

# Hudson, NH Board of Selectmen

## Minutes of the May 7, 2001 Meeting

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:30 p.m.

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2. **PLEDGE OF ALLEGIANCE**, led by Selectman Rhona Charbonneau.

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3. **ATTENDANCE**

**Selectmen**: E. Lorraine Madison, Rhona Charbonneau, Shawn N. Jasper, Ann Seabury & Terry Stewart

**Staff/Others**: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Lisa Riley, Chairman of the Library Board of Trustees; Arlene Creeden, Library Board of Trustees; Steve Dube, Fire Prevention Officer; Pierre, SUN; John, Derry News

4. **PUBLIC INPUT**

A. **Adam Hanks, 3 Newton Street re. Eagle Scout Project at Robinson Pond**

Adam withdrew his request to speak to the Board because he has already raised the necessary funds by holding a car wash to purchase the material to complete his project.

B. **Lisa Riley, 10 Chatham Street re. Library Building at 49 Ferry Street**

Lisa Riley was present as the Chairman of the Library Trustees to respond to a question Selectman Charbonneau posed at the last Selectmen's meeting regarding the Library's 49 Ferry Street property. She had submitted a detailed memo to the Selectmen, but since the question was raised at a public meeting she would respond in kind so that the people in the viewing audience will also hear the answer. The property is being used for a variety of purposes. The Library Trustees, the Friends of the Library and the Adult Book Discussion Group are meeting there and there are special programs being held there. The Children's Librarian will be using the back yard area for some of the summer reading program activities. Some of the space is used for storage. They sought a legal opinion, asking the attorney 1) if the Library Trustees could rent the property; 2) if they did, what would happen to the income from the rental; and 3) the ramifications of becoming landlords. They attorney responded, indicating that it was his belief, based on the statutes, that they did not have the authority to rent the property. In light of that, he did not give an opinion on how the money would be taken care of. Neither did he address the landlord issues, but they are all aware that becoming landlords and managing property is a serious undertaking. The Library Trustees discussed the legal opinion at a couple of meetings and decided that since the library facility constraints are so great, and staff wanted to use the building, they decided to go ahead and look into it for library purposes. The Fire Department conducted an inspection and submitted a detailed list of things they would have to comply with. Inspector Sewade was wonderful and very helpful. He spent a lot of time working with them to give them options so they could do it at the least possible cost. They are using it and are happy with it. They hope to be able to use it more, that staff will be able to plan more library programs that can take advantage of that property, as well.

Selectman Seabury asked what will happen when they buy the other houses. Ms. Riley said they are hoping they don't have to acquire them so soon that they have to hold them for a long period of time. This one property was going to be sold, whether the library bought it or someone else did. The only way it was going to remain affordable to them was for them to buy it when they did. If they have to buy the other properties sooner than anticipated, then they would have to again look into the possibility of renting them. The Library Trustees couldn't, but the Selectmen could. Their concern would be that the money would be earmarked for the library. They might have to do a warrant article to insure the money would not go into the General Fund.

Selectman Charbonneau thanked Ms. Riley for coming forward. When these properties come off the tax roles, it puts a burden on the taxpayer. She hoped they would be rented, making sure the money does go to the library. Ms. Riley said if the properties aren't used for library purposes, they could ask the Selectmen to rent them out, but they would have to do a warrant article to insure the money wouldn't go into the general fund. Selectman Charbonneau said if they rented the building for \$6,000 a year, that would add up quickly. Ms. Riley said their first thought was to see if they could rent it, too, but it does serve a useful purpose for a variety of uses. They are not, at this time, prepared to open it to the general public, mostly because of the maintenance issue. She requested that if anyone has any other questions or issues that are going to be brought up at a public meeting, that she be notified in advance so a library representative can be present to address them at that time. If the Selectmen are not satisfied with the answers, the Trustees would be more than happy to come before the Board. Chairman Madison said they don't always know when an issue is going to be brought up, but they would try to honor that request.

