

## HUDSON, NH BOARD OF SELECTMEN

### Minutes of the June 27, 2000 Meeting

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:30 p.m.

2. **PLEDGE OF ALLEGIANCE**, led by Selectman Terry Stewart

3. **ATTENDANCE**

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

**Staff**: Paul D. Sharon, Town Administrator; Steve Malizia, Finance Director

4. **PUBLIC INPUT**

- A. **Atty. Andrew Prolman, Prunier & Leonard, re. Lowell Road Project Traffic Study** -- Atty. Prolman said he was representing Five-Way Realty Trust and they wanted to keep the Board apprised on their progression with Lowell Road issues. He distributed some preliminary plans to the Board. SEA has forwarded their traffic study comments to Town Engineer Mike Gospodarek, but he hasn't formulated an opinion yet. They are working on responses to that traffic study. They brought the design to the ZBA for a wetlands special exception approval. The overall intent is to develop this into five lots. Atty. Prolman said he was also seeking the Board's preliminary approval of their having to work in the Lowell Road corridor. When this project comes to fruition, they are going to have to do some widening of Lowell Road intersection with Commerce Drive. Before they go to the Planning Board for approval, their engineers (Hayner Swanson) have to do a lot of work for road design. They want to coordinate with SEA consultants to make sure everything meshes.

Chairman Madison apologized, saying that Atty. Prolman had asked to be put on the regular agenda, but he was put on Public Input instead. Atty. Prolman said he called at the last minute to get on the agenda and Mr. Sharon was good enough to allow him to get in under Public Input. Chairman Madison thought the Board already gave authorization to continue with the project where the Town's portion ends. Atty. Prolman thought the Selectmen wanted to see comments back from the traffic study before the road was designed to make sure the two projects match. Chairman Madison said the Town was going with five lanes and expected that would continue on. Atty. Prolman said that was what SEA recommends, but their traffic study suggests four lanes at Lowell Road/Commerce Drive. To do a full-blown analysis of four or five lanes, their engineer will have to actually design the road. More likely than not, they will continue with five lanes. Mr. Caron had wondered how four lanes would look sandwiched between five lanes at Executive and then at Pelham. Before they go ahead with design work for both a four and five lane section, they wanted to know the Board's feeling on the matter.

Mr. Sharon said the Lowell Road project is scheduled for an October letting. It might be beneficial to tie into that project, but there's not that much time. Atty. Prolman said the public hearings for the acquisitions for right of way are scheduled for July. They are well aware of the time frame, but there are ways to make it work, to continue that project under separate contract and piggyback onto the bids that the State puts out. Their work on Lowell Road may be done before the Town's portion is because public and private projects work at different speeds. Selectman Jasper thought the two projects should be done cooperatively and, unquestionably, the additional section has to be five lanes; money shouldn't be spent looking at four lanes. Chairman Madison asked Atty. Prolman if his client was prepared to fully fund the road widening project on their portion of Lowell Road. Atty. Prolman said that depends on the nature of the expansion. His understanding is that the Town's portion is a complete rebuild, down to crushed gravel, with curbing involved. If that's the Town's requirement for their area, he can't say that they will be footing the bill for all of that. If they can accomplish five lanes and traffic needs without going to the Cadillac of plans that the Town is doing south of Executive, then it may turn out that this project does fully fund the Lowell Road expansion. In any event, they will first bring their plans and proposal back to this Board.

Selectman Charbonneau asked if it was going to be manufacturing or office space and how many people would be using Commerce Drive. Atty. Prolman said the traffic study shows 600,000 sq. ft. of commercial-industrial out back and 25,000 of retail up front, but he didn't have the trip generations that that produces. Selectman Charbonneau said they would have to consider the strain all of this traffic will put on Lowell Road. She asked how far they planned to go with their improvements. Atty. Prolman said they were looking at a couple hundred feet before it tapers back to the existing road. Chairman Madison couldn't see inconveniencing the traffic on Lowell Road for two separate projects; it should be all one project, and Lowell Road should be consistent. The Board should look at their plans, after Atty. Prolman coordinates with Mike Gospodarek. Selectman Charbonneau said the road should be constructed the same to be uniform. Atty. Prolman said that was an engineering issue and he would defer to SEA and Mr. Gospodarek.

**Jean Serino, 118 Robinson Road** said she was present to exercise her rights as a citizen. She asked if a legal right always takes precedence over a moral imperative, if a property owner can destroy what has become to a community a sentimental touchstone of history, referring to St. Kathryn's rectory and the old church. She said Mr. Sousa is a prolific builder of developments and strip malls in Hudson, who seems intent on making Hudson appear like any other city. Before long, one can walk across America on strip malls. She can't believe that the Town government cannot exert some moral indictment which states, "We don't like this; We do not approve; We find your actions reprehensible." She hoped expressing her opinion wasn't going to harm her. She, and a lot of others, find the burning of old buildings and replacing them with new things that all look alike horrible. History is being denigrated, disrespected and disregarded.

