

HUDSON, NH BOARD OF SELECTMEN

Minutes of the July 25, 2000 Meeting

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 8:02 p.m., following an Attorney-Client Session.

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

3. **ATTENDANCE**

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

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Steve Malizia, Finance Director; Richard Gendron, Chief of Police; Mike Gospodarek, Town Engineer; Lt. Dave Morin, Fire Department; George Hall, Planning Board Chairman; Jim Sullivan; Howard Dilworth, Jr; Planning Board members Lenny Smith and Marilyn McGrath; Steve Boucher; Randy Bell, School Superintendent; Lynne Ober, School Board Chairman; Terry Wiggin, Assistant Superintendent; Rev. David Howe; Frank and Paul Marinace, Architects; Mark Walsh, Eckman Construction; Jay Heavisides, Meridian Land Services; Bernie Manor, Chairman of the Building Committee; Ron Hebert, Clerk of the Works; Julie Ewing; HLN; Sara, Derry News; Len Lathrop, HLN

4. **PUBLIC INPUT**

Chairman Madison asked if anyone wished to address the Board. There was no response.

5. **CORRESPONDENCE**

A. From: George Hall, Chairman, Planning Board

Re: Request for Meeting w/the BOS to discuss several Issues

Refer to: New Business

B. From: David Yates, Recreation Director

Re: Receipt of a Donation to Recreation Department

Refer to: New Business/Public Hearing

C. From: Lt. Dave Morin, Fire Department

Re: Receipt of a Donation re Firefighters' Memorial

Refer to: New Business/Public Hearing

D. From: Jim Michaud, Assessor

Re: Land Deeded to the Town of Hudson, Map 54, Lot 3

Refer to: New Business/Public Hearing

E. From: Paul D. Sharon, Town Administrator

Re: Petition for Layout of a Highway (Lowell Road)

Refer to: New Business

F. From: Mary J. Perkins, Department of Revenue Administration

Re: Warrant Article 28, Establishing a Capital Reserve Fund to purchase Land south of Alvirne HS

Refer to: New Business

G. From: Tom Sommers, Sewer Utility Consultant

Re: Various Sewer Items

Refer to: New Business

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

6. NOMINATIONS AND APPOINTMENTS

A. Building Board of Appeals (2 Members, terms to expire 12/31/01)

There were no applicants.

B. Cable Committee (2 Members, terms to expire 12/31/02)

1. Steve Boucher (Incumbent) (Interviewed at the 7/11/00 meeting.)
2. Jay Martin withdrew his application, citing time constraints conflicting with his work schedule.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to reappoint Steve Boucher to the Cable Committee with a term to expire December 31, 2002 carried unanimously.

A. Conservation Commission (1 Member, term to expire 12/31/00; 1 Alternate, term to expire 12/31/01)

1. David Bitler) (Interviewed at the 7/11/00 meeting.)

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to appoint David Bitler to the Conservation Commission as a member, with a term to expire 12/31/00 carried unanimously.

1. OLD BUSINESS

Sewer Acceptance, Thurston's Landing, Map 21, Lot 4

This item was deferred two times, once on June 13 and again on June 27 because of concerns Selectman Jasper had regarding aspects of sewer design/maintenance. The Road Agent and Town Engineer subsequently conferred on the matter and both agree it is ready for acceptance.

Chairman Madison asked for a motion to accept the sewer. Selectman Charbonneau so moved, seconded by Selectman Stewart.

Selectman Seabury said there are many portions of the Thurston's subdivision and asked about some correspondence she remembered seeing from the engineer about his concerns with Gates Path and the cross country sewer. Chairman Madison said they had memos from staff stating that all of the discrepancies have been addressed. Selectman Seabury then raised some concerns with the Hold Harmless agreement, if it was for the main roadway. Mr. Sharon believed it was within the right of way, adding that at this point, this acceptance was recommended by CLD, the Sewer Utility Committee, the Town Engineer, the Road Agent and the Project Inspector.

Vote: Motion failed, 0-5.

2. NEW BUSINESS

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to change the Order of the Day and take up Item G, immediately following Item A carried unanimously.

A. School Building Committee

Chairman Madison recognized School Board Chairman Lynne Ober, who recognized members of the Building Committee and others, as they related to the project, and reviewed their objectives. She said it has been a pleasure working with Fire Chief Frank Carpentino, who was unable to be present tonight. Architects for the elementary school, Frank and Paul Marinace, were introduced and they gave a presentation. They have gotten site specific approval for erosion control, drainage and grading and are going through the sewer approval process.

Chairman Madison asked if the second access is only if the access from Route 102 doesn't happen. Mr. Marinace said since the school is so far away from the road, the Fire Department requires two points of access, in case one road was blocked. If the access across from Evergreen does not go through, they will build a secondary access road, which would require shrinking the size of the ball field. Chairman Madison asked how many feet of Town road would be needed. Mr. Marinace said a total of about 1,000'.