## 5. CORRESPONDENCE

- A. From: E. Lorraine Madison, Chairman  
Re: Liaison Assignments  
Refer to: New Business
- B. From: Diane Tate, Hudson Nottingham West Lions Club  
Re: Monetary Donations to Police and Fire Departments  
Refer to: New Business
- C. From: Richard Gendron, Chief of Police  
Re: Monetary Donations from Bay State Welding, Anger Welding & James Dolan for the K-9 Unit  
Refer to: New Business/Public Hearing
- D. From: Jim Michaud, Assessor  
Re: Various Assessing Items  
Refer to: Old Business and New Business

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

## 6. OLD BUSINESS

### A. Personnel Policies -- IV Conduct

- 1) J. Discipline
- 2) K. Grievances

Mr. Sharon said these codify the sections on discipline and grievance procedures that follow from disciplinary actions and are completely rewritten, updated and reformatted. Beyond that, there is no material change in past policies. Under grievances, the time limits and procedures are the same; it just changes the titles, where appropriate.

*Motion by Selectman Charbonneau, seconded by Selectman Seabury, to adopt IV Conduct, J. Discipline and K. Grievances carried unanimously.*

### B. Assessing Item -- Current Use Land Use Change Tax Lien (Map 36, Lots 26-1 thru 26-5)

Chairman Madison said this was deferred from the last meeting because of questions concerning lot size. The Assessor provided a written explanation, saying that the two lots were contiguous, which would meet the 10-acre requirement for current use.

*Motion by Selectman Seabury, seconded by Selectman Charbonneau, to sign the release forms, as recommended by the Assessor, carried unanimously.*

## 7. NEW BUSINESS

### A. Liaison Assignments

Charbonneau—Benson's, HAZMAT, Fire, Finance  
Jasper—Budget, Cable, LEPC, Conservation, Police, Recreation  
Seabury—Chamber of Commerce, NRPC, SWSCOM, Highway, TC/TC, Assessing, Library  
Stewart—Budget, CIP, Sewer, Community Development, Planning Board Alternate  
Madison—Benson's, Nominations & Appointments, Planning Board, Emergency Preparedness

There were no objections to the assignments.

Selectman Stewart resigned her seat on the Planning Board.

*Motion by Selectman Seabury, seconded by Selectman Charbonneau, to accept the resignation.*

*Motion by Selectman Charbonneau, seconded by Selectman Seabury, to appoint E. Lorraine Madison as the Selectmen's representative to the Planning Board and Terry Stewart as the Alternate carried unanimously.*

Selectman Seabury resigned her seat on the Budget Committee.

*Motion by Selectman Seabury, seconded by Selectman Charbonneau, to appoint Terry Stewart as the Selectmen's representative to the Budget Committee and Shawn Jasper as the Alternate carried unanimously.*

B. **Public Hearing on Receipt of Donations of \$200 by Hudson Nottingham West Lions Club, (\$100 to the Police Department's DARE program and \$100 to the Fire Department's school program) and \$500 from Bay State Welding, \$100 from Anger Welding, and \$100 from James Dolan towards the K-9 Unit's trip to the National Field Trials in Minnesota beginning August 22, 2001**

Chairman Madison opened the public hearing at 7:46 p.m. and asked if anyone wished to speak.

Steve Dube, Fire Prevention Officer, accepted the \$100 donation from the Lions Club, saying it was greatly appreciated and will go towards public education for the children of Hudson. He asked if there were any questions about the programs, adding that Fire Inspector Joe Triolo will be starting on the 14<sup>th</sup> and will get some of the public education programs back on line. Selectman Charbonneau said not to forget the incentive funds. Mr. Dube said the Fire Marshal is on top of that.

There being no further speakers, Chairman Madison closed the Public Hearing at 7:50 p.m.

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

C. **Assessing Items**

1) **Yield Tax Warrant** (Map 038/Lot 005)

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

2) **Veteran's Tax Credit Application** (18 Barbara Lane, Map 024/Lot 025/Sublot 014)

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

8. **OTHER BUSINESS**

A. **Informational Workshop**

It was decided to schedule the workshop for May 16 @ 6:00 p.m., at which time Mr. Sharon will update the Board on various items.

