

HUDSON, NH, BOARD OF SELECTMEN
Minutes of the January 9, 2001 Meeting

7:00 p.m. – 7:55 p.m. Attorney-Client Session

1. **CALL TO ORDER** by Vice Chairman Shawn N. Jasper

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

3. **ATTENDANCE**

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

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Frank Carpentino, Fire Chief; Matt St. Laurent, Assistant Fire Chief; Pierre Comtois, SUN

4. **PUBLIC INPUT**

Vice Chairman Jasper asked if anyone in the audience wished to address the Board. There was no response.

5. **CORRESPONDENCE**

A. From: Cecile Nichols, Town Clerk/Tax Collector
Re: Request to Advertise for Vacancy
Refer to: New Business

B. From: Jay Hodes, Esq, Bossie, Kelly, Hodes, Buckley & Wilson
Re: Warrant Article Re: Lease/Purchase of Conservation Easement
Refer to: Old Business

C. From: Frank Carpentino, Fire Chief
Re: Job Descriptions
Refer to: Old Business

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

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to receive Items A-D, with appropriate referral, carried unanimously.

6. **OLD BUSINESS**

A. **Warrant Article Re: Lease/Purchase of Conservation Easement**

Vice Chairman Jasper said an outright purchase needs a 3/5ths vote because it will have the same effect as a bond. A lease-purchase would include a clause saying if the Town didn't fund it, the lease would be terminated. Once the Town entered into this, it would be funded, even under the default budget. Selectman Seabury asked if this was the farmer they talked to. Selectman Jasper said yes and his recommendation was to go with the lease purchase.

Motion by Selectman Seabury, seconded by Selectman Stewart, to go with the lease-purchase option carried 3-1. Selectman Charbonneau was opposed.

B. **Fire Department Job Descriptions**

1) **Fire Chief**

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to amend Page 1, Supervision Received, to include "and Town Administrator" at the end of the first sentence, and in the last sentence, delete, "Chairman of" and add "and Town Administrator at the end of the

sentence.” Examples of Duties, #2, delete “the Chairman of,” and add “and Town Administrator” after Selectmen carried unanimously.

Motion to approve the amended job description for Fire Chief by Selectman Stewart, seconded by Selectman Charbonneau, carried unanimously.

2) Deputy Chief

Chief Carpentino explained that this job description included many changes because a lot of the duties were split when the Assistant Chief was hired. He explained the various changes.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to approve the job description for Deputy Chief carried unanimously.

3) Secretary

Chief Carpentino reviewed the current job description.

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

(Start Tape 1, Second Side)

4) EMS Supervisor

Chief Carpentino reviewed the current job description.

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

Chief Carpentino said the new ambulance will be here Thursday and in service in about two weeks.

7. NEW BUSINESS

A. Request by Town Clerk to Advertise for Vacancy

Vice Chairman Jasper said Paula Bradley, a good employee that he has enjoyed working with at elections over the years, has resigned. He will miss her. Several members said the Town Clerk would, too.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to grant the Town Clerk authorization to post the vacancy carried unanimously.

B. Assessing Items

1) Abatement Application--4 Somerset Drive, Map 9, Lot 7-4

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

2) Abatement Applications—9B Rangers Drive, Map 031, Lot 054, Sublot 26B; 28 Merrimack Street, Map 054, Lot 022; 7 Krystal Drive, Map 025, Lot 003, Sublot MH1

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

3) Elderly Exemption Applications—3 Willow Street, Map 044, Lot 024; 17 Oliver Drive, Map 031, Lot 058, Sublot 017

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

4) **Elderly Tax Lien/Deferral Correction—7 Alpha Drive, Map 49, Lot 50**

Vice Chairman Jasper explained that a wrong number had been copied and then recorded incorrectly. The lien has to be discharged, and a new one recorded.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to sign the Elderly & Disabled Tax Lien Discharge form and the corrected Elderly Disabled Tax Deferral form, as recommended by the Assessor, carried unanimously.

