimball Heights II. The Supreme Court Judge ruled that the plan was to be deemed accepted on August 21. However, since the Planning Board has only one meeting in November, and in view of the time needed for staff research, scheduling, posting notices, etc., and the Law Lecture series, etc., they cannot get everything done within the deadlines they have to meet. The plan was deferred to November 28, which is more than 30 days beyond the 65-day window in which they are required to make a decision. They are asking for the 90-day extension because of the number of items that require their review on the plan.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to grant the Hudson Planning Board a 90-day extension from October 24, 2001 to January 22, 2002 for final action on the Kimball Heights II subdivision plan, pursuant to RSA 676:4 I (f).

Selectman Jasper said he happened to be at the Planning Board meeting when this came up. He is not a fan of this subdivision, which he became acquainted with about a year ago. The layout was a cluster development and was able to use 100% of the 49 acres and come up with 46 lots. Having served on the Planning Board as a Selectmen's representative when the cluster concept was developed, he knew there needed to be a traditional layout. At that time, no one could find one and one had not been submitted. He doubts that you get 46 houses onto that lot. That's a concern the Planning Board has. It seemed from the outset that this subdivision, due to staff's recommendation, should have been acted on some time ago. Ultimately, they went to court and the Town lost. What he saw at the Planning Board meeting disturbed him. There were some concerns raised, but instead of getting all of the issues on a plan out in the open so they can all be addressed at the next meeting, it seems that only one concern per meeting is dealt with. He also witnessed that there were questions from other members on the Planning Board that the applicant was attempting to answer, but he wasn't allowed to. The process should be fair, whether or not they are happy with the plan. If everyone is treated the way that applicant was, that is a concern. Not many of them are thrilled to see more houses come into Town because they are a money loser and cause the taxes to go up. This Board has taken a position of being in favor of commercial and industrial growth in Town, and hopefully the process is somewhat different there. He hoped everyone has read the letter that the Ethics Committee wrote in regards to a complaint that recently came up because they addressed this issue. He encouraged everyone to read those remarks, including the Planning Board, and take them into consideration. His intent is not to bash the Planning Board, but to encourage the process to move along a little more

rapidly so all the issues were out at one time.

Mr. Hall said Selectman Jasper wasn't present at the numerous meetings with that applicant. At each meeting they were shown a different plan with a different number of lots. The Planning Board cannot go into detailed discussions on a plan that changes every week. He understood what Selectman Jasper was saying but in this particular case, and with its history, they can't get carried away with any particular plan until they receive an opinion from staff that it meets the Zoning Ordinance. Mr. Maddox said each Planning Board agenda is very full, and with the Law Lecture series, they are even more compressed. They knew this did not have the Zoning Administrator's opinion as to whether the number of lots would change, so to spend a lot of time on that plan didn't make sense because there were other people waiting to be heard.

Chairman Seabury said they should also tell about the shenanigans that went on with the lawyer that said he represented the Town, and he didn't. She didn't even know who he was. There is a lot to take into consideration that the Planning Board members have to go through. This was an extremely difficult plan. Selectman Jasper said he understood and was speaking, to some degree, in general terms because he has seen and has been part of situations where it appears that things get dragged on. That is why the agendas are so full. They have to deal with the agendas they have to deal with and they have a job that has to be done. He thought Mr. Hall said from August 21 to October 26, there was only one regular Planning Board meeting, that from the time of the court order until the expiration, there would be only one regular meeting. Mr. Hall said he didn't say that. By the time the court order was received, by the time the applicant submitted the package, by the time the notice period for noticing the abutters, there was only one meeting for them to get on in that 65-day window.

Selectman Clegg asked what the court order was. Mr. Hall said the applicant had been before the Planning Board during the period when they voted to change the zoning from one acre to two. The Planning Board had *not* accepted the application before prior to the posting of that zoning change. The applicant claimed that they were in the approval process and their plan should have been accepted before the notice was posted. They took it to court and the judge ruled that the plan should have been accepted before the posting of the zoning change and, therefore, should be reviewed under the Zoning Ordinance prior to the zoning change. Selectman Clegg asked what brought them to the point of having to ask for additional time. Mr. Hall explained that it had to be heard by the Planning Board within 65 days of August 21, the date arbitrarily picked by the judge, but because of notifications, posting requirements, etc., and the Law Lecture series, which they changed their schedule for. There is a four week period without any meetings. Mr. Maddox added that there are holidays in there, too, so they are meeting only once in November.

Chairman Seabury asked if the applicant can build whatever he wants to if the Selectmen don't grant an extension. Mr. Hall said the applicant could have requested the Selectmen to order the Planning Board to make a decision within 30 days, or the plan would be deemed accepted. Or, as they have done, the Planning Board could ask the Selectmen for an extension. Had they not done that, and the applicant had chosen to come before the Selectmen to ask for the 30-day window, and the Selectmen granted it, the Planning Board would not have met before the 30 days was up. Selectman Jasper said the law allows the Selectmen to grant an extension *up to* 90 days, but he is hesitant to do that because this case has already gone to court and he didn't know if there were any ramifications, without consulting their attorney. Mr. Sharon did not see the advantage of making it less than 90 days. He gave the Town Planner the green light to access the attorney, which she did. She communicated that this is the proper avenue to all of the appropriate parties.

