

**HUDSON, NH BOARD OF SELECTMEN**

**Minutes of the October 24, 2000 Meeting**

Attorney-Client Session from 7:00 – 7:15 p.m.

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:30 p.m.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Shawn N. Jasper.
3. **ATTENDANCE**

**Selectmen:** E. Lorraine Madison, Rhona Charbonneau, Shawn N. Jasper & Ann Seabury. (Terry Stewart was on vacation.)

**Staff/Others:** Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Steve Malizia, Finance Director; Kevin Burns, Road Agent; Frank Carpentino, Fire Chief; Matt St. Laurent, Assistant Fire Chief; Jim Michaud, Assessor; Ginette Bedard; Keith Mitchell and Lorraine Dogopoulos from Wal-Mart; Nancy Reagan; Sarah, Derry News; Ann, Telegraph.

4. **PUBLIC INPUT**

**Ginette Bedard, 56 Sullivan Road—Petition in opposition of Home Occupation Business**--Ms. Bedard presented a petition on behalf of her neighbors regarding a cat-breeding business at 58 Sullivan Road, with a request for action as soon as possible. She asked if Ms. McWilliams responded to the letter the Town sent to her on August 18, believing that she had 10 days to do so. Mr. Sharon said she responded verbally. Ms. Bedard asked when they could expect a response to the petition. Mr. Sharon said the next step is the attorney. Chairman Madison stated the petition will be forwarded to the attorney.

Chairman Madison asked if anyone else wished to speak under Public Input. There was no response.

5. **CORRESPONDENCE RECEIVED**

A. From: Steve Malizia, Finance Director

Re: -Default Budget FY-2002

·Solid Waste Contract

·Water Utility Master Plan Consultant

·Computer-Assisted Mass Appraisal (CAMA) Project

Refer to: New Business

B. From: Frank Carpentino, Fire Chief

Re: -Donation from Wal-Mart

·Replacement Rescue Tools

Refer to: New Business

C. From: St. Kathryn's Parish

Re: Putting up Banner for Annual Holiday Bazaar/Penny Sale

Refer to: Road Agent

D. From: Jim Michaud, Assessor

Re: Yield Tax Warrant

Refer to: New Business

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

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to change the Order of the Day and take up Item 9E carried unanimously.*

**9E. Public Hearing/Board Action on receipt of a \$5,000 donation from Wal-Mart to the Fire Department to put towards the purchase of a thermal imaging camera**

Chairman Madison recognized Wal-Mart personnel Keith Mitchell, Manager, and Lorraine Dogopoulos from the Accounting Department, who presented Chief Carpentino with a \$5,000 check on behalf of all of the associates of the Hudson Wal-Mart towards the purchase of the

Fire Department's first thermal imaging camera. Chief Carpentino thanked them, saying this was an important piece of equipment that will allow firefighters to navigate their way through a smoke-filled environment. This check will go a long way in helping to purchase that valuable piece of equipment. Chairman Madison also thanked them for this very generous donation. She then opened the Public Hearing at 7:40 p.m. and invited comments. There was no response, so she closed the hearing.

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

## **6. NOMINATIONS AND APPOINTMENTS**

### **A. Building Board of Appeals** (Two Members, Terms to expire 12/31/01)

**Jeffrey Emanuelson** (Interviewed on 10/10/00)

**Tammy McNulty** has lived in Hudson since 5<sup>th</sup> grade. She'd like to give her input on how the Town should grow. Selectman Seabury wondered whether or not Ms. McNulty was qualified. Chairman Madison read the requirements, which stated in part, "Members are familiar with building construction or licensed professional engineers, architects, etc." Ms. McNulty said her husband owns a construction business, so she could seek his advice. Selectman Jasper said her application indicates she is also interested in serving on the ZBA, so perhaps she could better serve the community on that Board. Chairman Madison agreed, saying that the upcoming ZBA vacancy would still have to be advertised, adding Ms. McNulty would not have to come back before the Board. She asked Ms. McNulty if she'd be able to make the Thursday night meetings, which are held once or twice a month. She would also be expected to attend the Law Lectures series in Manchester in the Fall. Ms. McNulty agreed to be considered for the ZBA instead of the Building Board of Appeals.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to appoint Jeff Emanuelson to the Building Board of Appeals, with a term to expire 12/31/01.*