She also referred to an incident that happened to her that she termed a personal sadness. A ditch was put in front of her house, destroying 50-year old tiger lilies, a rose bush and grape vines. When she saw what was going on, she stopped the work and asked the men to repair the driveway. They repaired part of it, but she needed more gravel, so she drove to Brox to pick it up herself and then some people who were at her house helped her put it in. When the Road Agent called to ask if she needed anything else, she told him no, but that she thought the ditch was dangerous. The other day, a kid riding his bike fell in the ditch. She called the Road Agent to ask if he could do something. He told her he wasn't going to do anything, that it was the Town's right of way. She doesn't have any legal rights, she only has words to express her feelings. She feels sentimental about her tiger lilies, roses and grapevines. She isn't opposed to change, but only if it doesn't mean destruction. She didn't like SAM's place being put on beautiful farm land. Everyone thought it was wonderful that SAM's gave the Town a tree, but she didn't think so. She has a legal right; Mr. Sousa has a legal right; Kevin Burns has a legal right, but do they have a moral right?

Mr. Sharon said the term ditch congers up something more than the way the Road Agent left it, and it's the. Road Agent's responsibility to maintain the roadway. The work was done to correct an icing problem that was a chronic traffic hazard in the winter from ponding water. It was a matter of clearing out the shoulder of the road. Jean said it is a ditch now, and she was a good enough citizen to not want an unsafe situation, but she knows that road and that hill better than anyone. Last year was the first time no one went off the road because they sanded and salted in time. Mr. Sharon asked if she would have the Town spot sand that particular location every time there are freezing conditions. Jean said yes, it's a bad, dangerous hill. Chairman Madison said as soon as winter rolls around, they would make sure the Road Agent is out there to look at it. When Jean called her, they talked about the gravel, but not tiger lilies or rose bushes. Jean said she told Kevin she thought it was a danger to her. When she goes to the mailbox there isn't much left between her fence and the road any more. He said it was a greater danger to everyone else. She doesn't want everyone else to be in danger, so she agreed. This is all part of a larger picture she was trying to convey. Chairman Madison said she understood.

**Bob Dufault, 27 Central Street**, wanted to voice his opposition to 00-03. Chairman Madison said a public hearing was going to be held on that item later in the meeting, and it might be more appropriate to make his remarks at that time.

## **2. CORRESPONDENCE**

A. From: Jim Gruenfelder

Re: Request for a Building Permit on a Class VI Road

Refer to: New Business

B. From: Richard Gendron, Chairman, Highway Safety Committee

Re: Ordinance 00-03 No Parking on Maple Avenue

Refer to: New Business

C. From: Steve Malizia, Finance Director

Re: Encumbrances

Refer to: New Business

D. From: Tom Sommers, Sewer Utility Consultant

Re: Requests for Flow Allocation

Refer to: New Business

E. From: Jim Michaud, Assessor

Re: Assessing Items

Refer to: New Business

F. From: Sewer Utility Committee

Re: •CLD Contract for FY 2000-2001

•Abatement Requests

Refer to: New Business

G. From: Richard Young, CCI

Re: Maintenance Service Contracts for Town Hall and Lions Hall

Refer to: New Business

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

### 3. OLD BUSINESS

#### Sewer Acceptance, Thurston's Landing (Map 21, Lot 4)

Chairman Madison said this was deferred from the June 13 meeting, at the request of Selectmen Jasper.

Motion by Selectman Jasper, seconded by Selectman Stewart, to defer this for one month.

Selectman Jasper said he has spoken with the Road Agent and there are some concerns relative to the physical condition of the sewer itself and he'd like to do a thorough inspection of it and to work with the contractor to have those deficiencies corrected prior to Board acceptance. Selectman Stewart this was another instance, in the same development, where a Town staff member said it was ready when it's not. There was a street acceptance before them some time ago that the Road Agent objected to because it wasn't ready. Selectman Jasper said this amounted to a flaw in the system--two sets of standards from two different points of view, design and maintenance. Hopefully, the Road Agent and Town Engineer will coordinate joint inspections and joint recommendations.

Vote: Motion carried unanimously.

### 4. NEW BUSINESS

#### A. Jim Gruenfelder's request for a Building Permit on a Class VI Road

Selectman Jasper said they need to be concerned about development on Class VI roads, but this case is an upgrade of an existing house. It would be unfair to tell a property owner he can't upgrade when other people have built, in some cases, huge houses out there. He moved to recommend construction be allowed, seconded by Selectman Stewart. Selectman Charbonneau said if someone converts a camp into a year-round home, there are going to be problems. The road should be brought up to standards so fire trucks can get through. Chairman Madison thought the same should apply whether it's a summer or year-round home. Selectman Jasper said there are a dozen homes out there now, one only a few years old. He didn't know if it was built with the standard that is presently being requested. The ball was dropped when those new houses were allowed to come in on new lots. He would have problems with brand new construction, but that's not what this request is. Chairman Madison said the Highway Department can't guarantee that emergency vehicles will be able to get into the area. Selectman Jasper said Mr. Gruenfelder has to clearly understand the risk to those who live out there. Chairman Madison said the only maintenance a previous Board had approved was two annual gradings, snowplowing and sanding. Mr. Sharon asked if it would be appropriate for the motion to state that the Selectmen do not intend to increase the maintenance on that road. Selectman Jasper said he would add that to the motion and it might be appropriate to have Mr. Gruenfelder sign a statement that he understands the maintenance situation. When asked, Mr. Gruenfelder said he didn't have a problem signing such a statement. Selectman Charbonneau said the Town shouldn't be held responsible in case of an emergency. Chairman Madison asked Selectman Jasper to restate his motion.