Selectman Charbonneau asked if the retention pond would be fenced. Mr. Marinace said the hydraulics of the soil has indicated there would not be standing water for very long and they have sloped it so it is not very steep. If the basin works as it should, the

water will be only about a foot deep. With a 50-year-storm, it would be about 1½' deep. Both basins are designed to hold the volume from a 10-year storm.

Selectman Stewart said this was a new plan that wasn't presented to the Planning Board. Mr. Wiggin said alternations were made to correct Fire Department concerns following a meeting with the Fire Chief, the Town Administrator and others that took place after the Planning Board meeting.

Mark Walsh from Eckman Construction was recognized, and said they had hoped to start the project in May, but were unable to because of Planning Board issues. Construction on the site started June 29, after losing five weeks. Anticipated completion is August 29, 2001. He distributed a handout showing start and completion dates of various activities. They have started foundations and anticipate starting bearing wall masonry on August 7. There is an urgency to complete this on schedule and there aren't any more days to give up. Selectman Charbonneau asked if it would cost \$2,000 per day if it was delayed for another two weeks. Mr. Walsh said it would cost more than that because he is mobilized at the site and has other costs. He would also run the risk of losing subcontractors. It is a busy marketplace right now, and subcontractors bid other jobs, too. He would get them back, but not until after they completed the job they were on, which would not necessarily be in two weeks.

Superintendent Bell said they were seeking authority from the Selectmen to proceed with designs for the roadway that will go on what is to be Town land. In order for them to go forward with the design work, they need the Selectmen's support. Relative to 155-A:2, he believes they have met the needs of the Fire Department. His understanding is that, upon the Fire Department's written authorization, they can proceed. He thanked Selectman Stewart for bringing this matter to their attention, saying that this is his seventh building project, and he's never before had to go through 155-A:2.

Chairman Madison thanked everyone, saying that she is now much better informed and it seems like they have everything in order.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to issue a permit, as required by RSA 155-A:2 for the new Hudson elementary school in compliance with the July 2, 1999 State of New Hampshire Fire Code and all Town of Hudson fire and life safety requirements.

Selectman Jasper believed the motion should make it clear that the roadway access, one or the other that was presented tonight, will be built. He wants an iron clad guarantee that the road shown as the future Town road or the alternate route that has a direct route to 102, (not going through the parking lot), will be built. Chairman Madison thought that should be a separate motion. Selectman Jasper said this motion is to grant the permit and that item needs to be included. Chairman Madison allowed it to be included in the motion. Selectman Jasper said he'd also like to have that agreed to by the School District, so there will be no need for future discussion on that item.

Mr. Sharon asked if Selectman Jasper's intent was for the access through the State land to be the preferred secondary access. Selectman Jasper said the preferred primary access would line up with Evergreen, but if that did not happen, then the dotted lines as shown, and what the Fire Chief has required, be built, if the preferred route cannot be built. He wanted that clearly in the record and he wanted the School Board to agree to that. Chairman Madison said she wanted to make sure that the future Town road, as indicated on the site plan, is the one they will commit to build. If, for some unforeseen reason the Town does not get the land, then they will go to the other one.

Ms. Ober said their preference would be to build the road on the Town land. They would absolutely agree to what Selectman Jasper said. Chairman Madison rephrased the motion as follows:

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to grant a permit, pursuant to RSA 155-A:2, for the new Hudson elementary school in compliance with the July 2, 1999 NH Fire Code and all Town of Hudson fire and life safety requirements, including the preferred access road on the land that is running parallel, the Alvirne land, to the elementary school; however, if for some reason that road is not built, then the secondary access road, as shown on the site plan, will be used, carried 4-0. Selectman Seabury, a school employee, abstained.

(Start Tape 1, Second Side)

G. Warrant Article 28, Establishing a Capital Reserve Fund to Purchase Land south of Alvirne HS

Town Administrator Paul Sharon said an issue was recently raised about the efficacy of Article 28 in terms of the Town being able to actually complete the purchase from the State. The deed is ready, waiting for transfer. The intent of the article was to appropriate

surplus funds from FY-00 and allow for those funds to be put into a capital reserve and expended to purchase the land, sometime after the fiscal year. DRA has indicated to the attorneys that the way the article was worded did not specifically appropriate the money for the purchase itself. Our attorneys have advised that a technical correction needs to be done at next year's Town Meeting or at a Special Town Meeting. There is an indication from NHMA that, for purposes of technically correcting an article, it could probably be done without a court proceeding. The choices are to either wait till next spring's Town Meeting and have the road constructed at that time, or to enter negotiations with the State and try to get a construction easement to construct a roadway on that property before the actual purchase takes place.

Chairman Madison thought they should try to get a construction easement from the State. The money has already been approved and the article to be changed at Town Meeting would be just a housekeeping matter. Selectman Jasper agreed with that, but he has some concerns about the overall proposal. They are talking about a set of lights that would line up with Evergreen and they've got two access driveways into the Alvirne parking lot, just down the road. What they should be looking at is a driveway running parallel to 102, entering into the road so that all the traffic exiting the Alvirne site, or at least that which is going to be going against the traffic, will be using the set of lights. Mr. Bell said he agrees and that is being designed.