B. **"Buckle Up New Hampshire" Week**

At the request of Police Chief Richard Gendron, Chairman Madison read a public safety message advocating the use of child safety seats and seat belt usage, declaring May 19-26 as *Buckle Up NH Week*.

C. **Binding Arbitration**

Chairman Madison said this bill has been approved by the House and is now in the Senate. She has spoken with Senator Francoeur, who hasn't decided how he is going to vote on the issue. She can't understand why this bill was passed, without any conditions. She urged everyone to call their Senator. She can't believe Hudson Representatives voted for it. Mr. Sharon said this takes the issue of contract settlement out of the local arena and puts it into a supposedly disinterested third party, an arbitrator whose decision is binding on both sides. The bill covers only the cities of Concord, Manchester, Portsmouth and Nashua, but once it starts, it can easily snowball to other towns and cities. He feels that Hudson can successfully negotiate their own contracts and doesn't need an outside third party dictate how to spend its money on its employees. Selectman Seabury asked how it would work. Mr. Sharon said if the Town and union are at an impasse, it would result in arbitration, with both sides being able to present their case. A panel of arbitrators would then deliberate and they could split the baby, they could pick one or the other proposal and dictate to the Town (once it becomes extended to towns) what the contract will be. Selectman Seabury asked

if this included Teachers unions. Mr. Sharon said right now, it's just Police and Fire in Manchester, Concord, Portsmouth and Nashua. He said the Hudson Legislative Delegation was split on the issue, but most of them voted in favor of it. Selectman Jasper said, on the face of it, it appears to be unconstitutional if it passes on a cost to the communities, mandated by the State. It could be challenged, if it gets down to the town level. It is very troubling. Selectman Seabury called it mind-boggling. Selectman Charbonneau said Coleman should put this on the Community Bulletin Board, stating that people should contact their legislators for further explanation and include their names and phone numbers. Mr. Sharon asked the Board to think about that because they would be using cable as a forum for one side of a legislative issue. Pretty soon, that's all it will be. Selectman Charbonneau asked what television was for.

**D. Decorum of Boards**

Chairman Madison said she wanted to address the decorum of the boards that the Selectmen appoint. She has had some complaints about some of the members of the Town boards when the public appears before them; they are not always on their best behavior. Some of the members are rude, among various other things. The people that the Selectmen appoint are there to listen to the people that come before them and they need to treat them with respect, whether they agree with them or not, and answer in a civil manner. Selectman Jasper thanked the Chairman for bringing this up because this is something that he has been hearing, as well. It's incumbent on Town staff to make the Selectmen aware of instances such as that. Sometimes it is easy to get carried away with the mob mentality, and there are people who come before the board who probably do not have the best reputations and track records, but they are still entitled to be treated with courtesy and respect. They are all public servants and should be courteous, even when they may disagree with the aims and goals of those coming before them. The Selectmen can't allow the type of conduct that does go on. When he appears before a certain nameless board, he goes away feeling like he was the enemy. When he wakes up in the morning, his jaws hurt from grinding his teeth in his sleep from the treatment he received. He can only imagine how others must feel. They need to recognize that many of those people are afraid to come forward because who said what gets back to the members of the board and the next time they go before that board, it gets worse. Selectmen need to be vigilant for that type of behavior and they need to ask staff to inform them when that is going on. There may be cases where they need to bring in members of boards and talk with them about it. They can't tolerate that type of behavior.

Selectman Seabury said she knows what board he is talking about and he has no concept of what that board has to face. It isn't all one-sided. People interrupt, acting as if they are members, giving their opinions and there is rudeness in the audience. Motions will be on the floor and people in the audience will be talking and telling the board what to do. Selectman Jasper said he does have a concept of what goes on because he served on that board, but what he is hearing from Selectman Seabury indicates to him that there is a problem with the way the chairman conducts the meeting. Selectman Seabury said he tries. Selectman Jasper said he needs to get tighter control of the meeting, even if it means stopping the meeting.

