

## **Hudson Board of Selectmen**

### **Minutes of the April 24, 2001 Meeting**

1. **CALL TO ORDER** by Chairman Pro Tem Shawn N. Jasper at 7:30 p.m.

2. **PLEDGE OF ALLEGIANCE**, led by Selectman Ann Seabury

3. **ATTENDANCE**

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

**Staff/Others**: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Frank Carpentino, Fire Chief; Charlie Chalk, Fire Marshal; Todd Hansen, President & Steve Benton, VP, Local 3154; Lt. Dave Morin; Gary Rodgers, Hudson Lions Club; Howard Dilworth, Jr; Bob Webber, Hudson Speedway; Robin Rodgers, HLN; Ann, Tel; John, Derry News; Jen, SUN

4. **PUBLIC INPUT**

1. Vice Chairman Jasper read a Proclamation in honor of Volunteer Recognition Week, April 22 – 28, 2001.

2. Evelyn Neskey, 18 Third Street, 883-5866 – Issues regarding tying into the sewer system. Mrs. Neskey and her husband, Anthony, were present. They have lived at their present address since April 1951 and was there when sewerage was first in and when Mr. Spaulding was the engineer. The pipes were not low enough for them to connect. They would have had to pump up, into the Town line, which was not feasible. For 20 years, they have paid the access charge. Now that new sewer lines have been put in on Third Street, they have to tie into the system. She and her husband are both retired. They got a bill from the Town for over \$2,000 to tie into the system. They could have tapped in without charge years ago, if the line had been at the right depth. They feel that they shouldn't be charged for this amount now since they have been paying for a many years for sewer already. They are not new customers. Mr. Jasper said the Board would take this under advisement and would get back to her after they talk to their 'experts.'

3. Michael Donnell, Derry said he was a freelance sports writer for several magazines and for the Derry News. He was present to cover the story of the Speedway, but also as a fan of racing in New Hampshire towns where families can get together to do something they enjoy. He understands the safety concerns and some of the things that the Webber family are expected to do to get the track ready. The Webber family has made every effort to put forth a plan that would be acceptable to the Selectmen in order for the track to open this weekend. Hudson is an old track, and not the prettiest one, but it is known as the original family fun track. Going by the track today, he saw quite a few changes. Bleachers were removed from the pits, handrails were brought in, people were doing some wiring and a tanker that had been there for several years was removed. He hopes the Board will take all of this into consideration and move forward so that Hudson, the drivers, the fans and the children can enjoy racing at Hudson Speedway this Sunday. The Webbers have put a lot of time and effort into the community by putting on this race. He son is a race car driver and their whole family gets together, from grandma on down and is something he's been doing with his Dad since 1971. He hopes the Board will make the right decision because the right efforts have been made.

Selectman Charbonneau said Mr. Webber knew that these things had been going on and she can't understand why he didn't correct these deficiencies at the end of last year's racing season. If he had, he'd be ready to open in April. Mr. Donnell said racing starts in April, and doesn't end until late October, and it is usually snowing by then. He thinks Mr. Webber, who takes off for health reasons in the wintertime, knows that the Town will press him to make sure things are done. What has been done in the last two days is a big step in the right direction to show the Selectmen they are being taken seriously. Other raceways are charging \$50 admission, but in Hudson, it's only \$10 and there is no charge for the kids.

Vice Chairman Jasper said the Board would be taking this issue up under Other Business.

4. Bob Webber, Hudson Speedway, Derry Road – Mr. Webber said he has owned the Speedway for 12 years and Mr. Donnell pretty well stated his case. Regarding the letter he received from the Fire Department last year, many of the things are already done. He has been in touch with Fire Inspector Dube. Some of the things, he just can't afford to do. This is a low dollar affair, so there are some things he just shut down. It's isn't feasible to spend what it would take to bring it into compliance. He couldn't even get trucks in there to work two weeks ago. He needs extra time for some of the things because it's so hard to schedule contractors. The place has been there for 54 years and these things didn't happen overnight. He can't bring it back instantly, but if he gets some consideration on the time, which both of the inspectors were more than agreeable to, he thinks he can fulfill the Board's wishes. He got Bill Oleksak's letter just last Monday and met with Bill and Joe on Tuesday. The electrician assured Mr.