Motion by Selectman Jasper, seconded by Selectman Stewart, to authorize the school to begin design of the school access, as shown on the site plan and as agreed to tonight.

Chairman Madison asked the School Board if that motion was agreeable to them and if they were comfortable with it. Mr. Bell said yes. Ms. Ober said she was comfortable with the motion.

Vote: Motion carried 4-0. Selectman Seabury, a school employee, abstained.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to immediately begin to negotiate with the State of New Hampshire to acquire a construction easement for the construction of the proposed roadwork and if those negotiations are not successful, that they then call for a Special Town Meeting for technical correction to the Warrant Article to allow them to buy the property.

Chairman Madison asked the School Board if nothing was done before March, and the money was available July 1, if that would be enough time to put the road in. Ms. Ober said Mark Walsh has told them that would be extremely tight She hopes they can get the easement or have a Special Town Meeting.

Vote: Motion carried 4-0. Selectman Seabury, a school employee, abstained.

B. Planning Board Issues

Chairman Madison recognized the Chairman of the Planning Board, George Hall, to discuss the items he requested: Growth Management, Improvements to Existing Town Roads, and Status of PEZ Group.

Growth Management. Mr. Hall distributed a handout. He said several months ago, the Selectmen expressed a desire for the Planning Board to take some form of action on growth management and he wanted to update everyone on where they were in the process. After several brainstorming sessions with NRPC, on May 5, the Planning Board voted to ask Mr. Singelakis for a proposal to limit the building permits that the Town would issue, as opposed to developing a rationale to deal with densities. The contract has been signed by the Chairman of the Board of Selectmen. NRPC has the funds to do a study for NHDES relative to non-point source pollution and they decided to use Hudson for that study. It studies the build-out potential for the Town, as well as current development. The theory is to identify areas of concern for non-point source pollution, such as what occurs at Robinson Pond. It would identify those areas that might be subject to problems. That analysis does almost exactly what a zoning density analysis would do, using the non-point source potentials as a reason for reducing density. This program, which has not been started yet, will take six to eight months. When finished, the Town will have the benefit of that information, which can be adapted to the growth management scenario. Chairman Madison asked if it would be ready for the next Town Meeting. Mr. Hall hoped so.

Improvements to Existing Town Roads. Mr. Hall said there have been several memos back and forth between the Planning Board and Board of Selectmen concerning this subject. He mentioned Bush Hill Road. He thought it would be better to have a discussion so everyone would have a clear understanding, rather than shoot correspondence back and forth. If the Planning Board decides that improvements are needed, such as moving curbs or some other safety constraint on existing Town roads, it would be in the best interest of everyone to have both boards involved before direction to go forward with something is given. He didn't know exactly how to implement that. His initial thought was that if the Planning Board wanted to make something a stipulation for approval, the developer would propose certain improvements and the Planning Board would approve them. As an alternative, they would arrive at a dollar figure that would be used as an impact fee that could be put into an account that would be used for improvements to

that road, as the Selectmen see fit. Once the Planning Board approves the plan, then it would be up to the Selectmen to choose the alternative they want. An example is the plaza at the old St. Kathryn's site that involves the widening of Wason Road, after the Lowell Road improvements. The Planning Board approved an additional lane on the south side of Wason Road. During that process, they were presented with numerous traffic studies and recommendations from the Town Engineer and CLD. Development increases the impact to the roadway system, and one of the Planning Board's missions is to do what they can to mitigate that. He didn't know how the Planning Board could approve a site without knowing that the improvements would get done, and how they could bring the Selectmen into the mix. Selectman Jasper said once a road is accepted by the Town, it becomes the responsibility of the Selectmen. Prior to the time certain responsibilities were delegated to the Road Agent, when someone wanted to do something that necessitated cutting the road, they had to come before the Board of Selectmen for a permit. When a situation comes up where it is necessary to widen or improve the road in some way, at that point the Planning Board could make recommendations to the Selectmen for review and input and, essentially, approval. Too often, the impact to the Highway Department has been forgotten. He wants to make sure the Road Agent is comfortable with what is being proposed. This, of course, would result in some delays. The Planning Board isn't ultimately responsible for plowing those roads, repaving them, or whatever. That's the Selectmen's responsibility, so they need to have input on those things.

Selectman Seabury said this applies to sewers, too. Recently, an engineer came before the Planning Board and said he had approval for a sewer permit. When it came to the Selectmen, they found that the sewer had been put in without any review, so they had to ultimately deny the permit. Selectman Stewart said as a Planning Board member, she is becoming more conscientious about bringing up the issue of sewers, especially with this particular engineer. Mr. Hall said the situation they are talking about is unique and didn't think it would happen again. Most of the Planning Board members fell for a tear-jerking story. They made a mistake with that one, but he didn't think it was going to become an issue.