Chairman Madison asked if Mr. Emanuelson, a call firefighter, would step down on issues that had to do with the Fire Department. Selectman Jasper said since he is not an Inspector for the Hudson Fire Department, it wouldn't have been a decision he was involved in, so there wouldn't be a conflict. Not that this is a big concern, since this board has not met in years. They are just fulfilling a legal requirement to have a Building Board of Appeals with the right people on it. They've had trouble getting people to serve on this board, even though it never meets. Chairman Madison said she doesn't want any issues with the Fire Department. Selectman Jasper said this would be an appeal from the Building Code, not decisions that an Inspector may have made relative to the Code. Chief Carpentino said it's his understanding from Fire Marshall Bliss that Building Board of Appeals can rule on Fire Department issues. If someone feels there is an extremely unusual situation that is prohibitive, they can appeal to the Building Board of Appeals. Mr. Sharon said they are an appellate body. They can pass judgements on decisions of local enforcement officers, but they can't rewrite the code. Chief Carpentino said they can come up with alternatives to Code requirements. He is not saying Mr. Emanuelson is not qualified. In order to obtain the position he has with the Manchester Fire Department, he has gone through considerable education and training. The Fire Department can sit down with the Building Board of Appeals and explain their interpretation of the Code. Selectman Seabury said if a builder disagrees with the Building Inspector, he can go to the Building Bd of Appeals. This board met years ago on an issue concerning a fire wall. Chairman Madison felt this applicant would be an asset because of his expertise, since these are the codes he is enforcing in Manchester.

*Vote: Motion carried unanimously.* (Selectman Jasper said they should have such spirited discussions when appointing people to boards that do meet!)

### **B. Cable Committee** (One Member, Term to expire 12/31/02)

**Denise Babcock** (Interviewed on 10/10/00)

*Motion by Selectman Jasper, seconded by Selectman Seabury, to appoint Ms. Babcock to the Cable Committee, with a term to expire 12/31/02 carried unanimously.*

### **C. Resignations**

1. Doug Hackett, Recreation Committee
- 2) Frank Carr, ZBA (effective November 1, 2000)
- 3) Brent McLaughlin, Planning Board

Motion by Selectman Seabury, seconded by Selectman Jasper, to accept the resignations with thanks and deep regrets carried unanimously.

## **7. OLD BUSINESS**

### **Petition for the Layout of a Highway – Lowell Road**

Chairman Madison said the Selectmen held a public hearing and, as a result, it is clear that a public need exists to acquire the property to ensure the safe flow of traffic on Lowell Road. At the time of the hearing, they voted to take this under advisement, so this is just a housekeeping issue.

Motion by Selectman Seabury, seconded by Selectman Jasper, to approve the petition for acquisition of property for the purpose of widening Lowell Road carried unanimously.

## **8. NEW BUSINESS**

### **A. Default Budget FY-2002**

Chairman Madison recognized the Finance Director, who explained this. She thanked him for his efficiency. Mr. Malizia distributed a handout entitled, "Default Budget Fiscal Year 2001-2002." Selectman Jasper said Mr. Malizia had explained to him yesterday that, because of a glitch in the law, a number of items do not get included in the default budget. He thinks the Town should send a letter to the newly elected Senator and Representatives to work together to take care of the problem which has resulted in them not being able to include \$294,527 worth of reoccurring items in the default budget. With Union contracts, the money goes back in, but with non-union raises, they don't. This should be corrected. Hopefully, they can make an effort to correct them.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to set the FY-2002 default budget at \$19,198,312 as recommended by the Finance Director, carried unanimously.

Chairman Madison asked if a letter could be sent after the upcoming elections. Mr. Sharon said absolutely.

Motion by Selectman Jasper, seconded by Selectman Seabury, to send a letter to the Legislators-elect and Senator-elect after the November elections, pointing out the inconsistency in the law in not allowing them to include certain items in the default budget and ask them to take appropriate actions to insure that in the future, these items can be included in the default carried unanimously.

### **B. Bid Recommendation—Two Year Solid Waste Contract**

Chairman Madison recognized Road Agent Kevin Burns, who said they bid the contract so they would have a firm number for the budget, which is substantially higher than the existing contract. There were two bidders and BFI came in quite a bit lower than WMI in all categories. The RFP was structured to have some flexibility in the level of service provided by the Town so if the prices came in too high, they could scale back. He estimates the Town will do about 10,000 tons of solid waste and about 1,500 tons of co-mingled recyclables. Chairman Madison said they should look seriously at a recycling center for future contracts. In Dover they pay \$1 a bag for trash to be picked up. There is nothing in those bags that could be recycled. They don't have to pay for the recycled matter, so that gives them incentive to recycle everything they can, which is taken to the recycling center. The cost of trash for that city went down. Mr. Burns said trash costs \$111 a ton; recycling is \$147 a ton. They've been doing this for 15 years, and it has got to change. There is a community in the area that is looking to open a municipal recycling center and are want other communities to bring their recyclables there. He told them they would look at it to see if it was feasible. They would be looking at between \$26-\$46 a ton. At that price, the Town could look at doing it themselves. Chairman Madison thought a recycling center is probably the answer. She volunteered to work with the Solid Waste Study Committee because she was involved with them a few years ago.