(Start of Tape 1, Second Side)

Selectman Stewart said what Selectman Seabury said is true; the chairman is in control. During one issue, a person in the audience verbally attacked a neighbor. The chairman gavelled that individual numerous times. This Town has had years of site plan violations, whereas there is now someone board who is not afraid to take the reins. Digital Credit Union violated the site plan, put up a building without a building permit and put too many signs on the building and then wanted to open the doors. The Community Development Director is doing awesome with a difficult job. It's about time someone gets tough and is no longer the good ole' boy network. Things needs to be brought under control, even if it means the Planning Board will get a bad name.

Selectman Jasper said the point was missed because he is not talking about any specific issue. What he is talking about is an applicant, like him, who has only come in for site plans with existing buildings. He has been treated very poorly by the Planning Board and is hearing the same types of things about others. As an applicant, it is not a pleasant environment. You feel that you have done something wrong by bringing a site plan before the Planning Board. That's how it feels, and it shouldn't.

Chairman Madison said everyone should be treated with courtesy and respect. Selectman Seabury said if someone comes in with a plan that has gone by the rules, they get it approved. Chairman Madison said she wasn't talking about approvals, but about courtesy and respect. A plan can be turned down, but it should be done in a courteous, respectful manner. Selectman Charbonneau said she sat on the Planning Board for three years, and only one person always acted like an idiot, but everyone still treated him with respect. Chairman Madison reiterated she was talking about all boards, not just one.

**E. Lion's Hall**

Selectman Stewart asked where they were with the Lion's Hall. She thought HLN was going to do a three-part series. Mr. Sharon said that is supposed to be next week. They have a schedule for all of the remaining Fire Marshal issues. The bathrooms were repaired more than two or three weeks ago. Selectman Seabury said the building was a pig in a poke and should be gutted,

but they've got to live with it. They paid a tremendous amount of money for a building that was not in very good shape. Chairman Madison said with all of the complaints they have received about Lion' Hall, maybe they should get an estimate on what it would cost to put it in tip-top shape and send it to Town Meeting and let the people decide on whether or not they want to put the money into doing it. Selectman Jasper asked where they were with the ceiling. Mr. Sharon said they have the second half budgeted, so that should proceed after July 1. Selectman Jasper said after that, they should be able to paint, which would be relatively inexpensive, and then the only other major component inside will be the floor. Selectman Seabury said the kitchen and bathrooms need to be replaced. Selectman Jasper said he didn't think they over-paid a tremendous amount for that building. It is a good-sized, functional building with a lot of land. If you look at what it would cost to buy that piece of land and put up even a shell of a building, they didn't do that badly. Mr. Sharon said one of the issues they are addressing right now is the one-hour fire rated large garage door, separating the storage area. All of those issues existed when they bought it. Selectman Seabury wondered why no one had to comply with fire codes before. Selectman Charbonneau said when they purchased it, they had to put in a new boiler and put on a roof and now the part between the shed and main building leaks. Mr. Sharon said they also had to jack up the garage area. Selectman Charbonneau said no matter who says the Town got a great deal, they didn't.

**F. Charge to the Benson Committee**

Selectman Jasper said this was talked about at the last meeting and he mistakenly assumed it would come up under Old Business. At that meeting, he asked the members to think about a charge to the Benson's Committee. They formed the committee, but didn't tell them what is expected of them. A lot of ideas have been bandied about, including letting the committee decide themselves, but he didn't think that was proper. He thinks they should develop a recommended site plan, with proposed uses. It doesn't have to be an engineered plan, although they will ultimately get to the point. He questioned if they have the money or the resources to do that at this time. Some people have suggested the committee can start fixing up buildings, or raise money or get items. He didn't think that is where this committee should go at this point.