Mr. Hall could not recall any improvements made to a Town road without input from the Town Engineer or consultant. He suggested that the Board direct the Town Engineer to *not approve* any improvements to Town roads without the Selectmen's blessing. Selectman Jasper was aware of what Mr. Gospodarek does and he didn't think any improvements that have been done have created any problems, but the Road Agent, who has the responsibility for practical applications, such as plowing, might have input that might change things from his aspect. Those who will have to deal with things afterwards should have the opportunity to provide input. If someone comes in who wants something done, Mike could forward it to the Selectmen at that stage so they can look at it, then forward it to the Road Agent, with everyone's recommendations going back to the Planning Board. Mr. Hall said the Planning Board rarely makes a recommendation; recommendations come from the consultant for the developer. The Planning Board tells the developer to provide them with the information of what will make the situation safe. They sometimes say that something isn't enough. However, the advice is not to grant approval without the advice of the Town Engineer or the consultant. It is up to the Selectmen to direct the Town Engineer to include them in the process and not make a recommendation to the Planning Board until the Selectmen, have reviewed it. Once the Planning Board approves a plan, they have to make certain that proposed improvements happen.

Mr. Sharon said there was one incident involving Unicorn Park where the Selectmen were in the loop beforehand, but it came out of the Planning Board much differently than what the Selectmen anticipated. Mr. Hall said but that wasn't a road. Selectman Jasper said the first portion of it was. Mr. Hall asked if it was ever accepted. Selectman Jasper said yes, from Clement to what became the property line. Mr. Hall wasn't aware of that, saying the Town Engineer made some recommendations, but they weren't conveyed as directives from the Selectmen. He said no one should work on a Town street without the Selectmen's authorization.

Chairman Madison said another area of concern is land that is deeded to the Town. Sometimes, a plan stipulates that a certain parcel of land will be deeded to the Town. Sometimes, that's not a good thing because it may be some oddball lot that the developer doesn't want. The Planning Board might agree to that, but the Selectmen might not want to accept it. An example is the next item on the agenda, so she hoped Mr. Hall would stay for that discussion so he can explain the Planning Board's rationale in agreeing to take this parcel of land. Selectman Jasper mentioned the Jump at Thurston's Landing. The Planning Board wanted that to become a Town parcel. The Town saw the liability issue, and said no way. If the Planning Board agrees to take a parcel of land, but the Board of Selectmen, (the only body that can accept land), says no, it leaves that parcel in limbo. The Planning Board should tell the Selectmen they are interested in the land for a particular reason and then, after getting staff input, make a decision. Mr. Hall was in full agreement with Selectman Jasper.

(Start Tape 2, Side A)

He said through the approval process, there are many reviews done by the Town Engineer and/or an outside consultant. If, within that process, there are suggestions for improvements to existing Town roads, he recommends

that the Town Engineer bring that to the Board of Selectmen for their review and comments. If the recommendations for improvements for safety reasons are in conflict with the Selectmen's point of view, they can be resolved prior to Planning Board approval.

Motion by Selectman Jasper, seconded by Selectman Stewart, to direct the Town Engineer to forward all road improvements to the Board of Selectmen, prior to his recommendation to the Planning Board in order to allow the Board of Selectmen to make comments and recommendations to the Planning Board, prior to their approval, carried unanimously.

Planning/Engineering/Zoning (PEZ) Group Reorganization. Mr. Hall asked for an update in hiring a Community Development Director. Mr. Sharon said they were a victim of the calendar, but are ready to schedule an initial short listing process, then conduct interviews. They have 40 applications so far, of which probably 16-18 are worth looking at. It was the understanding that the Community Development Director would have some freedom to shape the department the way he or she would like to see it. Mr. Hall still had a concern regarding the current strain the department is under and wondered if something could be done in the interim to give staff some assistance. Mr. Sharon said he had a staff meeting today to kick around ideas and there were a couple things he hoped the Board would allow them to implement in terms of restricting hours of public operation. Starting next week, he was recommending closing the Planning-Zoning office to the public on Wednesday afternoons to offer some relief to the two secretaries. He is trying to carve out some dedicated time that they can perform their own function without any interruption. It would be made clear within the organization that they were not to be disturbed unless it was absolutely necessary. The problem with adding more temps is that it is not an effective use of personnel. Mr. Hall said it would be a big plus just to recognize them for their efforts in keeping things running. The lack of continuity with a receptionist is a contributing factor to the stress. Changing temps every couple of weeks is a strain because they have to constantly train someone and a lot of time is wasted doing that. He wondered if someone could be hired for that position. That employee would help a lot by answering routine questions the public would have. Mr. Sharon said there is some level of satisfaction with the current temp, and she knows the system. Regarding the MRI Report, Mr. Hall had some reservations about one individual being able to fill two positions. There are inherent conflicts within the positions of Town Planner and Zoning Administrator. He questioned if one person could effectively fill two pairs of shoes.

Selectman Seabury said the Planning Board is in a position of having to decide whether Bush Hill is going to be widened or not. She didn't know how far along in the process they were because Mike is very busy, being pulled in different directions from Bush Hill Road to Lowell Road to water company work. Mr. Hall said this is something that needs to be decided rather soon. Mr. Sharon said Mike asked if one of the August meetings would be ok to bring it to the Board. They thought the 22nd of August would work out.