8. **OTHER BUSINESS**

A. **Policy on ZBA and Planning Board Appeals**

Vice Chairman Jasper read the following policy: “In circumstances where a person has been granted a permit by the Planning Board (site plan or subdivision approval) or the Zoning Board of Adjustment (variance, special exception or administrative appeal), and an abutter or other party has appealed the decision to grant the permit to the Superior Court, the Board of Selectmen may instruct Town Counsel to merely prepare the necessary Certified Record, file an answer to the complaint, and seek permission from the Court to withdraw from further active participation in the litigation.”

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

Selectman Jasper said based on the policy just adopted, the Town Administrator needs to contact the lawyer representing the ZBA in the case of Hudson v. Hudson and notify him not to file a brief or appear in any oral argument before the Supreme Court and to otherwise seek permission from the Supreme Court not to actively participate in the appeal litigation. In other words, suspend the active participation in the case and notify Atty. Welts of this decision. The ZBA should then be advised of this decision.

B. **Cats at a Residence on Sullivan Road**

Selectman Seabury said she has had animal problems with her horse escaping daily ever since a moose went through the fence, but she has heard from the cat lady’s neighbor again, who asked if the process was continuing. Mr. Sharon said that case, a perceived zoning violation, was referred to Bossie, Kelly, Hodes & Buckley. Action was suspended at the request of her attorney, who indicated she was moving out of Town. The Town agreed, believing that the problem was going to go away. As it turns out, she is apparently not moving. He has since instructed Atty. LeFevre to proceed. A copy of his filing is in General Read.

C. **Budget Hearings**

Selectman Seabury said there is a Budget Committee meeting at the SAU Office on Wednesday and on Thursday is the Public Hearing. Selectman Jasper said he’d attend those meetings. Selectman Seabury said as the minute taker, she had a conflict on Wednesday, so Howard will have to tape the meeting.

D. **Job Descriptions**

Selectman Stewart said the Selectmen have approved all of the job descriptions in the Fire Department, and wondered if they could expect others to be updated and brought forward. Mr. Sharon said he has some for positions in the Assessing Office, but others haven’t been developed yet, such as in the Community Development Department. He will check to see if the Police Department’s are on file. Selectman Stewart asked if Cecile, Priscilla and Linda have updated job descriptions. Mr. Sharon didn’t know if the Town Clerk has a job description. Selectman Jasper said she is an elected official and her duties are governed by State statute. She would handle the job descriptions for her personnel.

E. **Site Violations at Wal-Mart**

Selectman Stewart said from the road, it looks like Wal-Mart has outside displays of snow blowers on their sidewalk again. Mr. Sharon said the Town has been after them regarding the trailers and thinks they are down to nine. Selectman Charbonneau said they are supposed to be out of there. It is extra storage that should not be allowed. Selectman Stewart said their site plan states no outside displays. Selectman Charbonneau said the display is a go-cart type of vehicle. Bicycles are hanging up on the outside walls.

Selectman Stewart said that would also be a violation of the site plan. Selectman Charbonneau said this was a big problem because it's an enforcement issue. If the Town is turning the other way when violations occur, others will expect they can do the same thing. This is a big problem and it is not right. She is also bothered by the overcrowded aisles within the store. Mr. Sharon said they could go back out there, but when the Fire Department went out, they didn't find any violations. She spoke again about the trailers on their property which, according to Selectman Stewart, is a violation of their site plan. She asked Paul if he would have Bill look into it. Mr. Sharon said he had him on that trail this year and he was out there today. Selectman Charbonneau said they shouldn't have to police like that. In the summer, they have tractors and lawn mowers in the green area, week after week. When they come in for another site plan, they agree to everything, but non-compliance continues. The Town is wrong to let these people do things they shouldn't do, while expecting others to comply. Selectman Seabury said there is an active site plan, so the Planning Board might be able to do something.