Chairman Madison said the first thing they need to do is get the list of restrictions from the State. They can't develop a site plan without that. NRPC will help them with that. As far as accepting things, that will ultimately come before the Board of Selectmen. Selectman Jasper agreed, but said if the Selectmen give the committee a clearly defined charge, it will make things a lot easier.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to charge the Benson's committee with the responsibility of recommending a site plan with proposed uses for the Benson's property.*

Selectman Charbonneau referred to a meeting that was held some time ago with the Town Administrator, NH DOT and NRPC concerning the Benson land. At that time, NRPC stated they will be coming up with some ideas how this should be laid out. She thinks the Board should wait until they see what NRPC comes up with. Otherwise, the charge may conflict. Chairman Madison said she would very much like NRPC to have the Town's input; Selectman Jasper agreed. Chairman Madison said NRPC and the State are going to have to ask the Town exactly what they want, but they need to get the list of restrictions from the State first. Mr. Sharon said they are waiting for the list of restrictions, which is still at the Attorney General's Office. NH DOT will sponsor all of the engineering work that is necessary to develop the site plan, and more, working with NRPC and a private consulting firm. They, obviously, will do it to the Town's wishes because the Town will be the owner of the property.

Selectman Jasper didn't think he and Selectman Charbonneau were that far apart and may actually agree that the committee may be meeting prematurely. However, the committee *is* going to meet, so the committee has to have a charge and he thinks the charge is to start working on the site plan. The early part of that would be to talk about ideas and get the juices flowing, but they need to have a direction. If they go into the meeting with everyone having a different idea of where to start, it will be totally nonproductive. There needs to be a focus on the ultimate goal. He's glad that they will be working through NRPC and DOT, but ultimately, they need to give input to the committee. They will still have to come back to the Board before it is finalized, but the committee will have to come up with the ideas for the Selectmen.

Chairman Madison said she and Selectman Charbonneau are representatives from the Board of Selectmen. She had planned to explain a lot of that to them. The upcoming meeting is only going to be an organizational meeting. She expects they will choose a chair, a vice chair and someone to take the minutes.

Selectman Seabury said before any plans can be made, and she didn't know what is meant by 'plans,' they have to find out what the State doesn't want them to do, because this is mitigation land. Chairman Madison said they should have waited until they had the actual land and knew what the restrictions were, but they have heard from a lot of people around Town and that is the reason why it was started now.

Selectman Jasper didn't know if he was making himself clear, but he didn't expect this committee to come up with any concrete plans for anything until they have the final stipulations. They have the committee, so they should give them a charge with the

understanding that when they get all of the pieces together, this is what the Selectman want them to do. Chairman Madison said it would also be nice to hear from the members of the committee because she would like to think that each of them, as individuals, are working for the best interest of the Town. However, there are some who have personal agendas, and they will have to work through all of that. The Board wants Benson's to be a park. They will have to go from there and represent everybody as best they can.

*Vote: Motion carried 3-2.* Selectmen Charbonneau and Seabury were opposed.

**G. Grant Writer**

Selectman Stewart said they had put money in the budget for a part-time grant writer and wondered where they were in that process. Mr. Sharon said that was put on the back burner, pending the Director of Community Development's recommendations on how to proceed and how he wants to implement it. Both the Chief of Police and Recreation Director have talked to her about this. She realized they can apply for grants themselves, but a grant writer can do it better. She'd like to see that come about as soon as possible.

Selectman Jasper thanked Selectman Stewart for bringing this up. He hoped a fire would be lit under the Director to get this going before the end of the fiscal year so the money isn't lost. There are probably grants that are expiring at various times, so this needs to be something that is prioritized. Mr. Sharon said there is a fire already lit, but Mr. Sullivan has several fires, including the filling of personnel. He (Mr. Sharon) has a number of names who have responded. Selectman Charbonneau asked how much money was put aside for the Grant Writer. She was told \$25,000.

**H. Business on Roosevelt Avenue**

Selectman Seabury said she got a call last week from a business on Roosevelt Avenue, who was either bringing in hazardous waste, or taking it out. They were looking for space to hold a public hearing. She referred them to Mr. Sharon first, who referred them to the Police Department's community room, but that wasn't large enough. She then suggested they contact St. Kathryn's.