Selectman Jasper asked what the time frame was for the possibilities Kevin mentioned. Kevin wasn't sure, saying they still had a lot of construction to do. Selectman Jasper asked if they approved this contract, if there was a provision for them to opt out of it. Kevin said the contract isn't written yet. He had asked BFI about recycling because if anything happened, that would happen first. They agreed for something to be included in the contract, with 60 days notice, that would change the recycling practices. Mr. Sharon asked if any thought was given to every-other-week recycling. Kevin said yes, but it wouldn't be any cheaper because they would have to send out two trucks instead of one because of the volume. Chairman Madison said there isn't much they can do about this contract, but they have to consider changing their practices for the next one. Selectman Jasper said they've been saying that for three contracts. Chairman Madison hoped the Solid Waste Committee would become a little more active.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to award the bid for the two year solid waste contract (FY-2002/FY-2003) to the low bidder, BFI, in an amount not to exceed \$3,193,000 (\$1,596,500 per FY), as recommended by the Finance Director and Road Agent, with the proviso that they be allowed to opt out of the recycling program, as outlined by the Road Agent, carried unanimously.

### **C. Water Utility Master Plan Consultant**

Chairman Madison recognized the Town Administrator, who said they solicited proposals from several qualified consulting firms. He, the Road Agent, Finance Director and Town Engineer conducted interviews.

(Start Tape 1, Second Side)

They feel that Weston and Sampson can do the best job. There are a number of projects waiting in the wings, such as the Marsh Road pump station, Darrah Pond in Litchfield, the establishment of a service area for expansion of the water system, etc.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to enter into a contract with Weston & Sampson to perform a Technical Analysis and prepare a Master Plan for the Town of Hudson Water Utility, as recommended by the Finance Director, carried unanimously.

### **D. Bid Recommendation--Computer-Assisted Mass Appraisal (CAMA) Project**

Chairman Madison recognized the Assessor, Jim Michaud, who said he recommended Patriot Properties, the lowest bidder from four received, as the CAMA system provider to help appraise property. He was looking for both a software package and assistance in residential data collection of about 5,800 properties, going house-to-house to make sure the information is correct. Hopefully, they will look at another option, which is having on-site data-entry, who will also be taking phone calls from residents, setting up appointments and answering generic questions. It will free up his office tremendously. Cards will stay on-site. This will also provide an opportunity for training, which they might not otherwise get. They would have that person for approximately four months. That is the first phase that would lead to a revaluation in 2002. They are not placing values on properties next year; it is simply data collection. (Mr. Michaud distributed a press release.)

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to award the bid for the FY-2001 Computer Assisted Mass Appraisal project to the low bidder in compliance with the specifications, Patriot Properties, Inc., in the amount of \$157,000 carried unanimously.

**E. Public Hearing/Board Action on receipt of a \$5,000 donation from Wal-Mart to the Fire Department to put towards the purchase of a thermal imaging camera** (Handled earlier on the agenda, after a vote to change the Order of the Day.)

### **A. Replacement Rescue Tools (Fire Department)**

Chairman Madison recognized Fire Chief Frank Carpentino, who said this is a budgeted item for \$37,000. The current system was bought in the early 70's. A lot of equipment is out of service and not repairable. Their present system is a combination of three different types, which creates maintenance problems in getting work done. They put out a bid and are recommending Fire Tech & Safety for \$34,086.50 which would include training and installation.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to award the bid for the purchase of the Fire Department replacement rescue tools to Fire Tech & Safety of New England in the amount of \$34,086.50 (after trade-in) as recommended by the Finance Director and Fire Chief carried unanimously.

### **A. Yield Tax Warrant**

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to sign the warrant for the collection of yield taxes for Map 022/Lot 004 at 75 Spear Road and Map 026/Lot 005 at 63 Kimball Hill road, as recommended by the Assessor, carried unanimously.

## **9. OTHER BUSINESS**

### **A. Incentive Funds Contract**

Selectman Charbonneau asked Mr. Sharon if he checked into the contract for Incentive Funds with Shane Sewade. Mr. Sharon said not yet, but he will. Selectman Charbonneau said this was very, very important.