Motion to approve the request for the reconstruction of the two-bedroom home and that it is the Board's intention not to increase the maintenance of Robinson Pond Drive; and that Mr. Gruenfelder sign a statement, a hold harmless agreement, attesting to the fact he understands the limited maintenance by the Town on that road; and that there would be an addition on the deed that this is a Class VI road and Limits of Liability to the Town; and that Mr. Gruenfelder be responsible for the legal costs incurred by the attorney. Selectman Stewart agreed to the amended motion.

Selectman Seabury asked how they will be able to deny someone else from building on a camp lot. With 12 houses down there, there *will* be maintenance problems. Selectman Jasper said this is an existing structure. There was a home off Robinson Road that the Selectmen required the road to be brought up to certain acceptable standards. If other people come in and subdivide lots out there, or build structures where there are none, then they can impose

conditions. Shame on the Town for allowing it to continue when the new homes went in. Chairman Madison asked if with the other new homes, they just came in and got a building permit. Mr. Sharon said he didn't know. Selectman Seabury asked that the Town attorney draft the hold harmless agreement for Mr. Gruenfelder to sign, at his expense, adding that he is getting a real deal. She was concerned about liability. Town staff also has concerns about being able to get equipment in there. She thought the hold harmless agreement should be added to the deed. Mr. Gruenfelder said he already signed a Limits of Liability letter. Selectman Charbonneau said Mr. Gruenfelder's signed agreement should be recorded on the deed so if he sells the property, the next buyer will know about the restriction. It's the Town's responsibility to protect the people. Chairman Madison asked Mr. Sharon to convey everyone's concerns to the attorney. She asked Mr. Gruenfelder if he had any questions. He did not. She asked who was in favor of allowing Mr. Gruenfelder to rebuild his home, including all of the caveats. Selectman Seabury asked if that included the hold harmless agreement. Selectman Jasper said he'd like to include in the motion that there would be an addition to the deed, "on the deed," which would underscore the fact that this is a Class VI road and the Limits of Liability to the Town. Chairman Madison asked if everything was included. Selectman Seabury felt that Mr. Gruenfelder should pay for all of this. Chairman Madison asked if that should be included in the motion. Selectman Jasper said sure.

*Vote: Motion carried unanimously.*

### **B. Public Hearing and Board Action on Ordinance 00-03 No Parking on East Side of Maple Avenue**

Chairman Madison opened the Public Hearing at 8:15 p.m.

1. **Bob Dufault, 27 Central Street**, said he lives on the corner of Central and Maple. He was opposed to this ordinance, which was precipitated by a resident who could not back out of her driveway if someone was parked in the street. He thinks it would be appropriate to ban parking across from the affected driveway. It is an old neighborhood and the number of houses hasn't changed since 1980. Parking became limited when it changed from single family to multi-family dwellings. People will have problems if they have family gatherings, which will bring cars into the neighborhood. There already is no parking in front of his house on Central Street.
2. **Robert Beaudry, 5 Maple Avenue**, said he doesn't have a driveway, or room to put one in. The only place he can park is in front of his house, which has room for two cars. They live there only in the wintertime. There has never been a parking problem in the 45 years he has lived there.  
  
(Start Tape 1, second side)
3. **Virginia Smith** said she has lived at the same place on Maple Avenue for more than 70 years. If the cars parked in the right direction, it would make some difference, but they park heading the wrong way. When they park across from her driveway in the wintertime, it is almost impossible to get out. She tries to be careful, but it's a wonder she hasn't hit someone. If parking is limited to one side, people will get used to it.
4. **Pete Remis** said he lives at and owns a three-unit apartment house at 1 Maple Avenue. He sees a problem arising in the neighborhood when people have visitors. There is parking for the tenants, but generally there is a car or two out on the street. This ordinance would eliminate six-eight spots.
5. **Dan Sweeney, 2B Maple Avenue**, said in the wintertime, they usually have five cars in their driveway, but in the summertime, they put two cars in front of the house to make room for his three children to play. Otherwise, they'd have to play in the street.