Selectman Jasper said while it is nice to go to the Law Lecture series, to cancel board meetings, he can't support an extension. Regardless of how he feels about the development, to add an additional 90 days before rendering a decision on a case that has already gone to court isn't right. Chairman Seabury said the Planning Board and Zoning Board are made up of volunteers that don't have a lot of expertise. They attend the Law Lecture series because it educates them on issues that come before them. The committee members look forward to this because they gain a lot of insight. This plan has a lot of problems with many faces. She didn't want to say too much, but there is a major problem using open space from another project in order to get the houses in. They already granted the Town that open space and now they want to use it again. The Planning Board wants to be comfortable when they grant this because it's on a country road and there are difficulties driving, especially for emergency vehicles.

Mr. Maddox said with the schedule the way it was, and with the holidays, they didn't think two meetings would be enough time for them to hear the presentation and make adjustments. If the Planning Board asked for a 60-day extension, they would have to come back for an additional 30-day extension. Chairman Seabury said one of the Planning Board meetings is a workshop to get the zoning amendments ready. Selectman Charbonneau said if they extend for only 30 days, this project might go through. There is a lot to consider and there is a lot to be done on this. She hasn't seen the whole thing because she wasn't on the board at the time. The Planning Board wouldn't be asking for an extension if it wasn't necessary.

Selectman Jasper cautioned the Chairman about her statements. He has asked the question of the Planning Board and Sean Sullivan as to whether that 13 acres, which is dedicated as conservation land, was included in the 49 acres for the calculations, or if it was just to show open space. He has yet to get an answer. It appeared that it was just showing an open space because you can't use conservation land for a traditional layout. His big problem is that this goes up to 155 days that this project was subject to a court challenge, which they lost which is what he thought would happen. If the Planning Board can get in only one meeting in 65 days, the problem is with the process, not the plan. He will vote for the motion, but is not happy about it. He doesn't want to see the project approved, but he is uncomfortable with how it was handled.

Chairman Seabury said in all her years on the board, this has happened only twice. Selectman Jasper said generally the applicant grants the Planning Board an extension because they know that the Planning Board can always come to the Board of Selectmen to ask for a

90-day extension. That creates ill will, so people give the Planning Board the extension. Selectman Charbonneau asked Mr. Hall how many extensions have been granted since he has been on the Planning Board. Mr. Hall said in his seven years, none by the Selectmen. Selectman Jasper asked how many extensions the Planning Board asked applicants for that were granted by the applicant. Mr. Hall concurred with Selectman Jasper's argument.

Selectman Clegg said the timing doesn't start until the plan meets all the regulations. He understood Mr. Hall to say that the court determined the plan met all the regulations from some date 65 days ago. Mr. Hall said the judge said the plan was to be deemed accepted, but staff could not tell them if it met the density requirements. The judge did not say it met all the zoning requirements. Selectman Clegg asked who determined when the 65 days started. Mr. Hall said the Superior Court judge. August 21, 2001 is when they are to assume it was accepted. It took weeks for the applicant to come in with his packet of plans again, so they lost at least 30 days in that process. Selectman Clegg asked if when the judge made that decision, the Planning Board had plans before it, or on file. Mr. Hall said it was over a year old when they looked at it before. Staff was part time then and they had two or three part-timers. Current staff was not on board back then, so they didn't know what had been done. The Planning Board had seen no less than four other plans on that same project when they tried to get it approved under the two-acre zone.

Selectman Jasper said prior to the posting of the proposed changing from one to two-acre lots, staff made a recommendation to the Planning Board, saying the plat was ready for acceptance because all the appropriate waivers had been requested and everything was done. The Planning Board decided that, because of all of the outstanding issues, it wasn't ready for acceptance. His feels that as long as you've identified the problem areas and requested the waivers, it's ready for acceptance, but not approval. The Planning Board did not accept it because of those issues and that's where the judge said they had to accept it because staff said it was ready. He didn't necessarily agree with the decision rendered but, once it was, they had to go with it. Because of the paper trail, the court didn't really have any choice in the matter.

Vote in favor of granting the 90-day extension carried 3-1. Selectman Clegg voted in opposition. \_

(Start Tape 2, Side A)

### **Constitution Drive at Unicorn Park**

Chairman Seabury said this is a different issue, same engineer. Mr. Hall said he wanted to make some comments relative to this case that the Selectmen heard at their last meeting where the applicant for Unicorn Park discussed some of the stipulations the Planning Board placed on the plan, and then made a decision contrary to the Planning Board. In the future, he hoped the Planning Board would be given the opportunity to explain their reasoning before the Selectmen render a decision. It doesn't set a good precedent for two boards to oppose each other without being fully informed. In the past few years, the Selectmen and Planning Board have had a different philosophy regarding sidewalks. He understands that the Selectmen want to collect funds for sidewalks that the Planning Board deems may be necessary on existing Town roads in the frontage of a site or project that is being approved. He understands the rationale and the goal is admirable, and sidewalks may be needed in other places much more than where the Planning Board proposes them, but gathering money will probably never accomplish anything. Lowell Road, Route 102 and 111 near Thompson's Market, where sidewalks kind of end, are heavily traveled roads. Most of them have been widened to their limit, which limits the amount of right of way that's left for sidewalks. Established businesses like things the way they are. They would have to establish where the right of way is, so money will be spent on surveying. In some cases, there may not be enough right of way, so they will have to either take land or have easements for sloping. Those roads have heavy vertical granite curbing up against the sidewalk to keep cars from jumping the curb. The cost of the curb is about 1½ times the sidewalk and curbing creates drainage problems. With this project, they'll end up rebuilding the road. They are looking at a road reconstruction project and that's how most of the sidewalk projects have come about. When you have to spend money for all the other items other than sidewalks, you use up most of the money in survey work and land taking or easements, (which some people who donate the money may question that the money should be used for sidewalks, not surveying or land taking or drainage, etc.). If they are going to use the money for sidewalks, the Town has got to come up with more money from another source. If they wait to collect enough money to use only the contributions, they will be past the six years and subject to people asking for their money back. They probably don't need sidewalks in some of the places, but the alternative is getting nothing. On Greeley Street, they had a pretty good stretch from a developer to do two big sections of sidewalk. If they started 50 years ago on Lowell Road, they would probably be there now.