## **B. Job Descriptions—Fire Department**

Chairman Madison said the Fire Department has redone a lot of their job descriptions and she understands they are in the Town Administrator's office. She didn't think the Board wanted to receive them all in one batch, but in sections over the next two, three meetings, to review and approve them. The Fire Chief would like to post the position of Captain of the Call Force. She asked for a motion to bring that forward at the next meeting and to bring the other job descriptions forward in the next two, three meetings. Selectmen Seabury so moved, seconded by Selectman Charbonneau. Motion carried unanimously.

## **C. Kay's Realty Agreement**

Chairman Madison asked for a motion to enter into an agreement and covenant to limit land development rights to 90 multi-family units for land owned by Kay's Realty on Melendy Road and Belknap Road; to execute the agreement on today's date and to authorize Town Counsel to execute stipulations to settle the matter of Kay's Realty, Inc. versus the Town of Hudson; and further to authorize Paul Sharon to withdraw the administrative appeal on this matter from further attention by the ZBA, pursuant to a letter to be signed by the Board of Selectmen and Paul Sharon on this date. Selectman Jasper so moved, seconded by Selectman Seabury. Motion carried 3-1. Selectman Charbonneau was opposed.

## **10. ACCEPTANCE OF MINUTES**

### **Selectmen's Minutes of October 10, 2000**

Motion by Selectman Jasper, seconded by Selectman Seabury, to accept the Minutes, as presented, carried unanimously.

## **11. COMMITTEE ANNOUNCEMENTS**

10/25 7:00 Planning Board in P/Z Mtg. Rm.  
10/26 7:30 ZBA in P/Z Mtg. Rm.  
11/01 7:00 Planning Board Workshop in P/Z Mtg. Rm.  
11/03 7:30 Land Preservation Committee in the Assessor's Office (per Selectman Jasper)  
11/03 7:00 BOS in BOS Mtg. Rm. (Dept. Heads' Budget Presentations)  
11/04 9:00 BOS in BOS Mtg. Rm. (Dept. Heads' Budget Presentations)  
11/07 Election Day (Voting at Lions Hall, 7 a.m. to 8 p.m.)  
11/08 7:00 Planning Board in P/Z Mtg. Rm.  
11/09 7:00 Sewer Utility Committee in BOS Mtg. Rm.  
11/10 Veterans' Day Holiday—Town Hall Closed  
11/13 6:30 School Board in BOS Mtg. Rm.  
11/13 7:00 Visioning Committee in P/Z Mtg. Rm.  
11/14 7:30 BOS Mtg. in BOS Mtg. Rm.

## **12. LIAISON REPORTS**

Selectman Charbonneau said she was going to meet with Jim Michaud on Friday.

Selectman Seabury said she had a quick, preliminary meeting with Chief Carpentino to go over his budget, but will meet again, probably next week.

Chairman Madison is looking forward to going to the National Accreditation classes with the Police Department at the end of November in Burlington, VT.

## **13. REMARKS BY THE SELECTMEN**

Selectman Jasper said it was good he hasn't had to go to an accident on 102/Robinson Road since the last meeting.

Selectman Charbonneau wished a happy birthday to Jack West. (Her daughter's dog.)

Chairman Madison was glad to see Selectmen Charbonneau at the meeting. She has been suffering from the flu.

#### **14. NONPUBLIC SESSION**

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

Nonpublic Session was entered into at 8:30 p.m. and was terminated at 9:00 p.m.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve the Cable Consulting Agreement for Coleman Kelly, effective November 1, 2000 in the amount of \$12,500 per year carried unanimously.*

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve the job description for the position of Administrative Assistant in the Community Development Department carried unanimously.*

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to hire Pat Dwyer as the Acting Administrative Assistant in the Community Development Department, Grade E, of the appropriate bargaining unit in the amount of \$34,691 effective October 25, 2000 and to post the position of Administrative Assistant carried unanimously.*

Selectman Jasper said at the Budget Committee meeting last week, it was brought to their attention that the School District had been getting calls requesting that the budget deliberations relative to the School District budget be cablecast. He hoped that he appropriately interpreted the Board of Selectmen's position on airing committee meetings by informing the School Board representative and the Budget Committee that unless all of the meetings were aired, then none of them would be. Only the Board of Selectman and School Board, at this point, have been approved to have their meetings aired, and other special public hearings. Whether or not the Cable Committee was willing to do it, it was not the Board of Selectmen's policy to let that happen. Chairman Madison said he gave them the correct answer.

#### **15. ADJOURNMENT**

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to adjourn at 9:05 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 Ann Seabury**

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**Shawn N. Jasper Terry Stewart**