Selectman Seabury said it sounded like that street is awfully narrow. Chairman Madison asked the Police Chief to explain the situation. Chief Gendron said Mrs. Smith alerted the Highway Safety Committee to the fact that she is unable to back out of her driveway. He and the Road Agent went to the site and agreed that if someone parked opposite Mrs. Smith's driveway, she would have a very difficult time backing out. Another neighbor also indicated that it was very tight when trying to back out of that side of the street. The committee looked at it from a safety standpoint because the road is very narrow, about 23' wide. The Fire Chief confirmed that with parking on both sides, it would be very difficult to get large, emergency equipment down that street. The Road Agent said it's a problem trying to plow such a narrow street in the winter. Mrs. Smith had recommended making the street one-way, but people would still park on both sides. If parking is eliminated just on the east side, people could back out of their driveways safely. This is a safety issue to allow emergency equipment to get down the street and to give people the ability to back out of their driveways safely. One resident did hit a car when he backed out of his driveway. The Highway Safety Committee voted unanimously in favor of this ordinance.

Mr. Dufault said BFI gets through twice a week. Last week, the aerial ladder truck went down the street, but it was

tight and they did have trouble coming back up Maple Ave. A large truck can't turn around. The Highway Department has the same problem every winter, but they've been doing it for 35 years. He has a corner lot and probably pays more taxes than other people, but the Town is taking away all of his parking. He thought the parking should be restricted in front of Mrs. Smith's driveway, not on the whole street.

There being no more speakers, Chairman Madison closed the Public Hearing.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to defer 00-03 until the next meeting (July 11, 2000).

Selectman Jasper said he understood both sides, but thinks he will side with the Highway Safety Committee. He'd like to look at the street himself to see if there is any room for compromise and to feel more comfortable with the situation because of the impact to the people on that street. Chairman Madison agreed, saying she was concerned about the fire equipment not being able to access the area.

Vote: Motion carried unanimously.

### **C. Fiscal Year-End Encumbrances**

Chairman Madison said there was a section from the Fire Department that showed amounts to be transferred, not encumbered. Finance Director Steve Malizia said the encumbrance listing are items that have an actual PO or are in the process of procurement. The Fire Chief has requested transfers to do additional tasks, which are not included in the encumbrances. Chairman Madison said she'd allow the Chief to explain, but she has a problem using funds at the last minute. If there is any money left, it usually is used to reduce the taxes. In addition, she thought the auditors may pull out these last-minute transfers. It may not be allowed. Selectman Jasper said purchase orders could be cut for some of the things. Chairman Madison said she had a problem with that. This is June 27, and the fiscal year ends in three days. Selectman Jasper said the money for the Call firefighters should have been done earlier for physicals, uniforms and protective gear. Chairman Madison said that was already encumbered; Mr. Malizia confirmed that it was.

Chief Carpentino said a deadline was set to submit encumbrances and he submitted his packet June 9. At the end of the year, monies became available that was saved on other purchases. A lot of the items could have been purchased by the end of June. Two items have dates on them that can't be done by the end of June. He feels they supplied the information in time for these items to get accomplished. Mr. Sharon said if the Board approves the transfers, purchase orders could be cut, making those items eligible to be encumbered. He and the Chief talked about turning back monies to the taxpayers versus reprioritizing expenditures. Chief Carpentino said the Fire Department has been fiscally conservative. Last year, they turned back \$250,000 and didn't ask for any transfers. They are now faced with correcting deficiencies. If they don't use these monies, they will have to request money next year. Chairman Madison asked if the items that he was asking to purchase was already in the budget. Chief Carpentino said more were not than were. Chairman Madison said there appears to be some miscommunication. If something was already in the budget, purchase orders should have been cut by now. Chief Carpentino said there wasn't enough money to purchase some of the items, but they had the money to transfer. That's why it was tied to the encumbrances. The request was to make the transfers before the end of the year. Selectman Jasper didn't think department heads needed approval to transfer money within their own budgets. The gray area is buying things that were not asked for in the budget. Mr. Malizia said the Selectmen are apprised when there is a major transfer of requests that may not be quite in the budget. When something is going from one cost center to a totally different one, it requires three Selectmen's signatures. When it's a large transfer within the cost center, the Selectmen do get a memo on it so they are aware of it in case they have any concerns or questions. Chairman Madison asked what the total amount was that the Chief wanted transferred. Chief Carpentino said \$31, 180. Chairman Madison asked that this be handled by two separate motions.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to approve the encumbrances, as recommended by the Finance Director.

Selectman Jasper said the total is now \$1,397,268.04.

Vote: Motion carried unanimously.

Chairman Madison pointed out that many of the items the Chief wanted transferred are listed as necessary. Selectman Jasper asked when the Chief would be able to cut PO's. The Chief said probably within the next two days. Selectman Jasper said he hates to bring this up, particularly in light of what the schools are doing, but asked if there would be any grief over the fact they don't have a site plan for the storage sheds. Mr. Sharon didn't think so.

Even though the Town meticulously follows the rules when they can, they are exempt. Chief Carpentino said he spoke to Susan Snide about this before she left. The sheds will be built by Reeds Ferry Lumber. Selectman Charbonneau said to make sure all of the purchase orders are in. Mr. Malizia said they may want to add this amount to the list of encumbrances. The Selectmen making the motion and the second agreed. Mr. Malizia said the total amount encumbered would be \$1,428,448.04.