Selectman Jasper thought they still ought to make the effort and thought the off-site improvement contribution shouldn't be subject to the six year moratorium. They should be telling the developer to figure out what it's going to cost and make a contribution so the work can be done someplace later. If he says he is going to put in the sidewalks there, that is his prerogative. The developer would spend the money either on that project or someplace else. The intent of his motion was for the Planning Board to *ask*. Mr. Hall said the only thing that goes away is the six years. Selectman Jasper understood, but they are eventually going to be in a situation where they do all those sections of road. Hopefully, they will get in the mode where they are doing more sections of road and that will give them additional funding. He didn't see any purpose of sidewalks, with grass strips, on roads with virtually no traffic on them, but that is a recommendation that the Planning Board doesn't have to pay any attention to. They just don't want them out in front of the Police Station. Mr. Hall said he wasn't talking about this specific case. Selectman Jasper said the Planning Board is building the streets, but he would rather have money available to do something else that would have a higher and better use, even though they are going to have to use more money. At least it gives them something to start with and it's not all coming from the taxpayer.

Mr. Maddox asked the Board to reconsider the vote they took regarding Unicorn Park. He'd like the Selectmen to invite the Planning

Board in so they can hear the other side. The Selectmen should have been aware of some things before they made the recommendation regarding sidewalks and underground utilities. He hoped all three parties could get together to work out the issues. Mr. Sharon said the presumption is that somehow the developer steered the vote when, in fact, one of the contributing factors was a recommendation by a staff member. Mr. Maddox said he went back to the original Unicorn records, when it started in 1999 with the Town Engineer, which talked about road widths, sidewalks and other issues. He's not saying the Board made the wrong decision; he just wants the Planning Board to be a part of the process. Selectman Jasper said that's a fair request. They could do a better job of communicating internally, at least to Sean Sullivan, who could communicate that it's on the agenda. The agenda is posted and anyone can come, but internal communications could, and should, be better.

Mr. Hall knows the Selectmen's agendas are posted. The Planning Board agendas are posted, too, but that's not the point. The Planning Board did not know ahead of time that the Selectmen would make a motion contrary to a decision the Planning Board had made. The Selectmen should have checked with the Planning Board prior to making a decision. Selectman Jasper said the Selectmen have told the Planning Board, essentially, to keep their hands off the Selectmen's roads. If the Planning Board wants to do something with the roads, they should come to the Selectmen first because they are the Selectmen's roads, once they are accepted. He gets a little testy when he sees the Planning Board has done something to have a developer change something on an accepted road. What the Selectmen did, in this case, was the Planning Board's fault because they didn't come to the Selectmen first. Mr. Maddox said the Planning Board wasn't informed that that stretch was a Town road. Mr. Hall said the decision the Planning Board made on that road was prior to the message sent to the Planning Board not to do that again. Selectmen Jasper said that must have been a year ago. Mr. Maddox said that approval was February 25, 2000. Mr. Hall said they got the message loud and clear that staff needs to be informed that a plan should not be deemed as accepted by staff that shows improvements to an existing Town road. The 65-day clock starts once staff deems the plan is ready for acceptance. The whole system needs to be made better. They'd like to see Town roads taken care of and it's easy to agree to something that in a good idea.

Selectman Clegg didn't have a problem with the Planning Board coming back in, with the other party, to see if they can convince the Selectmen to change their mind. Selectman Jasper said the only two issues for discussion would be underground utilities and sidewalks. Mr. Maddox thought there was another item. Selectman Jasper said the Board agreed to widen the road to 36'. He would not change his mind regarding underground utilities. Chairman Seabury said this would go on the next Selectmen's agenda, the 13<sup>th</sup>.

(Start Tape 2, Second Side)

**C. 1996 Harley Davidson Police Motorcycle Bid**

Chief Gendron said the Finance Director forwarded a memo to the Board, recommending the bike be sold to the highest bidder. Selectman Jasper asked why they were trading it in as it had low mileage and was in good condition. Chief Gendron said they get more money back if they don't go over five years. This is the right time to sell the bike to get the best return on it. Selectman Clegg wanted to see a stipulation added that the high bid should be paid within 10 days.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to award the bid to Dillavou Brothers in the amount of \$12,150 with the acceptance being valid up to 10 days carried unanimously.*

**D. Gas Tank at Town Hall**

Chief Gendron said last week the alarm was activated at the gas pump at Town Hall. The double-walled tank is leaking from a crack in the inner tank, and is contained within the outside wall. It doesn't appear to be leaking in the ground, but they are not sure. M B Maintenance advised immediate removal of the tank, pursuant to Federal regulations. The warranty covers only the outer tank. They drew up a proposal in the amount of \$21,750 which covers pumping out the gasoline. Chairman Seabury asked if the insurance would cover this. Mr. Sharon didn't think so. Selectman Clegg wondered if State funds were available. Selectman Charbonneau said there are, but only for removal of the contaminated soil around the tank. Chief Gendron said they won't know for sure until the tank is removed. In the meantime, they can use the Highway Garage, or a local gas station. Chairman Seabury said this will come out of Contingency.