Selectman Jasper didn't want to see them beating up Wal-Mart because they are a good member of the community and participate in a number of things. Part of the problem, probably, is that there is a high turnover in management. New managers have no idea of what is on the site plan, nor the experience to think to ask. They do what they think is right for managing their store, without understanding the circumstances. Somehow, they need to get to top level management within the company and remind them that they need to have site plans nailed to their walls so that the managers understand that they have certain restrictions they must abide by. He didn't think it was blatant disregard for the Town's regulations. Selectman Seabury agreed, saying that the engineer working with Wal-Mart was doing so with a contact in Arkansas. The manager didn't even know trailers were not allowed.

F. Snowplowing/Sidewalk Plowing Operations

Mr. Sharon said at the last meeting, questions were raised about the Bobcat plowing operations. The pickup truck follows the Bobcat for safety reasons, hand clean-up and refueling because the Bobcat uses a tank of gas an hour. The Highway Department, under Kevin Burns, is pretty efficient. He wouldn't tolerate someone sitting in a pickup truck if they weren't supposed to be there. Selectman Stewart said when she saw the Bobcat on Central Street on a Sunday night, it was by itself and it was after dark. The pickup should be been there with lights flashing. Mr. Sharon said there may have been an explanation for that. When things such as this comes up during a televised meeting, it raises questions when detailed answers are not readily available. A phone call during the day would have worked as well. Selectman Charbonneau said Kevin and his men do an excellent job, but the Selectmen get calls from their constituency, and they like to be prepared to be able to answer those questions. Selectman Jasper said when those questions come up, the Selectmen should get on the phone and call the department head involved, because words they say in a meeting can have a negative effect on the morale of the people who work an incredible amount of hours. Any time he has called the Highway Department, Kevin has called him back within 20 minutes. Then, if there is a problem with his answer, this is the appropriate arena to bring it up. They should not jump to conclusions because some people love to beat up on various Town departments.

9. ACCEPTANCE OF MINUTES

Minutes of the January 2, 2001 Selectmen's Meeting

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

(Start Tape 2, Side A)

10. COMMITTEE ANNOUNCEMENTS

01/10 7:00 Planning Board in P/Z Mtg. Rm.
01/11 6:30 Recreation Committee @ Rec Ctr.
01/11 7:00 Public Hearing on School District Budget @ Lions Hall
01/12 7:00 Public Hearing on Town's Budget @ Lions Hall
01/15 Civil Rights Day—Town Hall Closed
01/15 7:00 Cemetery Trustees
01/16 7:00 Planning Board Public Hearing in P/Z Mtg. Rm.
01/18 7:30 Budget Committee in P/Z Mtg. Rm.

01/18 7:30 Sewer Utility Cmt. in BOS Mtg. Rm.
01/22 7:30 Conservation Commission
01/22 6:30 School Board
01/22 7:00 Trustees of the Trust Funds
01/23 7:30 Board of Selectmen

Dates relative to Town Meeting

Jan 9 Last day to submit petitioned articles to BOS
Jan 24-Feb 2 Filing period for candidacy
Jan 29 Last day to post the Warrant/Budget
Feb 3/feb 10 Deliberative Session of Town Meeting
Mar 13 Voting

11. REMARKS BY THE SELECTMEN

Rhona Charbonneau said the YMCA was trying to purchase the church on Greeley Street, but that fell through because they couldn't get it before the Planning Board before March and wouldn't be able to move until June. Another church came along and purchased it. The Y is looking for another site in Hudson and she hopes they can get one. When they asked about Lion's Hall, she said she'd have to discuss it with the Selectmen.

Ann Seabury asked about the Lowell Road takings. Mr. Sharon said they were proceeding very well. Selectman Seabury said a man who lives on Hardy Road, who constantly complains that his road isn't plowed, was interested in purchasing the property.

12. NONPUBLIC SESSION

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

Nonpublic Session was entered into at 8:53 p.m. and was terminated at 9:15 p.m.

13. ADJOURNMENT

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to adjourn at 9:16 p.m. carried unanimously.

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

HUDSON BOARD OF SELECTMEN

Chairman E. Lorraine Madison

Rhona Charbonneau

Shawn N. Jasper

Ann Seabury

Terry Stewart