Mr. Hall asked if any of the Planning Board members wished to speak. Marilyn McGrath said she wanted to echo George's comments about staff. It is important to recognize their dedication and the wonderful job they are doing under trying conditions. They are under incredible stress and whatever can be done to alleviate that is essential. She advocated hiring temporary help to do general clerical duties, such as copying and sending out notices. Whatever can be done to alleviate some of the stress they are under would be appreciated.

Lenny Smith echoed what George and Marilyn said. Whenever he goes in to that area, he tries to encourage them to stick with it. He disagreed with the MRI Report, saying the recommendations were a step backwards. The Town is way behind in the zoning area. They have good regulations, but are lacking in enforcement and by eliminating a Zoning Administrator, the Town will fall further behind. Within a quarter mile of Town Hall, he can point out 25 zoning infractions. People are doing whatever they want. Someone should be hired to help out the Building Inspector. The Zoning Administrator and Building Inspector should be trained in court proceedings. The other area that is lacking is Planning. The Town needs parks, playgrounds, athletic fields, etc. They rely on the schools to use their fields. When the Town bought Robinson Pond, they thought it was going to be a year-round park with trails, running paths, skating, boating, etc., but they don't have that. The Town doesn't have as much as they used to. The Town wants to buy Benson's, but a planner is needed to do that. They need a planner with vision to bring the Town into the 21st century. They can't do that by cutting back on personnel. The Planning Board realizes the Selectmen are in charge of the roads, but they are trying to make the community safer. They are asking for off-site money for this, not the regular fees, but for off-site development things, such as sidewalks or the widening of a road. They also ask for contributions, other than the regular CAP fees. They are not trying to step on the Selectmen's toes. He hoped the Selectmen would go along with that because it would make a better Town, something they are all trying to do.

Impact Fees. Selectman Jasper said relative to the disposition of the impact fees, so far the process has worked well, but the statute says once the impact fees are collected and in the bank, it is solely up to the Board of Selectmen to decide how they are used. They would need the input of the Planning Board to do that. At some point, they may come

to a diversion of views and before that happens, it's important to straightened it out. When they are going to use the impact fees, the process should be to go to the Planning Board, tell them what their intent is, and get their input. The last few times, the Selectmen voted to release the funds for the schools, and then it has gone to the Planning Board for their vote to release the funds. Legally, it's only the Selectmen's vote that has any weight; the statute is clear. He brought that to the attention of the Town Engineer and Town Administrator last week. They need to work on that process--go to the Planning Board first for a recommendation, and then vote on the release of it.

Chairman Madison asked if Recreation Fees were going to be included in the ordinance. Mr. Sharon said the Impact Fee Ordinance, as amended, did incorporate impact fees for education, but the way it was written, the impact fees for recreation are voluntary contributions. There has been at least one challenge that's come forward. Mr. Hall said Mr. Mayberry's report clearly indicated that there was no nexus, that the Town was so deficient in their past practices of funding recreation, there's no way they can say that new development should pay anything. Chairman Madison asked if they'd ever be able to start. Mr. Hall said they get it now on a voluntary basis. They've never denied a plan because someone did not volunteer to contribute to the Recreation Department because no one has ever refused to volunteer the funds. Mr. Smith has always been an advocate for trying to get recreation contributions from developers, and most of his attempts were in land. The Planning Board's thinking was to get land for ball fields. If they don't get a big enough piece of land, however, it's really not practical. Little pieces of land all over Town doesn't do anybody any good. Since he has been on the board, the emphasis has been on money, or to have a developer build something. They shouldn't be accepting land all over the place because it's a liability. How this one came about, he wasn't sure. They shouldn't be doing that without someone committing to accepting the responsibility. Unless there is a real good reason for it, they shouldn't be doing it.

C. Public Hearing/Board Action on Land Deeded to the Town, Map 54, Lot 3

Chairman Madison opened the public hearing at 9:50 p.m., pursuant to RSA 31-19 and in accordance with Article 19 of the March 13, 1993 Town Meeting, relative to the dedication and acceptance of a parcel of land shown as Map 54/Lot 3 (Campbello Street).

Chairman Madison recognized the Town Administrator, who said this came to light by the Assessor, who noted that this parcel had never been formally accepted by the Town. Somehow, the Board of Selectmen has to be made aware that they are being asked to accept property that is donated to the Planning Board. Staff has no objections to this parcel of property. The proper action, if the Board wishes, is to accept it.

Chairman Madison asked Mr. Hall what the Planning Board intended this land to be used for. Selectman Charbonneau said that area is all wetlands. Mr. Hall couldn't recall what they had in mind when they accepted that parcel. It might have been to connect Tolles and Campbello Streets, or because of the historic nature of the old trolley bed.