*Motion by Selectman Charbonneau, seconded by Selectman Clegg, to contract with M B Maintenance to remove the old gas tank and replace it with a new one in an amount not to exceed \$21,750 which is to be taken from Contingency carried unanimously.*

**E. Request to Purchase a 2002 FLHPI Police Package Motorcycle**

Chief Gendron said they received bids from Lebanon Harley and from Heritage, which he outlined.

*Motion by Selectman Jasper, seconded by Selectman Clegg, to award the bid to Heritage in the amount of \$14,400 carried unanimously.*

**F. Field Development Proposal by Hudson United Soccer Club (This item was taken up at the beginning of the meeting.)**

Chairman Seabury called for a brief recess at 9:20 p.m. The meeting resumed at 9:30 p.m.

**G. Sewer Hookup Enforcement**

- 1) **60 Melendy Road**
- 2) **2 Gordon Street**

*Motion by Selectman Jasper, seconded by Selectman Clegg, to grant the extensions for 60 Melendy Road and 2 Gordon Street until May 1, 2002 as outlined by the Sewer Utility Committee and directs that the Sewer Utility Clerk follow through with the recommendations carried unanimously.*

**H. Public Hearing/Street Acceptance—Hummingbird Lane**

Chairman Seabury opened the Public Hearing at 9:33 p.m. and asked if anyone wished to speak. There was no response, so she closed the hearing.

*Motion by Selectman Clegg, seconded by Selectman Charbonneau, to accept Hummingbird Lane as a Town Street.*

Selectman Jasper said the Selectmen have the power to name streets in Town and there are an awful lot of streets. As soon as the Planning Board approves subdivisions, before the Fire Department gives out addresses, the Selectmen should review the names because they may wish to change them. Mr. Sharon said the Selectmen have the power to re-name streets, too. Selectman Jasper said it's too late at the time of street acceptance. Everyone has their addresses and they are already living in the houses, so he wouldn't want to do it then. Community Development Director Sean Sullivan said at the time of submittal to the Planning Board, the planner would be charged with the duty of submitting a name of the roadway to the Board of Selectmen. The name could change during the process. Selectman Jasper said he was suggesting after the approval of the subdivision, but before construction begins. Mr. Sullivan didn't think that would be a problem for them to make it a policy that once the Planning Board has approved a subdivision plan, to forward the proposed street names to the Board of Selectmen for approval.

*Vote: Motion carried unanimously.*

**I. Various Fire Department Items**

1) **Litchfield Dispatch Fees**

Chief Frank Carpentino handed out updated dispatch fee numbers, which he and the Selectmen reviewed. The Fire Department staff was proposing that the Town eliminate the annual fee of \$2,500 and replace it with a fee of \$55 per call and that the Town enter into a three or five year contract with Litchfield instead of an open-ended contract. The new rate would bring both departments to the same level. It would also mean that Litchfield would be paying towards the operational costs.

Selectman Jasper said Litchfield isn't presently paying enough, but if they go elsewhere because of the great rate hike, Hudson will no longer have any income from Litchfield, yet Hudson's costs would not go down at all, so they would end up on the losing end. He assumed, of the figures provided, some number was ambulance calls. Chief Carpentino said probably the majority are ambulance calls. Selectman Jasper said that's where the Town does well financially and asked what an average ambulance run to Litchfield would be. Chief Carpentino guessed that it would be about \$200. Selectman Jasper said if they take their dispatch someplace else, and Hudson is still going to provide them with ambulance service, they are still going to be dispatching the ambulance, but somebody else is going to dispatch their engine to go to the same call. They ought to look at this very carefully and try to negotiate with Litchfield a number that is fair. If they take both their dispatch and ambulance service someplace else, Hudson will lose thousands of dollars. There has got to be a happy medium.

Mr. Sharon asked if it was good business to be holding out dispatch as a loss leader just to maintain the EMS calls to Litchfield. Selectman Jasper said any income is a good deal if your costs are the same. However, \$2,500 is not reasonable. Mr. Sharon said they haven't gotten reasonable numbers out of Litchfield. Selectman Jasper said while that may be true, that shouldn't preclude them from trying to negotiate a fair price. They should check to see what other communities do when they provide dispatch service.

Selectman Clegg asked if the Chief could give them a breakdown of the calls to know the billing versus the actual cost to the Town. Chief Carpentino said the Town has an outside billing agency, which goes directly to Finance. Selectman Clegg asked if the Finance Director would be able to break down what the Town's costs were and Litchfield's. Chief Carpentino said yes. Selectman Clegg asked the Chief for the breakdown of fire and EMS calls and they could ask Mr. Malizia for the ambulance costs. Mr. Sharon asked if the preponderance of calls in Hudson were for EMS, too. Chief Carpentino estimated 45-55, fire to EMS calls. Mr. Sharon asked if it was higher in Litchfield. Chief Carpentino said they are probably 50-50 but he doesn't pay attention whether it's Hudson or Litchfield. When the tone goes out, it's just another call. If they call as Mutual Aid, Hudson responds. Selectman Clegg asked if when the Town dispatches an ambulance if they send an engine, too. Chief Carpentino said no, Litchfield's crews are dispatched.

Chairman Seabury said this item is deferred, pending further information.

- 2) **Fire Alarm Box Donation Request** This item was withdrawn, at the request of Chief Carpentino.