Webber everything would be finished tomorrow. The biggest concern was the pit grandstands, which have been totally removed, and which was observed by Fire Marshal Chalk today.

Selectman Seabury asked Mr. Webber if the other bleachers and hand railings were being taken care of. Mr. Webber said things were being worked on. He has to pour concrete for uprights, but the distance they are talking about falling is a very small distance. It has been there 54 years without a railing. He will add it, but it will take a week or two. The majority of the seats are in the banking itself, so they aren't elevated. There is no place to fall. On top of the hill are regular raised bleachers. Selectman Seabury mentioned the railings were be very helpful to older, arthritic people.

5. **CORRESPONDENCE RECEIVED**

- A. From: Richard Gendron, Chief of Police  
Re: Donation of Nautilus Equipment from YMCA  
Refer to: Public Hearing/New Business
- B. From: Coleman Kelly, Cable Committee Chairman  
Re: Video Tape Fees  
Refer to: Public Hearing/New Business
- C. From: Stephen Benton, Vice President of Local 3154  
Re: Request for MDA Boot Drives  
Refer to: New Business
- D. From: Gary Rodgers, Hudson Lions Club  
Re: Authorization to use Merrill Park for a Fishing Derby  
Refer to: New Business
- E. From: Sean T. Sullivan, Director of Community Development  
Re: Proposed Purchases  
Refer to: New Business
- F. From: Mike Gospodarek, Town Engineer  
Re: Lowell Road Improvement Project, Amendment #8  
Refer to: New Business
- G. From: Jim Michaud, Assessor  
Re: Various Assessing Items  
Refer to: New Business
- H. From: Verizon  
Re: Pole Petitions and Licenses  
Refer to: New Business
- I. From: Sewer Utility Committee  
Re: Sewer Abatement Requests  
Refer to: New Business

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

6. **OLD BUSINESS**

**Personnel Policies**

**Leave & Benefits** -- Mr. Sharon said these were just housekeeping items. Vacation Leave was adopted by the Board at the last meeting, but he inadvertently had not completed one sentence, which is highlighted on tonight's submission. Regarding Item B, when he set up the structure for the Personnel Policies, this was a separate chapter, but when he brought the text to the Board for adoption, he mistakenly included it at the end of another chapter. This submission has been reformatted to put in back in its own chapter. The text has not changed at all.

*Motion by Selectman Seabury, seconded by Selectman Stewart, to adopt the policies, as presented, carried unanimously.*

7. **NEW BUSINESS**

A. **Public Hearing/Donation of Nautilus Equipment, valued at \$2,500, by YMCA to the Police Department**

Chairman Pro Tem Jasper opened the Public Hearing at 7:55 p.m. and asked if anyone wished to speak. There was no response, so he closed the hearing.

*Motion by Selectman Charbonneau, seconded by selectman Stewart, to accept the donation, with thanks, carried unanimously.*

B. **Public Hearing/Video Tape Fees (Cable Committee)**

Chairman Pro Tem Jasper opened the Public Hearing at 7:56 p.m. and said this would establish the fee of \$15 for a copy of a 2-hour VHS tape and for shorter length tapes, a fee of \$10. He asked if anyone wished to speak. There was no response, so he closed the hearing. Selectman Charbonneau said this is a good deal because everyone else is charging \$19, regardless of the length.

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to adopt the fees, as outlined, carried unanimously.*

C. **Request for MDA Boot Drives by Local 3154** (June 9, July 21 & August 25, 2001 at the intersection of Chase, Derry & Ferry Streets)

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

D. **Authorization to use Merrill Park for a Fishing Derby by Lions Club**

Gary Rodgers was recognized, who said the request was for June 23. They would like to use Merrill Park as the reception area for a fishing derby, with a registration and weigh-in area. People will be able to fish along the Merrimack River. They hope to make this an annual, money-raising event. Merrill Park does have an access to the river, which would give people an area to start from. All ages are welcome, but those 16 and over have to have a State fishing license. Chairman Pro Tem Jasper said if this is approved, they would also have to apply for an Outdoor Gathering Permit.