Motion by Selectman Seabury, seconded by Selectman Stewart, to approve the transfer of \$31,180 from various accounts to cover the purchase orders to be cut for the list generated by the Fire Department, and if anything isn't in-house at the close of books that it be included in the encumbrance, making a new total of \$1,428,448.04 carried unanimously.

#### **A. Request for Flow Allocation**

##### **1) Sagamore Square, Map 10, Lot 45/46**

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve, as recommended by Sewer Utility.

Selectman Charbonneau had a problem with the list of things Mr. Maynard said would go in there, as it includes a restaurant, dry goods retail services and offices, mixed use, etc., hairdresser, which uses quite a bit of water, dry cleaners, day care, medical clinic, etc. She's not against Sagamore Square, but with the moratorium on, she didn't know how the flow would be regulated. Chairman Madison said this site is allowed 12,000 gallons a day and they anticipate the maximum use will be 9,976 gallons per day. Selectman Charbonneau said this site was never on sewer, it was on septic. Chairman Madison believes this was included in the sewer district. Selectman Jasper said the moratorium is over, they are operating under the amended sewer ordinance, but Selectman Charbonneau raised a good point. He asked how they would handle any user who may go over their allotment Mr. Sharon said to some degree, it was constrained by the sewer design on site, which is designed to take more than a certain capacity. Selectman Jasper said that depends on the hours of operation. This site is allowed 12,000. What if someone is using 13,000 gallons a day? If everyone was operating all at the same time, it could handle that 12,000 but if people are operating at staggered hours, it could handle potentially 15,000 or 16,000 a day. He wondered if this was something they should look at. Selectman Seabury suggested putting in an alarm system, such as was in pump stations. She thought when the sewer moratorium ended, it was going to be on a first come, first served basis. Mr. Sharon said when Tom Sommers came back with the allocation formulas, it was to try and maximize what could be done in terms of development of current, vacant properties so that it wouldn't be all gone in a year and a half. It would fairly allocate into the future. Selectman Seabury said sewer flow should be tied in with water capacity and asked if the offices kept track of this. Mr. Sharon said sewer usage is billed based on water consumption, with the theory that most of it ends up in the sewer, but one does not necessarily relate to the other. Selectman Seabury said if they know how much water is going to be pulled out for hairdressing and a restaurant, then they would have calculate that that is only what can go into those places. Chairman Madison said Tom Sommers has already done the calculations, based on the sewer ordinance the Selectmen amended. Selectmen's Jasper's question about the consequence of someone going over their allotted usage has to be answered. Selectman Jasper asked what enforcement power the Board has if, when the water bills go out they find that a person who was allocated 12,000 gallons used 13,000 gallons. Perhaps it should be via an astronomical fine that the owner has to pass on to his tenants, or absorb. There has to be some method, other than shutting off a valve at the end of the month. His concern is in trying to fairly allocate the capacity, what they should do if someone takes more than their share. This is totally separate from Mr. Sousa's application. As the Sewer Utility liaison, will bring this up at the next Sewer Utility meeting.

Vote: Motion carried 3-2. Selectmen Charbonneau and Stewart were opposed.

##### **1. 40 Campbello Street, Map 54, Lot 39**

Motion by Selectman Jasper, seconded by Selectman Seabury, to approve, as recommended by Tom Sommers and Town Engineer Mike Gospodarek.

Selectman Charbonneau said people don't realize how much water is used in a hair salon. They use a tremendous amount of water at her school. She is not opposed to business, but is concerned about the sewerage. Selectman Seabury said this person has only two or three customers a day, if that.

Selectman Jasper said the stipulation was for no more than four customers per day.

*Vote: Motion carried unanimously.*

**E. CLD Contract for FY 2000-2001**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to approve, as recommended by Sewer Utility carried unanimously.*

**F. Sewer Abatement Requests**

1. **S-00-8** (S-UTL-00-21, 148 Derry Road, Acct. 4908 [\$71.79]; S-UTL-00-22, 150 Derry Road, Acct. 4986 [\$71.79]; S-UTL-00-23 Lockwood Place LLC, 26 Barbara Lane, #5628)

Selectman Jasper said this was one of the issues he wanted to talk about with the Sewer Utility Committee, but was not recognized, so he didn't get his questions answered. The applicant is requesting an abatement of \$1,042 which goes back beyond the time that the Sewer Utility could make a recommendation to grant. He would like the Selectmen to bring Mr. Hook in to speak with him because there are some pertinent questions to ask him. The Road Agent has confirmed that it is not feasible for him to hook up to the sewer. Selectman Jasper assumes the man has believed that he could hook up to the sewer and has been paying \$25 a quarter. He finally went to hook up to the sewer, or to inquire about it, and found out that he couldn't. If someone was paying for a service they thought was available, and then found out it wasn't, they should be rebated the entire amount. He thinks the man should get an entire rebate. He didn't think it was fair not to since he's paid \$1,042 and he can't hook up to the system. There is no reason why the Town shouldn't rebate him the entire amount. Chairman Madison said she had the same question and has already talked to Paul about it. If the parcel is ever sewerred, then he will have to pay the money back. She said this should be deferred until the next meeting and somebody could talk with Mr. Hook. Selectman Jasper said they could abate it with the stipulation that, if it was sewerred, he'd have to pay it back.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to defer this until the next meeting carried unanimously.*