3) **Forestry Truck**

Chief Carpentino said last year, Town Meeting approved replacing a Jeep International 1967 forestry vehicle. They were informed by the person who does the maintenance that the parts were no longer available for it. The new vehicle has come in and has been put into service, so the Town has two new forestry vehicles. The third vehicle is currently in storage at the Robinson Road station. At one time, a forestry vehicle was assigned to each station. As long as they have a third vehicle, it would be much better to have a vehicle at each of the three stations for the three districts. In evaluating all of the options, they will get more money keeping it and using it until it's no longer usable than sending it to Town auction. It's a matter of providing an equal level of service to all three districts. His recommendation was to keep the vehicle until it dies.

Selectman Jasper said he wasn't going to vote on this because it directly affects him, but about eight years ago, they had three forestry trucks. The powers that be at the time decided they needed to have a utility truck in the winter, so they took the forestry apparatus out of one of the trucks and never put it back in service, leaving one district without a forestry truck. Chief Carpentino said this was before them because he didn't want anyone to say they tried to pull the wool over someone's eyes and went through the back door into the organization.

*Motion by Selectman Clegg, seconded by Selectman Charbonneau, to keep the third truck carried 3-0.* Selectman Jasper abstained.

J. **Donation to the Recreation Department**

Chairman Seabury said the Southern New Hampshire Radio Control Club donated \$300 to the Recreation Department in appreciation for using the landfill site for their hobby.

*Motion by Selectman Charbonneau, seconded by Selectman Jasper, to accept the \$300 donation, with thanks, carried unanimously.*

K. **Community Development Department Items**

1) **Route 102/West Road/Robinson Road Intersection Improvements**

Sean Sullivan, Director of Community Development, was recognized and said on the 16<sup>th</sup>, a meeting was held at Town Hall that included the Executive Councilor Colantuono and Commissioner Carol Murray of NHDOT regarding the 10-Year Plan. The Town received a letter from Commissioner Murray, relative to the Robinson Road/West Road/102 intersection, committing to moving that project up from 2010 to 2004-2005, contingent on the Town committing 1/3 of the cost share, or \$316,667 from the CAP fee accounts. There is approximately \$1,495,123 in that account. Portions of those funds have been committed to various projects, but enough funds are available for this project. Selectman Jasper asked if there was \$316,667 of uncommitted money within the 102 account. Mr. Sullivan thought so, but would have to confirm that with the Finance Director. Mr. Sharon said that was his understanding, as well.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, that the Board of Selectmen allocate the \$316,667 for the improvements to the Route 102/West Road/Robinson Road intersection, with the understanding that that money is available in the Route 102 CAP Fee Account carried unanimously.*

Mr. Sharon said the informal indication is that the bids for Lowell Road came in significantly less than estimated, so the Town will end up saving some of the corridor account monies.

2) **Dame and Ducharme Wells Safe Yield Study (Weston & Sampson)**

Sean Sullivan said this request was to seek authorization to expend \$13,000 to complete Articles 2.4 and 2.5 of the contract, which would allow the data regarding water quality that was collected during the last six months to be analyzed and will complete the second phase of the study. There is a \$15,000 grant that has been approved toward the total cost of \$28,000. The net cost to the Town is \$13,000. Mr. Sharon said this was to finish up the study relative to the claims that Hudson was drawing down their pond. The initial study indicated that Hudson's safe yield would be adequate for the short term, as far as their supply without having an effect on Darrah Pond. Selectman Jasper asked if this was a budgeted item. Mr. Sharon said money is available in the Water Utility.

*Motion by Selectman Charbonneau, seconded by Selectman Clegg, to authorize the expenditure of \$13,000 to complete the contract with Weston & Sampson carried unanimously.*

7. **OTHER BUSINESS**

A. **Reservists that have been called up for Duty**

*Motion by Selectman Clegg, seconded by Selectman Charbonneau, that regarding the reservists, the Town make up the difference between the pay they are receiving from the military and the pay they would have received by the Town and continue to pay for their*

health benefits carried unanimously.

Mr. Sharon said questions were raised relative to what happens with their retirement systems. They will continue to earn service, in terms of years of service, but because they are not collecting a paycheck, they are essentially on leaves of absence from the Town. They make no contributions during that time of absence, nor will the Town make contributions. They still get their service credits as a built-in bonus. Selectman Clegg said they don't lose anything in their final retirement because this is based on their years.

Selectman Jasper asked if there were any other questions, such as the health benefits. Mr. Sharon said they've committed to making up the difference. There are other questions, like the effect on probationary employees. His understanding is that once they come back, they pick up where they started. If they are gone for the entire five years that the law provides that they have re-employment rights for and, in that five year period other probationary employees advanced, they still start as probationary employees, but the Town has an obligation to try and accelerate the returning employee to get him or her to where they would be. Selectman Clegg said employees also retain their seniority rights. Mr. Sharon said they do, but someone on probation has no seniority. Selectman Clegg said once they go through probation, they would end up with five years seniority, if they were gone for five years. Mr. Sharon said yes, for five years on their retirement plan.

**B. Grant Writer**

Selectman Jasper asked for a status report at a future meeting as to what grants have been applied for and what grants are in the pipeline. The idea was that if someone did this on a part-time basis, there has got to be some payback on it. As they are moving into the budget season, they can see what they want to do for next year. Mr. Sharon said he gives Sean Sullivan and Gerry Coogan the same pitch, but there is a germination period. Mr. Coogan does submit internal updates monthly. Selectman Jasper said when something like that comes in, the Selectmen should see it. (Mr. Sullivan's remarks were not discernable.)

