

HUDSON, NH BOARD OF SELECTMEN

Minutes of the July 11, 2000 Meeting

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:54 p.m. (Attorney-Client session from 7:00-7:54 p.m.)

2. **PLEDGE OF ALLEGIANCE**, led by Selectman Shawn N. Jasper

3. **ATTENDANCE**

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

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Capt. Ray Mello; Jana MacMillan, Animal Control Officer; Angela Hurshman; Frank Carpentino, Fire Chief; Matt St. Laurent, Assistant Fire Chief; Steve Benton, Local 3154; Howard Dilworth, Jr., Nancy Regan; Bob Dufault; Richard Hook.

4. **PUBLIC INPUT**

No one responded when Chairman Madison asked if anyone wanted to address the Board about an issue.

5. **CORRESPONDENCE**

A. From: Richard Gendron, Chief of Police

Re: Animal Control Facility

Refer to: New Business

B. From: Frank Carpentino, Fire Chief

Re: Request for Boot Drives

Refer to: New Business

C. From: Tom Sommers, Sewer Utility Consultant

Re: Requests for Flow Increase

Refer to: New Business

D. From: Jim Michaud, Assessor

Re: Various Assessing Items

Refer to: New Business

6. **NOMINATIONS & APPOINTMENTS**

Chairman Madison stated that the Board's procedure was to interview applicants on the first meeting of the month and make the appointments at their second meeting, which will be July 25. Tonight was the interview portion.

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

There were no applications.

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

1. **Steve Boucher (Incumbent)** was present and said he most definitely wanted to be re-appointed for another term.
2. **Jay Martin** had told the Executive Assistant he could not be in attendance this evening, but would be present at the July 25th meeting. He will be interviewed at that time.

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

David Bitler said he's a fairly new resident of about two years, wanted to become involved in something of interest to him. He's aware of the fact that he has to complete a Financial Information Disclosure Form.

2. **OLD BUSINESS**

A. Sewer Utility Committee Issues

Sewer Utility Committee Chairman John Bednar was requested to be at tonight's meeting, but he was not present. Selectman Jasper, the Sewer Committee liaison, said it's unfortunate the committee Chairman doesn't understand that his issue is with how the Chairman runs the meeting. He clearly does not have a problem with the committee, or how the committee itself conducts its business. Chairman Madison noticed Sewer Utility Committee member, Howard Dilworth, in the audience. She asked him if new officers are chosen each year. Mr. Dilworth didn't think so, but if the committee felt it was an issue, they would have raised it. There is an item on Thursday night's agenda to talk about how meetings are conducted.

Chairman Madison said liaisons were appointed to bring back information to the Board in order for them to make informed decisions. Even though the liaison can't participate as a voting member, the Board would like it if when the liaison has questions or concerns, they are addressed. She asked Mr. Dilworth to pass that on to Chairman Bednar. Mr. Dilworth agreed to do that, adding that when he was a Selectman, he was the Sewer liaison for three years. He'd jump right in and participate at the meetings, even though he couldn't vote.

B. Sewer Abatements

1. 148 and 150 Derry Road

Chairman Madison said this item was deferred from June 27th, so that Mr. Hook, the owner of the property, could be present because Selectman Jasper had some questions. Selectman Jasper said his concern, based on the Sewer Foreman's memo, was whether or not hookup was viable. He wasn't familiar with the properties at the time. He has since found out that one is a business and one is a house. The Road Agent told him that although it is outside of the mandatory hookup range, it would not be cost-prohibitive. He spoke with the State, who said if the systems failed and if the owner wished to hook up at that time, the State would allow him to trench across 102 instead of jacking under, which is more expensive. The estimated cost of doing that would be less than the cost of installing a new leach field. He could do one pipe, then Y off, so both properties could be serviced. He'd like to hear from Mr. Hook.

Mr. Hook said when one of his systems failed, he spoke with Jesse, the Sewer Foreman, who told him it would be cost prohibitive for him to hook up. At that point, he decided to go with a leach field. The septic system has been approved by the State and is ready to be installed. When he contacted the State, he was told that an individual would never be allowed to go across Route 102 because of the cost, which supported what Jesse told him. However, it sounded to him like there was some conflicting information. Mr. Sharon thought when Mr. Hook first talked with NHDOT, they were assuming it would have to be jacked or bored. The information given Kevin Burns is the State would allow a cut. Another alternative is to do a single crossing then put in a Y at the other side to pick up two services. That wouldn't necessarily be cost prohibitive.