Selectman Seabury said her understanding was that it was set aside for an eventual cut-through. They found a house on the property in the middle of the right of way, but in the event the house was ever removed, that would give them the right-of-way through the property. The other portion was for the Heritage Trail. (More than one conversation occurring; talking over each other.) Selectman Jasper said there seems to be some dispute over the actual boundaries. They don't know the total acreage, what the value is, what the buildable lot area is. He can't make an intelligent decision on the information provided tonight.

Motion by Selectman Jasper, seconded by Selectman Seabury, to defer this until August 22 in order to be provided with the information on the site, including acreage, assessed value, wetlands delineation and boundaries carried 4-1. Selectman Charbonneau was opposed, saying it shouldn't be accepted at all.

(Start Tape 2, Second Side)

D. Public Hearing/Board Action on Receipt of a Donation to Recreation Department

Chairman Madison opened the public hearing at 9:55 p.m. pursuant to RSA 31:95-e, and in accordance with Article 12 of the March 1993 Town Meeting, relative to the acceptance of a donation to the Recreation Department of 104 cases of Twin Mountain Spring Water, with an estimated value of \$832 and asked if anyone wished to speak. 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.

E. Public Hearing/Board Action on Receipt of a Donation re Firefighters' Memorial

Chairman Madison opened the public hearing at 9:56 p.m., pursuant to RSA 31:95-b, and in accordance with Article 36 of the March 1994 Town Meeting, relative to the acceptance of a monetary donation of \$500 from Prolyn Corporation for the Hudson Firefighters' Memorial project. She asked if anyone wished to speak. There was no response, so she closed the hearing.

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

Chairman Madison recognized Lt. Morin, who said they have \$2,619 left from the project. He talked with the Finance Director about how to handle those funds. He was seeking authorization from the Board to create a Town fund that would require a PO to purchase items, such as replacement flags, cleaning of the memorial, light bulbs and general repairs. Flowers had been on that list, but the Litchfield Garden Club planted a huge perennial garden. Once he and the Finance Director work out the type of account they will set up, he will come back to the Board. Mr. Sharon didn't think it was necessary to come back to the Board, that it would be sufficient to work with him and the Finance Director. Chairman Madison said Paul and Steve were going to work out the best way for them to handle this because, eventually, it will come under the jurisdiction of the Town. Selectman Jasper said it would be appropriate for the Trustees of the Trust Funds to handle this, just as they do with the money for cemeteries and long-term maintenance things. Chairman Madison said Paul and Steve can work it out and let the Board know.

F. Petition for Layout of a Highway (Lowell Road)

Chairman Madison recognized Mr. Sharon, who said a petition is required under the RSA's and the action is to set a public hearing for September 19 at 7:30 p.m., which will allow time for all of the abutters to be personally notified. The layout hearing is done in two steps: viewing and then the public hearing.

Motion by Selectman Jasper, seconded by Selectman Stewart, to set a public hearing of September 19, 2000 at 7:30 p.m.

Selectman Stewart asked what law firm would be handling this. Mr. Sharon said this was a Donahue, Tucker & Ciandella carry-over. Selectman Stewart wanted to go on record as being opposed to this law firm. Selectman Jasper asked if there was a valid reason, such as negotiations, to continue with this law firm, as he didn't think this was a complicated matter. Mr. Sharon said Andrea Sennot has been doing all of the work on this and they are so close to the end of the project, changing law firms might set them back. Selectman Jasper said he doesn't have any concept of what they are doing at this point. Mr. Sharon said Andrea has been heavily involved as the legal coordinator on the land acquisition. Selectman Jasper said they don't have a lot of updates on anything. All they see are outrageous legal bills every month.

Chairman Madison said they have been updated all along. Every time something has been done, the Board has been informed by this law firm. She would oppose changing law firms in mid-stream on a project as big as Lowell Road. It would be foolish to drop the law firm now. Selectman Jasper said he wasn't intimating that, he just wanted to know what they are doing. If his questioning this offends her, he suggested she should set up a dictatorship somewhere. Chairman Madison said she wasn't offended, but this is a Board meeting where they are trying to let the people know what is going on, it isn't the Shawn Jasper Show. Selectman Jasper said it starts by letting the Selectmen know what is going on. He did not suggest that they get another law firm. He asked for information to know what was going on and the Chairman got on her high horse. He is offended because he has a right to that information and he didn't even hint that he wanted to take them off the case. He wanted to know what they were doing. Chairman Madison said she wasn't accusing him; he voiced his opinion and she voiced hers.

Vote: Motion carried unanimously.

H. Sewer Items (as recommended by the Town Engineer and Sewer Consultant)

1) Request for sewer flow allocation for new school, Map 28, Lot 92

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve.

Selectman Jasper noted that this was not a facilities plan approval, that flow allocation was the first step in the process before any pipes go into the ground. They need to go before the Sewer Utility Committee for facilities plan approval and then to the Board of Selectmen. When they came before the Sewer Utility Committee, they did not seem to have an understanding of the process they needed to follow. Mr. Sharon they now know they have to coordinate all of that through Mike Gospodarek, and Mike knows the proper procedures.

Vote: Motion carried unanimously.