2. **S-00-9** (S-CAP-00-03, 12 Linden Street, Acct. 4492 and S-SAG-00-01 [\$774.82], 185 Lowell Road, Acct. 4834 [\$806.23])

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

**G. Assessing Items**

**1) Veteran's Tax Credit Application, Map 047, Lot 076**

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

**2) Yield Tax Warrant, Map 030, Lot 008**

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

**A. CCI Maintenance Service Contracts for Town Hall and Lions Hall**

Mr. Sharon said this was the renewal of the contract the Town has had with CCI. There is no increase in price, and four items have been added to the general cleaning list. He recommended renewal. He and the Chairman have had conversations about the level of cleaning by CCI. Sometimes they do miss things, but when the Town had a full-time custodian, he missed things, as well. This saves about \$1,000 a month over a full-time employee. The owner of CCI is on a pager and is quick to respond when something is needed.

(Start of Tape 2, Side A)

Chairman Madison said she is not totally happy with some of the cleaning services at Town Hall. However, being

'Mrs. Clean' she thought she might not be the best judge. Selectman Stewart said at the Planning Board meeting two weeks ago, there was no toilet paper in the downstairs ladies room. Mr. Sharon assumes the problem has been taken care of, adding that that has happened on one or two occasions upstairs. Selectman Charbonneau spoke in favor of CCI, saying they do an excellent job at Temple Street. There's not much you can do about Lions Hall, which has an old-fashioned bathroom and the floor is a disgrace. At Temple Street, the floors shine, plus they are saving a tremendous amount of money.

*Motion by Selectman Charbonneau, seconded by Selectman Seabury, to renew the contract with CCI carried unanimously.*

## **2. OTHER BUSINESS**

### **A. Wrestling at Lions Hall**

Selectman Charbonneau asked if the Town is still charging only \$150 a night. Mr. Sharon said after this was brought up the last time, he talked to Richard Young and the Lions Club. It was a fixed charge that allowed the Lions Club to make a small profit. They came to an agreement where they would, in lieu of an increased fee, do a project at Lions Hall every year. They will formulate a proposal for what the project will be for the coming year. He hasn't heard from them since that meeting, but he will contact them again. Selectman Charbonneau said they might make only a few dollars on the wrestling, but they really make money on the concession. The Town is having a problem with chairs being destroyed. When people sit on some of the chairs, they clothes are getting caught. Mr. Sharon said that might be one of the projects. Selectman Charbonneau said the Town paid too much for Lions Hall, adding that she had voted for it herself, but it turned out to be a white elephant. Selectman Seabury thought that a chair-replacement project was a neat idea. She thinks the wrestlers use them to bang each other over the head.

### **B. Lawn Maintenance at Library-Owned Building on Ferry Street**

Selectman Stewart asked who was responsible for lawn care at the Library building on Ferry Street because it looks pretty ratty. Several Selectmen said the Library is. Chairman Madison said Selectman Seabury is the Library liaison.

### **C. Refrigerator on Trigate Road**

Selectman Stewart said she received a call from a resident who said there has been a refrigerator at one of the duplexes on Trigate Road since last November. Chairman Madison said whomever it belongs to must pay a fee to have it taken away.

### **D. Boat stashed on Burnham Road**

Selectman Stewart said on Burnham Road, where it parallels the cemetery, someone has stashed a boat and trailer, which has been there for about three weeks. Selectman Jasper didn't think that dirt road was Town property. Selectman Stewart said 4-wheelers use it. Selectman Seabury said it used to be water company land. Selectman Jasper thinks that's part of the mall that was developed. Originally, they wanted to put in a gas station there. Selectman Seabury said it goes from the mall all the way out to Thompson's Market on an old railroad bed. Mr. Sharon said they would look at it.

### **E. Assistant Building Inspector (Contracted Services)**

Selectman Stewart said she has already spoken with the Town Administrator about this, but she was still upset that the Town has a temporary Assistant Building Inspector that was never memo'd or brought to the Board of Selectmen. Chairman Madison said it was as contracted services. Mr. Sharon said he had explained that to Selectman Stewart. Selectmen Stewart and Charbonneau said they didn't remember seeing anything. Mr. Sharon said it is exactly like Julie Cummings. Selectman Stewart remembered that Julie was brought to the Board, but she didn't remember that an Assistant Building Inspector was. Chairman Madison knew it was and that the Temporary Services memo would have to be found, because she had questioned it at the time. Mr. Sharon said he wasn't sure he always had Board of Selectmen approval for short-term temp services. Chairman Madison said she didn't know if the Board approved it, but there was a memo on it, perhaps in General Read and asked that the memo be found and distributed. She knows that the Board told Susan she could hire help; she will ask the Executive Assistant to pull those Minutes. Mr. Sharon said he had someone come in to do some catch-up mapping work for part of one week, following the flooding problem upstairs. Chairman Madison didn't know about that--she was talking about the temporary help that was needed in the Zoning Department for the Building Inspector. She thought that Sue asked about it and that it would be reflected in the Minutes. Selectman Stewart said Sue asked for a temporary Receptionist, but neither she nor Selectman Charbonneau remembered her asking for a temporary Building Inspector. Chairman Madison said it will be researched and the Town Administrator will get back to them.

