

Hudson, NH Board of Selectmen Minutes of the June 26, 2001 Meeting

Attorney-Client session from 7:00 p.m. – 7:35 p.m.

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:38 p.m.
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2. **PLEDGE OF ALLEGIANCE** was led by Selectman Ann Seabury
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3. **ATTENDANCE**

Selectmen: E. Lorraine Madison, Rhona Charbonneau (arrived 8:30 p.m.), Shawn N. Jasper & Ann Seabury. (Selectman Stewart was out of Town.)

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Steve Malizia, Finance Director; Richard Gendron, Chief of Police; Police Captain Ray Mello; Howard Dilworth, Jr., Terry McLlarky; about half a dozen spectators; Len, HLN; Ann, TEL; Sue, SUN

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4. **PUBLIC INPUT**

Fred Deppe, 4 Cedar Street & Mike Juliano, 12 Sandlewood Drive re Youth Soccer. -- Mr. Deppe said this was a new youth soccer group in Town, the United Soccer Club. They want to work with the Rec Department and have already met with Dave Yates and the schools. Mr. Juliano said he's lived in Hudson for 10 years with his wife and two children. Last year, he was elected president of the Hudson United Soccer Club, which has a membership of 150. Ages are 8 to 17. They currently have nine teams in the club and they fall under NH Soccer Association, which has over 12,000 members State-wide. NHHS falls under the US Youth Soccer Association and the United States Soccer Federation and they guide NHSA in showing clubs how to teach kids the game of soccer. There is a methodology to showing kids the right way to play soccer. It makes the game fun so they don't lose interest. This group has a higher involvement than the Town's Rec programs. They'd like to coordinate and work with the Rec Department, and have already started talks with Dave Yates, to come together as a group to make soccer a total program. There are over 600 kids involved in the Rec program and their program has over 130 members. They show the Rec kids the right techniques of soccer and, if they choose to stay at the Rec level, they can. If they choose to get more competitive, they can join the travel league. From there, there is an Olympic development program. There are a number of tournaments that occur. On most of the holidays, they will have three-day tournaments that a lot of the area clubs participate in. They are not only showing the kids the skill of soccer, they are also showing them life skills. All of the coaches are licensed through NHSA and they teach the kids teamwork, sportsmanship, and respect in defeat and success. The one thing they don't have is a home soccer field. They are currently playing in Merrimack at Nashua Corp. They have to travel away from Hudson for their home games, which doesn't set the right tone. It hurts the morale of the teams. Other teams ask why, as a Hudson team, they don't play in Hudson. They have approached the school about fields, but there is just no room. If half their teams are home, on any given Saturday-Sunday weekend, they play six or seven hours, which is the amount of time they are asking for field space. They are a travel league, so they have been to other towns. It's a nice feeling when you walk on the field and it's the home town crowd. There is a sense of ownership and it's a morale-builder. The townspeople can come and watch the games and it makes the kids feel good about what they are doing. Their goal is to find a field they can call home and not have to travel 30 minutes to play soccer. They need the Board's help to accomplish that. If there is anything they can do to help with that effort, they are willing to do so. He wanted to know what they can do to make things better, not only for soccer, but for other athletic groups in Town to share the field space and make it usable by everyone. It's a benefit for the youth, it keeps kids involved in sports, and it gives them something to do. He has played soccer for many years and now it's his turn to show kids what he has learned and the values it set for him.

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Chairman Madison said soccer is big in her family, with two granddaughters and a daughter who plays for Seacoast United. There are not a lot of fields in Hudson, but the Selectmen will do what they can to help. They are even short on field with the Recreation programs. Mr. Juliano said Seacoast United is a model organization that is often used as an example of what can be done or how something should be done. They don't need a great deal of space for a soccer field, and it's not detrimental to the environment. It's a thing of beauty. When you see kids on a field, laughing and having a great time, that says it all.