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

E. **Proposed Purchases in the Community Development Department** (Digital Camera for Code Enforcement, \$700; Computer & Monitor for Town Planner, \$1,100; Laser Printer for CDD, \$1,400)

Mr. Sharon said the Board established a criteria for new equipment that is not budgeted. Sean Sullivan's memo indicated three pieces of equipment that he needs, one of which is a replacement, the computer system. He has talked this over with the Finance Director, as well, and identified items in the budget where he can take the funds. Selectman Charbonneau thought the laser price tag was high. Mr. Sharon said it is a good, color laser printer. Selectman Stewart said it probably has special download capabilities and would produce a good quality picture of any code violation.

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

F. **Lowell Road Improvement Project, Amendment #8** (From Louis Caron, SEA Consultants)

Mr. Sharon pointed out that this amendment has no cost associated with it.

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to sign the amendment, carried unanimously.*

G. **Assessing Items**

1) **Charitable Exemption** (Dartmouth-Hitchcock Clinic)

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

2) **Excavation Tax Warrant** (Map 030/Lots 008, 009 & 020; Map 033/Lot 039/Sublot 001)

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

**3) Current Use Land Use Change Tax Lien (Map 36/Lots 26-1 through 26-5)**

Selectman Stewart moved to sign, seconded by Selectman Charbonneau, who questioned the forms that stated it was 8.8 acres. She said in order for it to go into current use, it should have been 10 acres. Mr. Jasper said there were a number of mistakes made back in the 70's, when this first went in and how it was applied.

(Start Tape 1, Second Side)

Another explanation, he said, is that if there were two or more parcels that were owned by this person, and this was a separate lot, as long as the land is contiguous, it qualifies. This could have been one parcel, which may have been connected to another parcel, so it wouldn't have disqualified it. Selectman Charbonneau thought that there should be an explanation provided. Mr. Jasper wondered if they could also wait until July 1 for this because of the glitch in the statute. Ms. Boisvert stated that the Assessor indicated that would not be possible, because the closing on the homes going up on that property would probably occur before July 1.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to defer this item carried unanimously.

**H. Pole Petitions and Licenses from Verizon**

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to grant 945534, 945153, 945386, 925059, 954528, 944503, 945883 & 945843 carried unanimously.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to deny 945711, 925919, 945716, 649124 & 945717 carried unanimously.

Mr. Jasper said the reason for the denials are because these are currently private roads, or insufficient information was provided, as explained by the Town Engineer in his memo of April 12, 2001.

**I. Sewer Abatement Requests**

**Ref. No. S-01-09**

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to grant S-UTL-01-18, (14 Park Avenue) and deny S-UTL-01-21 (148 Derry Road) & S-UTL-01-22 (150 Derry Road), as recommended by the Sewer Utility Committee carried unanimously.

**J. Telegraph Article dated 4/16/01, Growing North**

Chairman Pro Tem Jasper said there was an article in the Telegraph last week that contained a couple of comments that caused him some consternation. He asked Chief Carpentino if he wished to add anything at this time. Chief Carpentino said not unless there were questions. Mr. Jasper said what concerned him was the statement that there are unmanned stations on Burns Hill and Robinson Roads that are just buildings with trucks. While this is probably technically correct, for those people who are call fire fighters in those districts, that lacks the recognition that they should receive for the time and effort they put in to man those stations. They are on a call basis, coming in when they are needed and they give up a great deal of time away from their families to man those stations. He didn't want that to go unnoticed that there are, in fact, dedicated people that do respond to those stations when they are available.

Chief Carpentino said the article was written on the growth of the Town of Hudson and has nothing to do with the call force. The article references a response to questions not listed in the article. If this question would have been asked by both Selectman Jasper and the writer of the editorial, they could have avoided a lot of letter writing and questions that have been asked over the past week. Selectman Jasper said he understands that, but the statement was made and put out in a public forum and he felt the need to respond and give the people recognition. He understands it wasn't the Chief's intent to slight them, but in reading the article, it could have been interpreted that way—and was, by a number of people. Particularly since this is Volunteer Recognition Week, it's important to mention that there are people who do man those stations on an as-needed basis, as best they can.

Selectman Seabury said she saw in Paul's notes that the reporter from the paper called to clarify this article. Selectman Jasper said when something is out in the public like this, it's appropriate to respond publicly. It's not a criticism because he understands how things are asked and how things are dealt with in the press.