Selectman Jasper said he knew about it, but doesn't remember how he came by the information. Selectman Seabury thought there was already a position for Assistant Building Inspector. Mr. Sharon said there is money in the budget for a full-time person, but that



is pending getting a Director in first. Chairman Madison said this one is contracted services. Selectman Seabury said when they do contracted services, such as when a Chief comes before them, they get a bunch of confidential stuff that they give back to him. Mr. Sharon said they have not done that with temporary employees.

#### **F. P/E/Z Understaffing**

Selectman Seabury said she has talked with a couple of Selectmen about this already. The Planning and Zoning area is very short-staffed. Something was posed to her that seemed fairly reasonable. It was suggested that the P/Z office close two days a week at noon to give the two secretaries a chance to catch up on their work. She asked how everyone felt about that. Mr. Sharon feels that it is important to maintain office hours to the degree that they can. If it becomes impossible, they should take it case by case.

#### **G. Wetlands, Trees**

Selectman Seabury said she went by Centronics about a week ago and noticed that big trees were being cut down and she wondered what was going on. Today, there was a backhoe digging in the wetlands--no erosion controls, no fences or hay bales. She said she had to go check it out and asked the man that came to meet her if he had a wetlands permit. He didn't know anything about that, but the owner of the building wanted to develop a pathway for his employees to walk around the pond. On her way to see Paul, she met Gary Webster, and asked him to check it out. When she went by the site this afternoon, the backhoe had stopped and there was some equipment dropping dirt on the road near the pond, going full tilt. She thought it should be stopped because no one came before any of the boards for authorization to do anything.

#### **H. Sewer Utility**

Chairman Madison said at the last meeting, the Sewer Utility Committee liaison said when he attends the meetings, he isn't able to vote. The Selectmen can't change that; it must be done at Town Meeting. When the Sewer Utility was set up, a lot of thought went into it. Five members are appointed by the Board of Selectmen, and those members make recommendations on sewer items to the Selectmen. During the last term, they appointed a Selectman as a *member* of the Sewer Utility Committee. As a member, she had voting rights, but at the meetings, the Chairman would not allow her to vote. At that time, the Selectmen should have had the Chairman come before them to get it straightened out. She was not just the liaison; she was a full member of the Sewer Utility Committee. Selectman Jasper is not a member, he a liaison and, as such, he is not allowed to vote. She would, however, still like him to attend the meetings for information sharing purposes. The Library liaison isn't allowed a vote, either. They can't always vote on the boards they are liaisons to. Selectman Jasper said the ordinance was adopted by Town Council, not Town Meeting. Mr. Sharon said it was codified subsequent to that. Selectman Jasper agreed, but said there are some ordinances that the Board has control over, and this may need a legal opinion. He thought this was an ordinance that didn't need Town Meeting approval, much like the sewer capacity issue they recently amended. Stop Sign and No Parking ordinances are codified, but they don't need Town Meeting approval. Mr. Sharon said it is part of the whole sewer use ordinance and everything is built on it. Selectman Jasper said the Selectmen just changed the sewer use ordinance and they didn't need to go to Town Meeting to do that. Chairman Madison said they can have the attorney look at it to be sure, but her point is that when a Selectman was a Sewer Utility Committee member, they should have brought the Chairman before them to straighten it out then. If a Selectman is a part of the committee, they should have a right to vote, but she didn't believe a liaison should have that same right. She didn't want to change the makeup of the committee., which has been around for a long time and has worked very effectively. The Selectmen make the appointments and if the committee members are not doing their job, the Selectmen need to bring them in.

Selectman Charbonneau said the Selectman liaison to the Planning Board can vote. Chairman Madison said that is set by State statute. Selectman Charbonneau said the Chairman wouldn't allow her to even speak. Chairman Madison said that is something the Selectmen need to take care of and perhaps they should schedule a nonpublic session. Mr. Sharon didn't think that could be done in nonpublic. Chairman Madison said then they should put it on the agenda. The Sewer Utility members are appointed by the Selectmen and their liaison, who attends the meetings, will be reporting back to the Selectmen, so he or she should be able to have all of his or her questions answered. The liaison will get a chance to vote when it comes back to the Selectmen. She didn't think they should be adding another position. Selectman Jasper said he didn't care if he can vote at the committee meetings, but the problem is with the way things are run. He didn't like to be part of something where the no's aren't even asked for and discussion isn't invited. Chairman Madison said they need to get the committee chairman in and talk about the way the meetings are run.