Mr. Deppe said they have a group of volunteers who will do most of the legwork. They will work with the schools, the Town, the Rec Department, private developers and partnerships. Hopefully, at some point, they will be back before the Board to seek the Selectmen's blessing on a piece of land to develop it. Selectman Jasper said if they could find Town-owned land that would be suitable, the Board would be supportive, as they recognize the need for more field space for all of the sports in Town. It has been a difficult to locate a suitable parcel that has adequate parking. They may have to start looking beyond the properties they own. Everything is listed in the Town report. Mr. Juliano realized that. They meet every two weeks and it is a subject on every one of their agendas. They call it the 'againta' item. He's sure the Selectmen will see them soon with some proposals. Other towns would be willing to pay to use the field. If you watch a Rec team, you see them on a field that is basically a dust bowl. That's not the right training environment for the kids and it's

not good for kids that have health issues, such as asthma.

Selectman Seabury suggested Ayers Pond may be good for a practice field and there would be adequate parking. Mr. Deppe said they have a copy of the Master Park Plan and that is a piece they have looked at. Selectman Jasper said Mr. Sousa is anxious for the Town to find a location for him to build a field.

Scott Peters, 19 Roy Drive re. Plot Plan Policy – Mr. Peters said he started a home project on April 2, the day after the policy went into effect, which he didn't know about. It not only put him back three months, it cost him \$2,000. An article in the Telegraph stated that it could cost *up to* \$500. He asked who came up with that figure. Chairman Madison believed it was the Director of Community Development. Mr. Peters said it cost him \$1,500 in actual dollars, plus his legwork. He's just a homeowner, who hadn't anticipated this additional cost when he arranged for his financing. He understands that they have to be aware of the boundaries and wetlands, but the \$500 amount that is talked about in the paper is nothing more than a pat job. He's lived here for almost 30 years and this policy is totally ridiculous. He was stopped dead in his tracks. It is very hard to get a concrete or excavation guy lined up. You can't get them to reschedule for another three months. All he wants is a garage, a mud room and a little farmer's porch. He had the parcel surveyed, then brought everything in to the Community Development office. The girl at the front desk told him everything was great. The next day, he got a phone call from someone who wasn't very nice., who told him that the plot plan needed to show what was going to be added. He said he had been told that all he needed was the four corners of the house and the buildings on the property. This was surveyed and on the plot plan, to the tune of \$1,500 plus his legwork. He asked if he was supposed to get the surveyor back and was told he could just 'doodle it in.' He was surprised that he was being asked to draw a 10' mud room and a 26' garage after having just spent \$1,500 on a professional survey. To him, 'doodling' something in nullified the professional survey. She told him that's what the Building Inspector wanted. The newspaper article said people were bringing in things on a napkin. His garage is going to cost him \$80,000 by the time he gets done. He brought everything back down to the office and did the final calculations on the certified plot plan. He understands they need guidelines, but this isn't fair to the homeowner. If, in seven months, he wants to put a deck on his house, will he have to do this all over again? If you start right now to have the land surveyed, you aren't going to build this year because it will take that long to schedule a surveyor. He could have done the measurements himself, and doodled in his proposed additions. He isn't going to be able to recoup that money and will have to cut somewhere else. He had his plans with him in case anyone wished to look at them.

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Chairman Madison said they haven't concluded their discussions on the policy yet. She wished Mr. Peters had made an appointment in the beginning with the Community Development Director. Mr. Peters said they only have a certain number of days to build something. If you stop one guy, the guy behind him won't wait. He was shocked when he heard about this policy. Chairman Madison said she was, too, when she got back. She's not sure what they can do about it this evening, but she is glad he came forward. She asked if anyone else wished to speak under Public Input. There was no response.