**C. GIS**

Selectman Jasper said they haven't heard much lately about GIS. There had been a problem some time ago with the contract. Mr. Sharon said a meeting is scheduled for next Monday. (Mr. Sullivan's remarks were not discernable.) Selectman Jasper asked for an update on that for the budget. Mr. Sharon agreed.

**D. Pending Legal Cases**

Selectman Jasper asked for an update on pending legal cases. It would be good to bring Selectman Clegg up to speed on them, but they could all use a refresher. Mr. Sharon said he'd get that from both of the attorneys. Selectman Jasper said he's particularly interested in the Meadows.

**E. Dedication of 2001 Annual Report**

Chairman Seabury said Paul was the Town's representative in Nashua when Elizabeth Kovalcin was recognized. She is the widow of David Kovalcin, who was aboard one of the planes that crashed into the World Trade Towers on September 11. He recommended the Town Report be dedicated to him.

Motion by Selectman Jasper, seconded by Selectmen Clegg and Charbonneau simultaneously, to dedicate the 2001 Annual Report to David Kovalcin carried unanimously.

(Start Tape 3, Side A)

**F. Annual Town Auction**

Chairman Seabury thought that next year, more advance notice and better advertising is needed.

**G. Replacement Excavator in the Highway Department (Budget Process)**

Chairman Seabury said she wasn't sure how they were going to deal with this issue, so she asked for some discussion. The Budget Committee has decided that expenditures over \$50,000 cannot go into the budget; they have to go on the warrant. The Road Agent needs a replacement excavator. She is worried that if that goes on the warrant, it will get voted down because, due to the new school, the tax rate is very high. When the CIP was formed, they came up with a figure of \$50,000 but that was a long time ago and times have changed. Back then, an excavator probably cost \$40,000 but today, the cost is double that. She wondered how they could encourage the Budget Committee to let them put this item in the budget.

Selectman Jasper has a problem with the Budget Committee doing that because, previously, when it was replacement equipment, it didn't need to be in warrant article form. The Selectmen really does set policy. The Budget Committee can vote not to recommend, but they aren't being consistent and it is not fair. There is no indication the voters are unhappy with the replacement policy position because it is consistent and reasonable. The Selectmen can probably argue this before the Budget Committee, and hopefully, they will change their minds, based on what they have done in the past. It's a position the Selectmen, as leaders of the Town, need to take to the

Deliberative Session of Town Meeting—but he hoped it wouldn't come to that. He hoped the Budget Committee would reconsider. Mr. Clegg said the Selectmen should request a meeting with the Budget Committee to clear up any misunderstanding or come to a reasonable agreement.

Budget Committee Chairman Howard Dilworth, Jr. said he wanted the committee to decide the issue prior to budget deliberations so that the discussion would be on whether the piece of equipment was a good thing to buy or not, and not the method by which it had been brought forward. There had been a tremendous disagreement over how that had been brought forward several years ago when they talked about dump trucks. The \$50,000 number originally came from the Capital Improvement Plan, which defines a capital improvement as an item that has a life range of more than five years and costs more than \$50,000. He asked if the committee thought \$50,000 was still a valid number, or if they wanted to change it. For the time being, that discussion is under advisement. He looked at several issues that has come before the committee in the past several years. The School's philosophy is if it's more than \$50,000 it goes to warrant, and new positions. All of the contention over the past several years seems to come from this Board. There was the dump trucks, the Assistant Fire Chief's position that did not go to warrant, and a few other similar things. There is an attempt to try and improve the process to make it flow better. While the method that the item is brought forward is important for the purpose of discussion, the real issue is whether or not they go out and sell things. There has been a rather lackluster effort to sell things on this side of the house, as opposed to the schools. They've all supported Mr. Michaud, but little has been done to convey the need for that position and a few other things that have come forward.

Selectman Clegg asked if that meant the Budget Committee still hasn't fully determined if they are going to allow replacement equipment over \$50,000 to stay in the budget. Mr. Dilworth said if it is put into the budget, it would probably be removed. Police cruisers, which are bought every year, are looked upon as being a consumable item because they are basically used up within a two-year period and they replace about half of the fleet every year. Selectman Jasper said probably the most common complaint they get in March is that the ballot is too long. Selectman Charbonneau agreed. Selectman Jasper said people have accepted the fact that if they have a program, they need to keep it going. The Budget Committee has gone into an area that they shouldn't. There is no directive from Town Meeting. They can hang their hats on raises and new positions because that's a directive of Town Meeting, affirmed by the voters. To change their established position because they don't think the Selectmen have been working hard enough goes well beyond the scope of the Budget Committee's charge, which is to analyze the expenditures of the Town and make a determination whether those are reasonable. Beyond the things they have been directed to put in to warrant article form by the voters, and those items that are statutorily required, the Budget Committee is being unreasonable in this case. He views this as a political move because there is no precedent and no directive from the voters. There is a desire on the part of the body politic in Town to reduce the number of warrant articles. If it was a new piece of equipment, he could understand the Budget Committee saying this isn't where it belongs, but that really isn't the Budget Committee's job.