**K. Discussion of Charge to the Benson's Committee**

Selectman Jasper said the Board has yet to give a charge to the Benson's Committee. They should wait until Chairman Madison returns from vacation, but over the next two weeks, they should be thinking what specifically it is the committee is to do. Also, they had a discussion about when people could make the meeting. All but two of the members can make the 3:00 meeting. Those two members can, however, make a 4:00 meeting. He thinks they should move it to 4:00 so all of the members can be present.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to schedule the meeting for May 15 at 4:00 p.m. carried unanimously.

Selectman Seabury said the committee's first step should be to get a site plan. Selectman Jasper said that was getting a little ahead of themselves, although he thought that was a very good point. He thought Paul could come up with a draft outline for a charge to the committee, with the Board members submitting their thoughts. Mr. Sharon said the State was going to be working through NRPC to do a lot of that, on behalf of the committee. Selectman Charbonneau said after the Town gets the land, they can apply for Federal grants. Mr. Sharon said the committee, itself, is pretty dynamic and will probably, at their first meeting, set their mission. He reminded them that Selectmen Charbonneau and Madison were on the committee. Selectman Jasper said it was highly unusual to form a committee and not set the parameters. Selectman Charbonneau said it was difficult because the Town does not own the land yet, but they have to tell the people they are moving forward with it because every year they are asking for money to purchase and/or repair it. She has been told the Town is going to get it at a very, very good price. They need Carol Murray up there, her last connection, who is also working hard on 102. She hoped people would write letters to Executive Councilor, Tom Colantuono, to encourage him to vote for Carol Murray. She is a great, hard working person, who cares about New Hampshire.

**8. OTHER BUSINESS**

A. Motion by Selectman Stewart, seconded by Selectman Charbonneau, to approve the request by the Hudson VFW Post 5791 to hold a monthly cash drawing, with proceeds going to benefit the VFW carried unanimously.

B. Chairman Pro Tem Jasper said there has been a request by the Lions Club to put up banners announcing an event, which needs Board approval.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to approve the request, with the understanding the requestor works through the Road Agent and Community Development Director to insure compliance to all applicable policies, rules and regulations carried unanimously.

C. Selectman Charbonneau said, in view of the shortage of homes in the area, she doesn't understand why the house that the library bought on Ferry Street is not rented, especially with a housing shortage in the area. It is just sitting idly and they would receive money that could go towards the library. Selectman Seabury thinks it is used for storage. Selectman Jasper said there were some legal issues involved, but he couldn't recall the particulars. Selectman Charbonneau said she never heard of that and didn't see why there would be a problem. Selectman Jasper said the building is being used for meetings and other things, but he didn't disagree with the possibility of doing that. Selectman Seabury asked who was in charge of the building. Selectman Jasper said the Library Trustees. Mr. Sharon said Lisa Riley mentioned that the Library Board had discussed that possibility, but they decided, for whatever reasons, not to. Selectman Charbonneau said there must be other places they can store things and make \$6,000-\$7,000 a year. They can do whatever they want—they are the bosses, but it's taxpayer money. Selectman Seabury couldn't see where there would be a problem because the Selectmen are landlords of Lions Hall. Selectman Jasper thought the Selectmen can be landlords, but for some reason, others don't have the ability to rent out property.

**9. LICENSES AND PERMITS**

A. **Request by Mike Girouard for a block party to be held on Richmond Road on May 5, with a rain date of May 6**

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

B. **Request by Cheryl Guiney for a Tag Sale on May 24 & 25 to benefit NH Knicks U13 AAU Basketball Team**

Motion to approve, subject to authorization from Market Basket, by Selectman Charbonneau, seconded by Selectman Stewart, carried unanimously.

C. **Hudson Speedway**

Chairman Pro Tem Jasper had a report from the Fire Marshal which says he would be satisfied at this time with what the Speedway has done and are doing and feels confident they will be ready to race on Sunday. Fire Marshal Chalk said he was at the site today and went over everything with Mr. Webber, and they are 90% where they need to be. There are things, such as hoods over the grills, that are manufacturing problems, that is causing some delay, but He is not particularly worried about that because they have agreements on some of those items. He took a general look at some of the things the Building Inspector had asked for, since he was not available. Again, they are coming along real well with that, also.