5. **CORRESPONDENCE**

- A. From: Sean Sullivan, Community Development Director
Re: Plot Plan Policy
Refer to: Old Business
- B. From: Paul D. Sharon, Town Administrator
Re: Amended Personnel Policies
Refer to: Old Business
- C. From: Richard Gendron, Chief of Police
Re: Acceptance of Donation
Refer to: New Business
- D. From: Sewer Utility Committee
Re: Sewer Abatement Requests
Refer to: New Business
- E. From: Sewer Utility Consultant
Re: Requests for Sewer Capacity Allocation
Refer to: New Business
- F. From: Jim Michaud, Assessor
Re: Various Assessing Issues
Refer to: New Business
- G. From: Bill Oleksak, Health Officer
Re: Reappointment
Refer to: New Business

H. From: Steve Malizia, Finance Director
Re: Fiscal Year 2000 – 2001 Encumbrances
Refer to: New Business

Motion by Selectman Seabury, seconded by Selectman Jasper, to accept the Correspondence, with appropriate referral, carried unanimously.

9. NOMINATIONS & APPOINTMENTS

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

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Chairman Madison said this will be re-advertised when vacancies occur on other boards.

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

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James Barnes
, Donald B. White

Motion by Selectman Seabury, seconded by Selectman Jasper, to appoint Donald White as an Alternate to NRPC, with a term to expire 12/31/02, carried unanimously.

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Selectman Seabury thought Mr. White would be a wonderful asset to this committee, as he is highly knowledgeable in State statutes and the workings of State and town governments.

C. Planning Board (1 Alternate, Term to expire 12/31/03)

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, James Barnes
Donald B. White

Motion by Selectman Seabury, seconded by Selectman Jasper, to appoint James Barnes as an Alternate to the Planning Board, with a term to expire 12/31/03, carried unanimously.

7. OLD BUSINESS

A. Amended Plot Plan Policy

Motion by Selectman Jasper, seconded by Selectman Seabury, to put the amended policy in place on a temporary basis until the next meeting (July 10).

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Selectman Jasper said the differences are that the plot plans will be accepted up to three years old, versus six months, decks are included in the exemptions, along with above-ground pools and sheds, and there would be language to say that unique circumstances should be discussed with the Director of Community Development, which gives people the idea there is the possibility for a waiver from the policy, which is not clear now.

Selectman Seabury Mr. Peters didn't tell them if he had a plot plan originally on his property. Mr. Sharon said he couldn't have. Chairman Madison said she was glad this policy is coming back again because no one ever said if you didn't have your land surveyed, which could cost you \$2,000, you'd have to do that before you got a plot plan. Selectman Jasper said the record would show that he had initially said this policy would cost people \$1,500 - \$2,000.

Chairman Madison didn't realize you'd need the land surveyed before you got a plot plan. She has been against this from the start and didn't like the way it was implemented. If they keep bringing it back, eventually they will get it right. Selectman Jasper said another comment the Public Input speaker brought to light is that it is not clear in the policy that your proposed addition should be included on the plot plan. The plot plan shows what is in existence, not what is being proposed. Now they will have to send someone back and tell them to go through the rigmarole again and they have to pencil it in, which is what they were trying to avoid in the first place. This policy needs to be explicit. Mr. Sharon should talk with Sean Sullivan about a further revision to include the proposed addition or modification to the property on the plot plan. Mr. Sharon agreed. Selectman Jasper said the three year limit on plot plans hasn't been adequately explained to him. The question of why there needs to be a limit on the plot plan needs to be addressed. He understands the need for the plan, especially now that they've taken decks out.

Mr. Sharon thinks there needs to be some middle ground. All of them saw the examples of what has passed for plans in the past, literally on cocktail napkins. Selectman Jasper didn't have a problem with the policy saying it should be professionally done.

Maybe they need to define it to include the delineation of wetlands, the proper setbacks, etc., but if he has one that was done 15 years ago and it shows all that stuff, and he doesn't have any wetlands on his property, he doesn't see why he has to spend more money for another one.