Selectman Jasper thought it would be a good idea for Mr. Hook, Jesse and the Road Agent to meet. Once it's decided what he could do, he should be able to get an estimate. If it is felt the other system might be failing within the next few years, it might be more cost effective to hook up. Mr. Hook said one of the properties was built in the 40's and one in the 90's. Selectman Jasper said if it is determined to be feasible and within the range of what it would cost to put in a leach field, then the Town is in a tough situation to grant an abatement because many other people are in the same situation. They need some hard facts to determine whether or not this is a special case. He hoped that Paul could coordinate the meeting. Mr. Sharon will have Kevin contact Mr. Hook directly.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to defer this until the Town Administrator is ready to come back with a recommendation to the Board carried unanimously.

2. 26 Barbara Lane (S-UTL-00-23 Lockwood Place LLC, 26 Barbara Lane, Sewer #5628)

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to grant, as recommended by Sewer Utility, carried unanimously.

C. Ordinance 00-03 Installation of No Parking Signs on Maple Avenue

Chairman Madison said a public hearing was held on 00-03 on June 27, at which time concerns were raised by some residents, so some of the Selectmen went out to the area to evaluate the situation for themselves.

Motion by Selectman Jasper, seconded by Selectman Stewart, to adopt Ordinance 00-03, amending Chapter 317-35, Schedule VIII of the Code, by the addition of no parking signs on the east side of Maple Avenue from Central Street to Reed Street carried unanimously.

2. NEW BUSINESS

A. Animal Control Facility

Capt. Mello said they were before the Board tonight to seek direction. The site next to the Kirby building, which Gary Webster plotted out on map. Animal control facilities have to be built to certain standards. The outside would be masonry, which would be relatively easy to maintain, with office space, a garage for the animal control vehicle, and an extra bay for storage or for another vehicle. It will have 10 temporary holding kennels, areas for dogs outside, partially opened/partially covered. They need an architect to draw the plans, and they need some direction on financing. Selectman Jasper thought a site plan could be done in-house. The second step would be a warrant article to allow them to withdraw all the monies in both the private and public accounts, which he estimated to be around \$120,000, and go with a design build. Otherwise, they'll be looking at a two year process if they go for the money first and then get an architectural drawing. They might be able to get someone in who has built similar facilities and give them an idea of what it will take.

Mr. Sharon said there is not a lot of staff available to do site plans, so they will probably have to use someone like CLD. Selectman Jasper said this doesn't need to get done right away, but before construction, which is next July at the earliest. Chairman Madison asked Capt. Mello if they were going to add another sally port. Capt. Mello said no, it would be an area for storage, or to put another vehicle. Selectman Charbonneau thinks this is going to be a lot more than just a little building because there are a lot of regulations to follow, which are very, very stiff for this kind of project. She didn't think it could be built for \$100,000 but they should have the amount it will cost, as well as operating costs before it goes to the voters. She thinks it will be a bigger project than what is being presented. They should get an as-built price, but the regulations are the most important thing. They have to look into it much further because it is not a simple project. Capt. Mello said Jana has toured many facilities in the area, and there are a lot of health code regulations. He didn't want anyone to think they were just going to throw up a masonry wall. Chairman Madison said Capt. Mello could call Selectman Charbonneau to find out where to go to find some of the information.

Selectman Jasper said he'd be opposed to the facility having an office and a bathroom. The Kirby Building, only 20 feet away, has a lot of space that isn't being used. The Animal Control Officer could be given an office there, and knock \$20,000 off the cost of the project. The office at the shelter on Old Derry Road was noisy and smelly. Chairman Madison said the regulations may require a bathroom. Selectman Jasper said then they can put in a walkway between the two buildings. Chairman Madison said they need to check the regulations first. Selectman Stewart said the Planning Board just approved a building without a bathroom. Selectman Charbonneau said if they have offices in the building, they will have to have a bathroom. Chairman Madison said they should wait and see what the proposed building is going to cost, what the regulations are, and then they can go from there. Capt. Mello asked who should do the conceptual design. Mr. Sharon said he's made a note to talk to Kevin about this, but they might try someone like Aho, even though this is a very small building. Chairman Madison asked if they have enough guidance to move forward. Capt. Mello thought they did.

B. IAFF Local 3154's Request for Three Boot Drives

Steve Benton, Treasurer of IAFF Local 3154, said they would like to conduct three boot drives for MDA on Saturday, July 29, August 12 and 26, from 9:00 a.m.-3:00 p.m. at the Ferry/Derry/Chase Street location. This is an annual event, and they are seeking Board authorization. He hopes to have four men at the intersection to cover the four streets, and there will be signs, announcing what they are doing. They will be dressed in bright attire for safety purposes. Last year, they collected over \$10,000 at this intersection and, for the third year in a row, the highest collection of donations in the state. They hope to do over \$12,000 this year. Chairman Madison asked if fire equipment was going to be involved again this year. Mr. Benton said last year, there was a fire truck parked on the island which helps get money, but that isn't being requested this year because the IAFF felt that is not something the Selectmen were in favor of. Chairman Madison thought it was a good idea if fire equipment was not used.