2) **Waiver to the sewer boundary, Kimball Heights II, Map 27, Lots 22-1 & 25**

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

1. OTHER BUSINESS

A. Raffle Permit from the Hudson Seniors for Old Home Days to benefit their Building Fund

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

B. Scheduling Meeting for Combined Dispatch on September 11 at 7:30

Chairman Madison said they will hold a workshop with the Budget Committee, Fire and Police Chief to talk about combined dispatch and advanced life support. These big ticket items merit some discussion.

C. Historical Society's request to display Benson Memorabilia at Old Home Days

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to allow the Historical Society to display Benson's memorabilia at Old Home Days carried 4-0. Selectmen Jasper, Chairman of the Old Home Days Committee, abstained.

1. LICENSES AND PERMITS

Outdoor Gathering Permit request by Historical Society for Old Home Days, August 18-20

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to approve the permit, pending receipt of Certificate of Insurance carried 3-0. Selectmen Jasper, Chairman of the Old Home Days Committee, abstained.

11. ACCEPTANCE OF MINUTES

A. Minutes of the Board of Selectmen's Meeting of June 27, 2000

B. Minutes of the Board of Selectmen's Meeting of July 11, 2000

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

12. COMMITTEE ANNOUNCEMENTS

7/26 7:00 Planning Board in P/Z Mtg. Rm.

7/27 7:30 ZBA in P/Z Mtg. Rm.

8/02 7:00 Planning Board Workshop in P/Z Mtg. Rm.

8/07 7:00 Visioning Committee in BOS Mtg. Rm.

8/08 7:30 BOS in BOS Mtg. Rm.

13. LIAISON REPORTS

Selectman Seabury said the Conservation Commission didn't have a quorum, so the meeting ended.

Selectman Stewart said the Rec Center is going full speed, with a lot of good programs and good field trips.

Selectman Charbonneau said the Police Department has taken delivery of their new police cruisers, three Ford Crown Vics and two Chevy Impalas. The Chevys are medium sized, with 6-cylinder engines. Secondly, they have installed the new Mobile Data Terminals in four police vehicles, which allow officers to run motor vehicle license and criminal record checks from their cruisers. This three-year project has been administered by Lisa Nute and John Beike. Thirdly, Master Patrol Officer Kevin O'Brien, a 6-year veteran of the Department, returns to the Patrol Bureau after a 30-month special assignment with the AG's Drug Task Force. On Sunday, he was recognized for his dedication and professionalism by Rep. Charles Bass and Rep. John Sununu at the NH Police Academy. Lastly, the Kirby Building has a new roof and new coat of paint, which helps greatly to reduce the moisture inside the building. Police employees will be volunteering their time to organize the fitness center.

Selectman Jasper said the last Sewer Utility Committee meeting went much better. The committee members felt the best thing to

do was seat him right next to the Chairman.

14. REMARKS BY THE SELECTMEN

Selectman Shawn N. Jasper said in HLN's *Thumbs Up, Thumbs Down* column, people keep putting in "Thumbs Down" to the Selectmen because they don't have a skateboard park, and he's getting tired of that because people don't understand the process. It's probably their intention to consider the possibility of putting one in at Benson's, but it takes budgeting and planning and Selectmen can't just magically make a skateboard park happen. If someone has a problem with something the Board is or isn't doing, putting it in *Thumbs* doesn't solve the problem. People need to get involved; they can't just complain about something.

He apologized to the Cable Committee for signing the extension to the franchise agreement. Over the years, he's given Selectman Seabury a hard time for just signing things put in front of her without questioning them, and now he's guilty of the same thing. He had questioned it mentally, then because of the official way it looked, decided that it wouldn't be in the signature folder if it didn't belong there, if they hadn't already approved it, so he signed it. That shouldn't have happened and they need to be more careful about that.

Along the lines of being more careful, he received a Certificate of Recognition, signed by the Chairman of the Board of Selectmen and the Fire Chief for his participation in the Firefighters' Memorial. When someone gets such a certificate, they'd like to think the person signing it knew who they were giving it to. His was made out to Firefighter Jasper Shawn. He had thought the Fire Chief and Chairman of Board knew his name better than that.

Selectman Rhona Charbonneau said, regarding the skateboard park, incentive funds are available and would help in getting this thing going. This Town doesn't have enough recreation for young people. It takes forever to get something done in Hudson. They need more ball fields. In order to keep the kids out of trouble, they've got to do something. There has to be grants and things. It is unbelievable what Litchfield does for their young people. Hudson should be doing something for the young to keep them off the streets.

Selectman Terry Stewart echoed Selectman Charbonneau's comments, adding that Litchfield not only has activities for the children, but for adults, from comedy nights to country western nights. Hudson is lacking activities for all ages, not just for the kids. It's sad to have to go to Litchfield if you want to go to a comedy night.