**I. Filling in the Brook on Route 111**

Selectman Seabury asked Mr. Sharon to have the Building Inspector check out the former furniture store on Route 111. She can't believe it, but heard they were filling in the brook. Chairman Madison cautioned Selectman Seabury that she was on the air and suggested she talk with the Administrator privately.

**J. Watering Ban**

Selectman Stewart saw a notice on the Community Bulletin Board of a water ban. Mr. Sharon said they *still* have a water ban. Chairman Madison said she had asked that the ban stay in effect from last year. They do need to conserve water, especially with the problems with the pumping stations and people in Litchfield screaming about the wells. They need to be careful and it's not necessary for people to water every day. People who use automatic sprinklers need to regulate them so they water when they are supposed to, unless they are on a well. If they are on Town water, they need to change the timing on the sprinkler systems. Selectman Seabury asked if there was going to be a water patrol. Mr. Sharon said there are several thousand people keeping their eyes on things. Selectman Seabury said to call 1-800-waterpatrol. Selectman Jasper clarified that statement, saying Selectman Seabury was only joking. He didn't want anyone trying to access a fictitious number.

**9. LICENSES AND PERMITS**

**A. Request by Shear Class for an Outdoor Gathering Permit to hold their annual Cut-a-Thon to benefit Nashua Children's Home.**

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to approve carried unanimously.*

**B. Request for a Hawker-Peddler permit by Donald Leonard to operate a packaged ice cream truck under the name of Mr. Freeze**

*Motion by Selectman Jasper, seconded by Selectman Seabury, to approve carried 3-2.* Selectmen Charbonneau and Stewart were opposed.

**10. ACCEPTANCE OF MINUTES**

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**BOS Minutes of April 24, 2001**

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept the Minutes, as presented, and refer to file carried 4-0.  
Chairman Madison abstained, as she was not present at the meeting on April 24, 2001 and hadn't read them yet.

**11. COMMITTEE ANNOUNCEMENTS**

- ~~5/08 6:30 Ribbon Cutting at Digital Credit Union Grand Opening~~ Postponed.
- 5/09 7:00 Planning Board in DCD Mtg. Rm.
- 5/10 7:00 Sewer Utility in Sm. Conf. Rm.
- 5/10 7:30 ZBA in DCD Mtg. Rm.
- 5/14 6:30 School Board in BOS Mtg. Rm.
- 5/15 7:00 Trustees of the Trust Funds in BOS Mtg. Rm.
- 5/17 7:30 Budget Cmt. in DCD Mtg. Rm.
- 5/18 6:00 Annual Chamber Dinner @ Richard's Catering
- 5/21 7:30 Conservation Cmsn in DCD Mtg. Rm.
- 5/22 7:00 Trustees of the Trust Funds in TTF Rm.
- 5/22 7:30 BOS in BOS Mtg. Rm.

**12. REMARKS BY THE SELECTMEN**

Selectman Terry Stewart said on Friday night, she had the privilege of attending Alvirne's Senior Prom at the Castleton. Brian Laine and his staff did a wonderful job. The dresses were beautiful, but there were some that her daughter will never wear. The kids were great and the School Department has a lot to be proud of. She had fun.

- Selectman Charbonneau hopes the weather stays warm so she doesn't lose any more flowers.

- Selectman Jasper hopes they get some rain, or she will lose her flowers anyhow.

- Chairman Madison said she was glad to be back.

**13. NONPUBLIC SESSION**

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to enter Nonpublic Session under RSA 91-A:3 II (a) personnel issues and (e) legal matters carried 5-0 by roll call vote.

Nonpublic Session was entered into at 8:36 p.m. and was terminated at 9:00 p.m.

**14. ADJOURNMENT**

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to adjourn at 9:00 p.m. carried unanimously.

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

**HUDSON BOARD OF SELECTMEN**

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**Chairman E. Lorraine Madison**

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**Rhona Charbonneau**

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**Shawn N. Jasper**

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**Ann Seabury**

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**Terry Stewart**