Motion by Selectman Jasper, seconded by Selectman Madison, to approve carried unanimously.

A. Request for Increased Sewer Flows

The following requests received recommendations for approval by the Town Engineer, Sewer Utility Committee and Sewer Consultant:

1. **Valgra Industries, 14 Flagstone Drive** (2,100 gallons per day to 4,200 gallons per day)

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

- 2) **Brookfield Rapid Solutions, Inc.** (40 gallons per day to 750 gallons per day)

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

A. Assessing Items

1. **Tax Deferral Application** (283 Lowell Road, Map 007, Lot 030)

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

2. **Veteran's Tax Credit Applications** (37 Lexington Court, Map 023, Lot 016, Sublot 029; 60 Windham Road, Map 026, Lot 077, Sublot 04; 10 Greenfield Drive, Map 027, Lot 023, Sublot 010; 327 Fox Hollow Drive, Map 013, Lot 013, Sublot 327)

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

3. **Elderly Exemption Application** (58 School Street, Map 051, Lot 134)

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

4. **Disabled Exemption** (6 Lexington Court, Map 023, Lot 017, Sublot 047)

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

2. OTHER BUSINESS

A. Weekend Shooting Incident at Cottonwood Drive

Chairman Madison thanked the Nashua Police SWAT Team, the Nashua Police Department, the newly-formed Southern NH SWAT Team, the Hudson Police Force and the Hudson Fire Department for doing an excellent job.

B. Dedication Service for St. Kathryn's Church

Chairman Madison said there was going to be a dedication service at the new St. Kathryn's church on Thursday, August 17 at 7:00 p.m. and the Selectmen are invited.

(Start Tape 1, Second Side)

Selectmen Jasper would like to be there, but that's the night before Old Home Days and, as General Chairman, he will be very busy on the grounds. Selectman Charbonneau said she'd like to attend, but she will be out of Town. Selectman Stewart said she plans on being at two places. Chairman Madison wasn't sure of her plans. Mr. Sharon said he would attend and will pray for everyone.

C. Purchase of Hudson-Litchfield News by Len Lathrop and Robin Rodgers

Chairman Madison said Fidele Bernasconi has sold the HLN and she congratulated the new owners.

D. Resignation of Len Lathrop from the ZBA and Budget Committee

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to accept the resignation of Len Lathrop from the ZBA and advertise the vacancy carried unanimously.

Mr. Lathrop resigned from the Budget Committee, as well, but that will be handled by that committee.

D. Gruenfelder Agreement

Mr. Sharon said at the last meeting, the Board voted to allow Mr. Gruenfelder to reconstruct a dwelling on Robinson Pond Lane, if he signed a waiver, acknowledging that the Town bears no maintenance responsibility beyond that which the Selectmen impose and that he pay the attorney's fees. The attorneys have reviewed it and made some changes. Mr. Gruenfelder reviewed it and is satisfied with it. Once the Board signs the agreement, Mr. Gruenfelder will sign it and have it recorded.

Motion by Selectman Jasper, seconded by Selectman Stewart, that the Board sign the agreement carried unanimously.

E. RSA's state School Dept. must appear before BOS in order to get Permit for new School

Selectman Stewart said the School Department came before the Planning Board at their last meeting with a plan for their new elementary school. There is an RSA that states the Board of Selectmen have to sign off on the permit. She had suggested to the Superintendent that he get on tonight's agenda, but evidently he didn't. Mr. Sharon said the school is aware that they need to do that. They've also been trying to get staff together, maybe next Monday, to make sure everyone is going in the same direction. He thinks the superintendent is on vacation this week.

F. Weekend Shooting Incident at Cottonwood Drive

Selectman Stewart said a big thank you to the officers in the Fire Department and everyone who helped out on Sunday. It was handled very professionally. She is a resident of that neighborhood and some of the residents asked if it had to come to that. Unfortunately, it did. It was a little frightening to see the SWAT Team in full gear, but she was glad to have them.

2. LICENSES AND PERMITS

A. Block Party Permit Request by Michael Gendren, 8 Thurston Drive, August 26

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

B. Hawker-Peddler Request by Tara Jean Lavoie to sell Uncle Benz Ice Cream from 6/12/00 - 12/31/00

Motion by Selectman Stewart, seconded by Selectman Jasper, to grant carried 3-1. Selectman Charbonneau was opposed.

C. License to Purchase Scrap Metals by Granite State Salvage Co. (renewal)

Motion by Selectman Jasper, seconded by Selectman Stewart, to grant the license carried unanimously.

3. COMMITTEE ANNOUNCEMENTS

07/12 7:00 Planning Board in P/Z Mtg. Rm.