Chairman Madison agreed, saying that if someone has a survey or plot plan, and they never had any changes, and there aren't any wetlands, she didn't see why they have to have another one done. Maybe that could be included as a 'unique circumstance.' The people who are coming in are lay people. They don't understand a lot of the time and it should be made known to them that if they are looking for a plot plan and they don't have a survey, they may very well have to cough up \$2,000 for the survey before they spend \$500 for the plot plan. That is a huge expense to put on the backs of our citizens. She understands the need for it, but they should be informed up front of how costly it will be.

Mr. Sharon said Mr. Sullivan would be at the next meeting.

Vote: Motion carried unanimously.

B. Amended Personnel Policies

Mr. Sharon said the amendments reflect the discussions the Board had and directions that were given to him relative to changes in benefits for the non-union employees and includes the sick leave pool. It is exactly the same language that is in the collective bargaining agreements for union employees. The sick leave pool is basically an insurance policy. You give up one day of earned sick leave and have three days in the bank, which can only be used for legitimate sickness and only after a period of six days, which is pretty evident of something serious.

Chairman Madison asked if people are allowed to take sick days with them when they leave. Mr. Sharon said no, not from the pool. It's like an insurance premium. It's nothing they can recover unless they are sick. Chairman Madison said after someone has been out for six days, they can decide not use any more of their sick days and go into the sick pool, enabling them to save their sick days. Mr. Sharon said that also means they will have to use up six of their sick days, which is evidence of something serious. Other than for surgery, he can't think of any non-union employees who have been out for that length of time in the last five years. Chairman Madison asked what their cap was on sick leave days when they leave. Mr. Sharon said up to 60 days, so that equates to 30 days. Selectman Jasper thought everyone had to use all of their sick leave days before they went into the pool. Mr. Sharon thought he was thinking about FLMA, which would apply. Seven days of consecutive illness is something serious, in most cases. For six of those days, they will have to use sick days. The whole idea of having the sick leave bank is that if there is something catastrophic, they can draw on that without necessarily exhausting their sick days. Selectman Jasper asked if the one to three was something that was in all of the other contracts. Mr. Sharon said yes. Selectman Jasper asked if union employees have to use six days before going into the pool. Mr. Sharon said it is exactly the same. Selectman Jasper asked what vacation leave was before. Mr. Sharon said two, three and four in round numbers, but actually more than two and more than four, which was because of the accrual rate. The four used to be four point two after 11 years, but it is now four after six years. Chairman Madison said this should be effective on July 1.

Motion by Selectman Jasper, seconded by Selectman Seabury, to adopt the amendments to Vacation Leave and Sick Leave for non-union personnel, effective July 1, 2001 carried unanimously.

C. Legal Bids

RFP's are out to 21 firms and it is being advertised. The present law firm is working at will. Chairman Madison said they will leave it as such until the bids are in.

8. NEW BUSINESS

A. Acceptance of \$300 Donation to the Police Department for the Project Code 3 Show Truck from the Citizens' Police Academy Graduates

Motion by Selectman Jasper, seconded by Selectman Seabury, to accept the donation, with thanks, carried unanimously.

B. Sewer Abatement Request (BAE Systems, 65 River Road, #2828, \$235.18)

Motion by Selectman Jasper, seconded by Selectman Seabury, to grant, as recommended by the Sewer Utility, carried unanimously.

C. Requests for Sewer Capacity Allocation

1) **RAC Automotive Services**

Motion by Selectman Jasper, seconded by Selectman Seabury, to grant, as recommended by the Sewer Consultant and Town Engineer carried unanimously.

(Start of Tape 1, Second Side)

2) **Bandwidth Semiconductor**

Motion by Selectman Jasper, seconded by Selectman Seabury, to grant, as recommended by the Sewer Consultant and Town Engineer carried unanimously.

D. Assessing Items

1) **Yield Tax Warrant**, Map 042/Lot 001/Sublot 001 & 002

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

2) **Veteran's Tax Credit Application**, 15A Lund Drive, Map 032/Lot 147/000

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

E. Health Officer Reappointment

Motion by Selectman Jasper, seconded by Selectman Seabury, to reappoint Bill Oleksak as the Health Officer for the town of Hudson, NH carried unanimously.