Selectman Ann Seabury said a woman on Sullivan Road has been calling her about a problem she is having concerning cats. The Animal Control Officer said there are no laws specifically relating to the problem of 40 cats. Mr. Sharon said the Building Inspector and Animal Control Officer have been out there. There is nothing on the books that prohibits someone from having that many cats. Selectman Seabury asked how an ordinance could get started. Mr. Sharon said a zoning change would be the quickest and most definitive way. Selectman Seabury asked if she should check with SPCA for guidance on how other communities are handling this type of situation. Mr. Sharon didn't know if there was a provision to restrict someone from having so many cats. Chief Gendron said he was concerned that a business, breeding and selling cats, was being run from a residential area. The Animal Control Officer made sure all of the cats has current rabies shots, but that's as far as enforcement can go. Bill Oleksak was checking into environmental concerns, ie, cat waste because there are wetlands nearby. Selectman Seabury said if she is running a business, she should go before the Zoning Board, and maybe that's the direction in which they should go. Chief Gendron said the noise is awful and the smell is atrocious. Selectman Seabury said the cats are being left out in bad weather. Chief Gendron said the cats are kept in cages. Selectman Seabury said she will tell the neighbor who called her to head in the direction of zoning, or to contact Bill Oleksak.

Selectman Seabury asked if the Town could put rip-rap or something in front of Jean Serino's house. Mr. Sharon said the Road Agent, in performing his duties, cleaned out the shoulders along Robinson Road to allow for proper drainage because of the icing problems in the winter. After that was completed, the Highway Department put crushed stone down in Jean's driveway, then Jean added more herself. Since that time, she has expressed her dissatisfaction. He and the Road Agent have been out there to look at it. There is some erosion by the mailbox. Ms. Serino told Mr. Sharon this afternoon that she had spoken with a paving contractor, who would pave the end of her driveway out to the street, but told her she needed to coordinate with the Town Engineer because she can't interrupt the drainage, adding that a culvert should be there. Selectman Seabury said she hasn't gone out to look at it herself. Mr. Sharon said before the swales were cleaned, water was being captured by the brush, car parts and other things by the side of the road. The Road Agent is doing that type of work in several places around Town.

(Start of Tape 3, Side A)

Selectman Seabury was concerned about the driveway being eroded. Mr. Sharon said there is some natural drainage that occurs along a road, which is the intent of swales. Selectman Seabury asked if Jean should put in a pipe if she wants the driveway paved. Mr. Sharon said she couldn't pave it without putting in some sort of pipe to continue the drainage and that would need to be coordinated with the Town Engineer. Selectman Jasper said there is pavement from the road to her gate. She called him, but he didn't have a chance to go out there. Selectman Seabury asked Selectmen Jasper to go out and take a look at it. Selectman

Charbonneau said that road is so narrow, if someone was riding a bicycle or walking, and they had to get out of the way quickly, they could hurt themselves, and that's Jean's main concern. Chairman Madison said Jean mentioned that when she came before them. Selectman Seabury said Jean can't park there any more because of the ditch. Selectman Jasper said she can still park in front of the gate.

Chairman Madison told Selectman Jasper she'd get him a new certificate, that she had to sign over 100 of them. Regarding the cable document, she is guilty of signing it, too. Mr. Sharon said he would take some blame because when it came in, it was so matter of fact, it looked like it was a done deal. Selectman Charbonneau asked if that action could be rescinded. Mr. Sharon said probably because the letter was written deceptively enough, but when he apologized to Coleman, they talked about that and Coleman didn't think that it would make that much difference. Chairman Madison said she apologized to Coleman, too, and he told her the same thing.

15. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Stewart, to enter Nonpublic Session under RSA 91-A:3 II (b) hiring of public employee; (c) Matters which, if discussed in public would affect adversely the reputation of a person; (e) pending or threatened litigation carried 5-0 by roll call vote.

Nonpublic Session was entered into at 10:40 p.m. and was terminated at 11:20 p.m.

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

- A. *Motion by Selectman Jasper, seconded by Selectman Stewart, to hire Kathryn Carpentier as Town Accountant @ \$36,400 annually, labor grade G of the Hudson Police, Fire, Town Hall Supervisors' Association, effective August 13, 2000 carried unanimously.*
- B. *Motion by Selectman Charbonneau, seconded by Selectman Jasper, to hire Michael Davis as a Police Officer @ a starting salary of \$15.34 per hour (\$15.90 after certification) effective August 6, 2000 carried unanimously.*
- C. *Motion by Selectman Charbonneau, seconded by Selectman Jasper, to hire Casey Cheney as a Police Officer @ a starting salary of \$15.34 per hour (\$15.90 after certification) effective August 7, 2000 carried unanimously.*
- D. *Motion by Selectman Charbonneau, seconded by Selectman Jasper, to authorize the Chief of Police to advertise for Dispatchers carried unanimously.*
- E. *Motion by Selectman Charbonneau, seconded by Selectman Stewart, to rescind the Town's employment offer to Dennis Geldart as a Firefighter/EMT-I carried 4-0.* Selectman Jasper, a Call firefighter, abstained.

16. ADJOURNMENT

Motion by Selectman Seabury, seconded by Selectman Jasper, to adjourn at 11:20 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