07/13 7:30 ZBA in P/Z Mtg. Rm.

07/13 7:30 SUC in BOS Mtg. Rm.

07/17 7:30 Conservation Commission in P/Z Mtg. Rm.

07/20 7:30 Budget Cmt. in P/Z Mtg. Rm.

07/25 7:30 BOS in BOS Mtg. Rm.

4. REMARKS BY THE SELECTMEN

Selectman Jasper said after the bond was approved at the School District meeting, he told the Superintendent he wanted to see the project move forward. The Superintendent indicated that he wanted open lines of communications and to see them work together. However, that isn't happening. Last week, when he checked on an Intent to Cut, he found that it was not filed until after most of the cutting was done. There is a plan upstairs that shows a ball field on the property the Town is buying. Mr. Sharon said the plan, and the more detailed plan they submitted to the Planning Board, doesn't show much within the land the Town is buying from NHDOT. It shows a driveway coming down and the tail end of a retention pond. They haven't come forward with a plan showing how they intend to develop that land. Selectman Jasper said the plan showed 102 than then there was a ball field. Mr. Sharon said the ball field is north of the land the Town is buying. Selectman Jasper said his point is that the site preparation has begun and they've had no communication or cooperation from the School, and that is disappointing. The Board of Selectmen has always gone through the normal review process. He thinks the schools should, too. The Planning Board has insight into these types of things and construction, in general. That's the purpose of having a Planning Board. The Town deserves to have it go through the complete review process, but that isn't happening. He hopes when it comes to the Board to issue the permit, they look long and hard at things. They haven't talked about how they want to access the property the Town is buying and he thinks it's a shame that this is being rushed into. That's not how it should be done. They need a new school, but rushing into something is how costly mistakes happen. It's unfortunate.

On another note, Selectman Jasper complimented the Police on the way the situation at Cottonwood was handled. There has been some question whether or not deadly force was used, if shots were returned and if it was justified. He couldn't imagine how anyone could ask that with as many rounds as were fired out of the house in the direction of police officers. It *was* justified, but he is proud of the restraint used. Dozens of rounds were fired from the house and a small number may have been returned. It was a terribly frightening situation for those officers and they handled themselves exceptionally well. The Town can and should be proud of the job they did.

Selectman Charbonneau said starting Thursday, she will be attending School meetings on the new building. She couldn't make it in June. The road off of 102 should be built to Town standards. It can't be considered just a driveway. Chairman Madison said when they talked

about this before, they had said the Town would be happy to share the curb cut with them, but there wasn't any further discussion about things being built on the land.

Selectman Stewart said to add to the subject of the schools, the Fire Department has numerous concerns about that site. She felt that it just didn't matter to some members of the School District. The Planning Board made it clear they must abide by Fire Department standards and Town Engineer recommendations. They want to build the school correctly and don't want drainage problems in the future.

Chairman Madison wanted to make sure the retention pond wasn't on Town property. Mr. Sharon said the retention pond is identified as being on the property the Town is buying. They've been told they can't do that because that property is intended for a road. At the Planning Board meeting the School was told that a retention pond was being shown where it didn't belong and they would have to move it. The School arbitrarily decided they were going to use some of that property, but they can't. Chairman Madison said they were told some time ago that when they got the property, they would share the curb cut so they could put in a road that the Town would maybe some day continue on to create a corridor. Selectman Charbonneau remembers it that way, too. They wanted that land to extend a road down to Webster Street, if the population continues to increase. They can't put a retention pond in there. It would be dangerous around elementary children. Mr. Sharon said if they develop a retention pond, they need to protect it, and they can't arbitrarily assume they can use the land the Town is buying for anything other than a road. They've consistently been told that. They just can't do anything on Town property without explicit authorization; otherwise, they would be trespassing. Selectman Charbonneau said she would make it very clear to them on Thursday. Selectman Stewart said they made it clear at two meetings. Selectman Charbonneau said if they don't listen, the Selectmen won't share the curb cut.

Chairman Madison hoped Selectman Seabury was having a good time in Alaska.

5. NONPUBLIC SESSION

Motion to enter Nonpublic Session under RSA 91-A:3 II pursuant to (a) Personnel Issues; (b) Hiring of a Town Employee; (d) Real Estate Issues; (e) Pending Claims or Litigation issues by Selectman Jasper, seconded by Selectman Charbonneau, carried 4-0 by roll call vote.

Nonpublic Session was entered into at 8:55 p.m. and was terminated at 9:20 p.m.

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

Motion by Selectman Stewart, seconded by Seletman Charbonneau, to terminate Call Firefighter Elisa Benton, effective immediately, carried 3-0. Selectman Jasper, a Call Firefighter, abstained.

6. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to adjourn at 9:22 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