Selectman Clegg asked if there was anything that says they have to adhere to what the CIP decides. Selectman Jasper said CIP doesn't say that it needs to be in warrant article form; it's a capital project that needs to be submitted to them for recommendation in the CIP. It doesn't say that those elements then need to go to warrant. Selectman Clegg asked if there is something that mandates the Budget Committee to turn over an \$80,000 piece of equipment to the CIP for their approval. Selectman Jasper said no. Selectman Clegg asked if the Budget Committee just formulated its own new rule. Selectman Jasper said that was correct. Selectman Clegg asked by what authority the Budget Committee could do that. Mr. Dilworth said this has been a written policy of the committee for four or five years but, for the last several years, the committee has chosen not to follow it. The committee has the ability to ask for what means it wishes the budget to be brought forward. Part of that is to inform the electorate on financial affairs. The committee decided to reaffirm their existing position. The committee makes this request that what has been accepted as a capital expensed item, because it's in excess of \$50,000, be submitted as a warrant article.

Selectman Clegg asked by whom it is accepted that it's a capital item and the statutory reference that allows the Budget Committee to adopt rules that they use as law. He'd also like a copy of the Budget Committee's rules. Mr. Dilworth said he will supply that information. This is an attempt to develop a standardization for how they do things which, in the past, has not always been done.

Selectman Jasper said the Budget Committee's rule isn't law and doesn't grant them that authority and they play a lot looser with the School District. Their rules are pretty fast and loose. The Selectmen are doing a much better job of keeping their overall budget in check. The Budget Committee has looked at the form instead of the substance. The proof is in the tax rate. The law gives the Budget Committee the ability to tell the Selectmen when and how to submit the budget. The interpretation that he has always worked under is that the form is broken down into categories, supplies, gasoline by department and see three previous years of actuals. That's the form the law talks about.

Mr. Dilworth said shenanigans were played in several towns when SB-2 was adopted and that's why they have the language they now have for the Budget article. There is a strong attempt to come in with some degree of standardization so that big ticket items can be looked at and evaluated. While it is good to talk about the tax rate, which is very important, that is why the committee now works from that perspective and not just the appropriations page alone. Last year, the way the Conservation easement was brought forward, Lowell Road project didn't have any backup material with it, Burns Hill Road that warrant article a number of years back which lapsed this year because no action was taken. This is not a good way to run an airline and they need to work better at this. Selectman Jasper said those were poor examples. Selectman Charbonneau said Kevin Burns runs a fantastic Public Works Department. The Town has saved a lot of money in just the new, larger trucks alone. This replacement item should be included in the budget.

Chairman Seabury said she is pro-school, but they set the tax rate this year for \$25.41, up 10%. The County went up 12 cents, the

Town went up 10 cents, or a 1.4% increase and the School increased by 15.5%. The Selectmen don't try to hide things in the budget. They do a good job for the community and if they have to have an excavator truck, they have to buy it. If the Selectmen put this in the budget, she feels the Budget Committee will whip it right back out. Mr. Dilworth said if this Board wants to come before the committee and plead their case, he will entertain that. He thinks all of the committee is in favor of the piece of equipment, anyway. Chairman Seabury said the next Budget Committee meeting is November 15. She asked Priscilla to remind the Selectmen when it gets closer to the date.

**H. Purchasing Policy over \$25,000**

Selectman Jasper said he brought this up when he first became a Selectman, and a number of other issues he had questions about in the Code, and shame on him for forgetting it. He found that the Board wasn't in compliance with 98-5 when he was going through the Code the other day. It says, "Selectmen action is required on purchases over \$25,000. A majority vote of the Board of Selectmen members in attendance at a duly advertised meeting is required to approve any purchase of \$25,000 or more." The gray area may be a contract or an obligation that they have. The Selectmen have been signing for police cruisers, trucks, etc. upstairs in the manifest. They need to sign off on large, \$25,000 or more single item purchases in an open meeting, or change the Code. Mr. Sharon said he and Steve talked about this and they can't remember a time when that didn't occur. Waste Water Treatment Plant payments are a contract with Nashua that generates a specific amount every month, depending on the flow. It's not a separate purchase every month. The other ones that fall into that same general category are the contract with Pennichuck for operating the water system, the contract with BFI for trash pickup where they have consistent monthly expenditures that are in excess of that, but they are contracted for and publicly done and publicly approved by the Selectmen.

Selectman Jasper said they might make the argument that the beginning of a contract should be done in public, but police cruisers aren't brought to a Board meeting. Mr. Sharon said but they are approved by the Selectmen at the time they are contracted for. He and Steve couldn't think of anything that hasn't been pre-approved. Chairman Seabury said now that that has brought this to her attention, she will keep her eye on it. Selectman Jasper said contracts aren't an issue. Mr. Sharon said insurance is another one. Selectman Jasper said that could be a gray area. Mr. Sharon said to let him know if he can think of one where the procedure wasn't followed.

**I. Deliberative Session of Town Meeting 2002**

Chairman Seabury said the School District has set their meeting for February 2.

*Motion by Selectman Clegg, seconded by Selectman Charbonneau, to set the deliberative session of Town Meeting for February 9, 2002 at 9:00 a.m. carried unanimously.*

**J. Public Hearing on Wireless Communication Towers**

Chairman Seabury said on October 30 there will be a public hearing at Town Hall on wireless communication towers. Nextel, and possibly others, will make a presentation to the Board.