F. Fiscal Year 2000-2001 Encumbrances

Finance Director Steve Malizia said the Library Trustees voted to retain a possible surplus they have to make up for some warrant articles that were adjusted by DRA. Selectman Seabury thought Lisa was so smart to come up with that idea. Mr. Malizia said the packet of encumbrances he submitted for the agenda packet did not include the Library's request to transfer their surplus of about \$30,000 to the warrant article that was adjusted by DRA. They want to get that warrant article back up to its \$125,000 limit. He, therefore, revised the figure to include that \$30,000. Mr. Sharon wanted to include \$45,000 for the Burns Hill landfill. They previously cut a check for \$55,000 to settle the lawsuit. Mr. Malizia said he and Paul would have to go over the budget to figure out where that is going to come from. The revised figure of \$2,785,545.52 will cover all of the encumbrances that are being proposed. One key encumbrance that has dropped off this year is the Bush Hill land taking because the article lapsed. There was no commitment, so it has gone. Mr. Sharon said the Town's last best offer had been extended to the property owner two weeks ago and was told that the Town needed an answer right away, but he didn't get back to the Town.

Motion by Selectman Jasper, seconded by Selectman Seabury, to encumber a not-to-exceed amount of \$2,785,545.52 for the 2000-2001 year carried unanimously.

9. OTHER BUSINESS

A. Animal Shelter Funds

Motion by Selectman Jasper, seconded by Selectman Seabury, to authorize the Town Administrator to grant to the Board of Trustees to work with legal counsel to submit a petition to probate court relative to the release of the private funds raised for the animal shelter, if that should become necessary carried unanimously.

B. Flower Barrels

Chairman Madison said there are no flower barrels out this year because no one volunteered to adopt a barrel.

10. **LICENSES AND PERMITS**

A. **Request for Block Party Permit by Janet McGrail on Cardinal Drive from 3-9 p.m. on July 14.**

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve carried unanimously.

B. **Request for Raffle Permit by Fishin For Kids, Inc., NH Children's Charities, to sell tickets for monthly drawings, July – December**

Chairman Madison recognized representatives from the group and asked if they wanted to say anything. Keith Snider, who works at Irwin Marine, produces all kinds of fishing derbies for the kids in the general area for the Diabetes Foundation. For the past few years, he held a kid's fishing derby at Tate's Pond. People made donations and the proceeds went towards stocking the pond, supplying the worms, rods, etc., and a barbecue. It's all free to the kids, so they are conducting fundraisers in order to keep this going. In the past, they donated money to the Shriners, St. Jude's and Toys for Tots. This year, and subsequent years, they hope to donate their time to Crotchet Mountain Rehabilitation Center. He hoped that the Selectmen would approve this.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to approve carried unanimously.

C. **Request for a Hawker-Peddler Permit by Emily Tretter and Laura Jeanne Smith to sell prepackaged Ice Cream, Soda and Candy in the interest of AG Ice Cream at various locations in Town**

Motion by Selectman Seabury, seconded by Selectman Jasper, to approve the two hawker-peddler permits carried 3-1.
Selectman Charbonneau was opposed.

11. **ACCEPTANCE OF MINUTES**

Minutes of the BOS Meeting of June 12, 2001

Motion by Selectman Jasper, seconded by Selectman Seabury, to accept, with a correction to Page 9, #13, 10th line down, third word in, change 'and' to 'is' and refer to file carried unanimously.

12. **COMMITTEE ANNOUNCEMENTS**

6/27 7:00 p.m. Planning Board in CDD Mtg. Rm.
6/28 7:30 ZBA in CDD Mtg. Rm.
6/28 5:30 Business After Hours
7/02 7:00 Friends of Natural Resources in CDD
7/04 Fourth of July Holiday—Town Hall Closed
7/09 5:00 School Board in BOS Mtg. Rm.
7/10 7:30 BOS in BOS Mtg. Rm.