Mr. Sharon said the Director of Community Development, Sean Sullivan, told him this afternoon that there are still some relatively minor issues that need to be signed off on, but they are being addressed. He suggested that it might be appropriate for the Board to approve the license, subject to their finishing by Thursday or Friday.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to authorize the issuing of the permit, as soon as the concerns of the Fire Department and Building Department have been satisfied.

Selectman Seabury asked if that was eminent, or if they had to wait. Selectman Jasper said if they get it done this week, normally the Chair signs the permit, so in this case, as acting Chair, if they are done, he will sign the permit Thursday or Friday and they will be set to go. If they don't get it done this week, they will have to wait till next week, but would not require another meeting. It sounds like there is nothing that will prevent them from being ready this week. Selectman Seabury said Mr. Webber said he wouldn't be able to get all of the bleacher work done. Selectman Jasper said that was a hand railing, but the Building Department may be satisfied that that can wait. Selectman Seabury asked if Sean Sullivan can sign off for the Building Inspector. Mr. Sharon said yes, but Joe Burke is also available. Selectman Charbonneau asked if the bleachers could be grandfathered. Selectman Jasper didn't believe life safety issues could be. Marshal Chalk said the letter that came from the Building Inspector applied the 1999 BOCA Building Code and is different from the Fire Department's life safety code. They can't go back to a 50-year old building code. They have to apply the most current code and there may be more stringent requirements than when it was originally built. He didn't believe there were any unreasonable changes, extreme cost factors, or something that creates a great hardship. Chief Carpentino said if there are fire code issues, the Webbers could request a variance from the Fire Marshal's office.

Vote: Motion carried unanimously.

**10. ACCEPTANCE OF MINUTES**

- A. BOS Minutes of April 10, 2001
- B. BOS Minutes of April 17, 2001 w/NH DOT re Route 102/West Road/Tracy Lane

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

**11. COMMITTEE ANNOUNCEMENTS**

- 4/25 7:00 Planning Board in DCD Mtg. Rm.
- 4/26 7:30 ZBA in DCD Mtg. Rm.
- 4/30 6:30 School Board in BOS Mtg. Rm.
- 5/02 7:00 Planning Board Workshop in DCD Mtg. Rm.
- 5/07 7:00 Friends of Hudson's Natural Resources
- 5/07 7:30 BOS in BOS Mtg. Rm.
- 5/18 6:00 Annual Chamber Dinner @ Richard's Catering

**12. LIAISON REPORTS (There were none.)**

**13. REMARKS BY THE SELECTMEN**

Selectman Terry Stewart understands the Fire Department was busy over the weekend with quite a few brush fires in the greater Hudson area. She appreciates all of their hard work, including the call fire fighters.

**14. NONPUBLIC SESSION**

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to enter Nonpublic Session under RSA 91-A:3 II (a) personnel issues; (b) hiring of employees; (c) matters, which if discussed in public, would likely adversely affect the reputation of any person, other

than a member of the body itself carried 4-0 by roll call vote.

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Nonpublic Session was entered into at 8:30 p.m. and was terminated at 9:35 p.m.

Motion to seal the Nonpublic Session Minutes by Selectman Stewart, seconded by Selectman Charbonneau, carried unanimously.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to hire Kathleen McKenna as Town Planner in the Community Development Department, effective May 6, 2001 at an annual salary of \$44,774 and after successful completion of probationary period, to \$46,087.22 in accordance with the Police, Fire and Town Supervisor's Association collective bargaining agreement carried unanimously.

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Motion by Selectman Charbonneau, seconded by Selectman Seabury, to hire Shawn Murray as Assistant Fire Chief, a non-union position, in the Fire Department, effective May 13, 2001 at an annual salary of \$56,300 and after successful completion of 6-month probation, to \$58,552 carried unanimously.

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Motion by Selectman Charbonneau, seconded by Selectman Stewart, to hire Dean Sulin, Patrick Robertson, Alan Winsor and Jason Fritz as Firefighter/EMT I's in the Fire Department, effective May 13, 2001, at a starting pay of \$24,876 and, as of July 1, 2001, to \$25,623.14 and at the end of the probationary period, to \$26,648.07 in accordance with the IAFF Local 3154 collective bargaining agreement carried unanimously.

15. **ADJOURNMENT**

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to adjourn at 9:40 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**