**K. Amended Liaison List**

Chairman Seabury said she reshuffled some people for liaison assignments. Selectman Clegg will take over the Highway Department and LEPC, but she will keep Solid Waste. Selectman Stewart had a conflict with two boards on Thursdays, so Chairman Seabury assigned Selectman Clegg to the Sewer Utility. She hoped Selectman Jasper would help out with the Budget Committee because of his wonderful way with words and great background. Selectman Jasper said he would be glad to take back that assignment. At the time he resigned, he did not feel he could represent the majority of the Board. However, Selectman Charbonneau is the Alternate. Selectman Charbonneau didn't mind if Selectman Jasper took over. Chairman Seabury asked if he would cover when Selectman Stewart can't. Selectman Jasper said that's probably the case, but with her husband being on the School Board, it might be better if he covered the schools, like he did when Selectman Seabury was the liaison.

*Motion by Selectman Charbonneau, seconded by Selectman Clegg, that Selectman Jasper is the Alternate for the Budget Committee carried unanimously.*

**L. Web-Site**

Mr. Sharon said Ed Badger deserves a lot of credit for the work he has been doing for a long time now on the Town's state-of-the-art Web Site, which was voted Site of the Week by NH.com. Chairman Seabury said that is wonderful. He does a good job and he is a volunteer.

**M. Public Input Request re Pooper Scooper Law**

Selectman Jasper suggested that this be forwarded to the Animal Control Division for Jana to take a look at. She may be aware of what is done in other communities and what the Town's options are. Ordinances like this aren't terribly enforceable, but it may be good to have something on the books in case someone is doing this on a regular basis. He thought they could ask the Town Administrator to send this issue over to Jana, with a request for her recommendation back to the Board.

(Start of Tape 4, Side A)

**N. Trick or Treat**

Because of the terrorists' activities, there is some concern, on a National level, about not having Trick or Treat this year. The Selectmen didn't think there were any terrorists in Hudson.

**8. ACCEPTANCE OF MINUTES**

**Minutes of the Selectmen's Meeting of October 8, 2001**

*Motion by Selectman Clegg, seconded by Selectman Jasper, to accept, as presented, and refer to file carried unanimously.*

**9. COMMITTEE ANNOUNCEMENTS**

10/25 7:30 ZBA in CD Meeting Room  
10/30 7:30 Public Hearing on Communications Towers at Town Hall  
10/31 6:00 – 8:00 Trick or Treat  
10/31-11/2 NHMA Conference & Exposition in Manchester  
11/2-3 Department Heads' Budget Presentations  
11/5 6:30 School Board in BOS Mtg. Rm.  
11/5 7:00 Friends of Hudson's Natural Resources  
11/7 Law Lecture Series in Manchester  
11/8 6:30 Recreation Committee @ Rec Center  
11/8 7:00 Sewer Utility Committee in BOS Mtg. Rm.  
11/8 7:30 ZBA in CD Meeting Room  
11/12 Veterans' Day Holiday—Town Hall Closed  
11/13 First Day to accept Petitions to amend the Zoning Ordinance  
11/13 7:30 BOS in BOS Mtg. Rm.  
11/14 Law Lecture Series in Manchester  
11/15 7:30 Budget Committee in CD Mtg. Rm.  
11/19 7:00 Budget Committee in CD Mtg. Rm.  
11/19 7:30 Conservation Commission in BOS Mtg. Rm.  
11/20 7:00 Budget Committee in CD Mtg. Rm.  
11/22-23 Thanksgiving Holiday—Town Hall Closed  
11/26 6:30 School Board in BOS Mtg. Rm.  
11/27 7:30 BOS in BOS Mtg. Rm.  
11/28 7:00 Planning Board in CD Mtg. Rm.  
11/29 7:30 ZBA in CD Mtg. Rm.

There were no changes or additions to the listing.

**10. LIAISON REPORTS**

**Selectman Bob Clegg** said he attended an LEPC meeting today and needs to get a copy of the "blue book" so he will know what the Selectmen's duties are. (Mr. Sharon has a copy he can use.) They discussed emergency shelters in case of bad snow storms, etc. It was one of the best attended meetings in a long time, with a representative of every department there—and the cookies were good.

**Selectman Rhona Charbonneau** said she spoke with Chief Carpentino today. She also spoke with the Recreation Director relative to applying for grants for next year.

**Chairman Ann Seabury** said she went to a Library meeting last night and they came up with a wonderful idea for the building on Ferry Street. The Friends of the Library proposed to open that building one Sunday afternoon a month, patterned after Barnes and Noble. They will serve coffee and refreshments and people can browse through and buy books. If anyone has any books they no longer want, they can drop them off at the Library. She is so excited about this, she can hardly wait for the first Sunday opening. She attended a parameter setting meeting on Friday night and thought Bill Wardwell was going to have a heart attack. Yesterday, they attended another session. Mr. Sharon said they will get back to the Board with a tighter, costed-out recommendation. He hoped to meet with the Board Friday night before the budget meeting. They will proceed with meeting with the union to get the ground rules out of the way.

**11. REMARKS BY THE SELECTMEN**

**Selectman Charbonneau** wished everyone a happy and safe Halloween.

**12.           NONPUBLIC SESSION**

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to enter Nonpublic Session under RSA 91-A:3 II (a) Personnel Issues; (b) Hiring of a public employee; (c) Pending negotiations carried 4-0 by roll call vote.

-  
Nonpublic Session was entered into at 11:00 p.m. and was terminated at 11:55 p.m.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to hire Robert Sousa as the Code Enforcement Officer in the Community Development Department, effective November 13, 2001 at Grade 16, Step 1 @ \$35,851 in accordance with the Administrative and Support union contract carried unanimously.

**13.           ADJOURNMENT**

Motion to adjourn at 12:00 Midnight by Selectman Clegg, seconded by Selectman Charbonneau, 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**