13. **LIAISON REPORTS**

Ann Seabury attended the Library Trustees meeting, which she loves to go to because she always learns things.

E. Lorraine Madison said she went to her second Planning Board meeting and it is very interesting. It's an education every time she goes. There is so much to learn.

Shawn N. Jasper said at the Budget Committee meeting, he felt like he was the School Board representative, defending the Superintendent of Schools because he was being challenged on how they were doing things, which really did relate to things back to the Board. It put him in a strange situation.

14. **REMARKS BY THE SELECTMEN**

Selectman Seabury said Selectman Jasper did an excellent job at the Budget Committee meeting.

Selectman Charbonneau was bothered by a Letter to the Editor, written by Jean Serino, who insinuated that Selectman Charbonneau has something to do with Town contracts her sons bid on. The last contract was awarded to Brox, not to her sons and the last time they bid before that was years ago. She never has anything to do with it and never would. When they (her sons) have bids out, she always abstains. She does not open the bids, nor does she even talk with her sons about it. She has integrity and principles and it offends her

when people question them.

- Selectman Jasper said on that note of having one's integrity challenged, for those who thought this was coming up this week, he understands that because there is not a full board present, the issue of the possible ethics ordinance will be coming up at a Board meeting when all members are present.

- Chairman Madison wished everyone a happy 4th of July.

15. NONPUBLIC SESSION

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

- Nonpublic Session was entered into at 8:43 p.m. and was terminated at 10:00 p.m.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to seal the Minutes carried unanimously.

- Motion by Selectman Charbonneau, seconded by Selectman Jasper, to hire Kyle Maye and Shawn O'Donague as summer staff replacements in the Recreation Department carried unanimously.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to hire Rachel Bergeron, Kelly Nadeau, and Leane Quattrucci at \$7.00 per hour and Sherri Dobbens at \$8.00 per hour as substitute counselors for 2001 summer Recreation Department staff carried unanimously.

- Motion by Selectman Charbonneau, seconded by Selectman Jasper, to adjust the rate of pay for temporary employee Joyce Williamson from Grade VIII, Step 1, to the new minimum Grade VIII, Step 1, \$12.27 per hour, effective July 1, 2001 carried unanimously.

- Motion by Selectman Charbonneau, seconded by Selectman Jasper, to approve the hiring of William Hughen as a short-term contract laborer, with no benefits, in the Finance Department, at the rate of \$13.00 per hour, effective July 16, 2001 through August 10, 2001 carried unanimously.

- Motion by Selectman Jasper, seconded by Selectman Charbonneau, to upgrade Kathy Wilson in the Finance Department from Secretary II to Administrative Aide II, Grade IX, Step 3, effective July 1, 2001 carried unanimously.

- Motion by Selectman Charbonneau, seconded by Selectman Jasper, to approve the transfer of part-time Dispatcher Jessica Roy to full-time status, effective June 24, 2001 to fill the vacancy by the resignation of Cynthia Cleary carried unanimously.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to increase the salary of the Police Prosecutor, Atty. John Dolan, to \$42,363, effective July 1, 2001 carried unanimously.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to hire Al Simms as the 2001 Soccer Director for the fee of \$1,000 carried unanimously.

- Motion by Selectman Charbonneau, seconded by Selectman Jasper, to approve the nonunion salary increases, as outlined by the Board of Selectmen in Nonpublic Session, effective July 1, 2001 carried unanimously.

16. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Seabury, to adjourn at 10:10 p.m. carried unanimously.

Recorded and transcribed by Priscilla Boisvert
Executive Assistant

HUDSON BOARD OF SELECTMEN

Chairman E. Lorraine Madison

Rhona Charbonneau

Shawn N. Jasper

Ann Seabury

Terry Stewart