Mr. Sharon asked if they wanted Chairman Bednar at the next meeting. Chairman Madison said yes.

#### **I. Cedar Hollow/46 River Road**

Chairman Madison said at the last meeting they had asked Paul to meet with the attorney, the residents and the company and he was going to get a proposal for noise monitoring. However, he not only got a proposal, he put it into effect. Mr. Sharon felt they owed it to the residents to act as quickly as possible. He found out it was a sole source vendor. (Audio faded.) The monitoring firm could mobilize quickly and they knew what they were looking for. He met with the residents on June 14, who were very vocal on what they perceived to be a lack of responsiveness by the Town. He felt that he needed to get this in place before the company was able to make changes to alter the monitoring. It's too bad the Town is going to lose a very successful business, but they are can't operate and co-exist in that neighborhood. They've gone from a company of about 20 employees to 340 employees, working two shifts. They've use two separate parts of that building, with another tenant in-between, assembling on one end and warehousing on the other end. Trucks are on-site all the time, shuttling back and forth, plus other trucks taking the product to market. They have proposed to come into compliance in a timeframe that is being negotiated and have said clearly and flatly they will be out of Hudson, which is too bad. Selectman Seabury said they never should have gone in there. It has been a thorn in everyone's side since it was built many years ago.

## 2. LICENSES AND PERMITS

**Block Party Permit on Cardinal Drive between Towhee and Meadowlark on July 15, from 4 - 9 p.m.**

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

## 3. ACCEPTANCE OF MINUTES

**A. BOS Meeting of June 6, 2000**

**A. BOS Meeting of June 13, 2000**

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

## 2. COMMITTEE ANNOUNCEMENTS

6/28 7:00 Planning Board in P/Z Mtg. Rm.

6/29 7:30 ZBA in the P/Z Mtg. Rm.

~~7/05 7:00 Planning Board Workshop in P/Z Mtg. Rm.~~

7/10 7:00 Visioning Committee in P/Z Mtg. Rm.

7/11 7:30 BOS Meeting in BOS Mtg. Rm.

## 3. LIAISON REPORTS

Ann Seabury felt bad when she found a notice for a Library meeting last night that she hadn't known about. She plans to meet the new Director and will ask for a meeting schedule. She also needs a schedule from NRPC.

Terry Stewart said a major complaint when she was the liaison to the Library was she wouldn't get noticed until the day of the meeting. The Recreation Department is going strong. Last Thursday and Friday, they had 250 kids per day. It took four buses to go roller skating. They have a field trip scheduled to the New England Aquarium. She commended the Fire Department for a great burn Friday night, agreeing with Jean Serino that it was a little sad to see the old St. Kathryn's go. The new site is gorgeous.

Rhona Charbonneau spoke with the Chief last week and if he has any problems, he can contact her.

Shawn N. Jasper said the Air Force band concert was great; they did a fantastic job and presented the Town with a framed poster. Several hundred people attended. He's glad he went; they had a nice time.

E. Lorraine Madison said they went to Nashua Chamber dinner and sat with mostly Hudson business people.

## 4. REMARKS BY THE SELECTMEN

Selectman Seabury was happy that the controversial subjects are deferred because she won't be at the next meeting. Chairman Madison wished her a wonderful trip to Alaska, saying she is going to be leaving for Europe soon.

**5. NONPUBLIC SESSION**

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to enter Nonpublic Session under RSA 91-A:3 II (a) personnel issues; (b) hiring of a Town employ carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:45 p.m. and was terminated at 11:10 p.m.

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

Open Session votes:

A. Motion by Selectman Jasper, seconded by Selectman Charboneau to hire John Dolan as Police Prosecutor, at \$35,000 plus benefits, with a 6-month probationary period, effective July 16, 2000 carried unanimously.

B. Motion by Selectman Seabury, seconded by Selectman Jasper, to hire two substitute counselors at the Recreation Department at a rate of \$6.75 per hour. Andrey Arkhipov and David Christ carried unanimously.

C. Motion by Selectman Seabury, seconded by Selectman Stewart, to concur with the Hudson Police, Fire and Town Supervisors' Association and petition the Public Employee Relations Board to add the position of Assessment Technician to their union, with grade level to be a subject for bargaining carried unanimously.

D. Motion by Selectman Jasper, seconded by Selectman Charbonneau to temporarily increase the salary of the Building Inspector to \$20.92 per hour, effective immediately, since he has temporarily assumed some of the duties of the Zoning Administrator carried unanimously.

E. Motion by Selectman Seabury, seconded by Selectman Charbonneau, to increase the Assistant Fire Chief's salary from \$54,415 to \$56,300 effective July 2, 2000 to come out of the Fire Department's salary account carried unanimously.

F. Motion by Selectman Charbonneau, seconded by Selectman Jasper, to increase the salaries of the non-union employees as follows: Town Administrator to \$65,332; Executive Assistant to \$37,184; Finance Director to \$58,529; Road Agent to \$58,540; Police Chief to \$65,332; Fire Chief to \$64,486; Recreation Director to \$27,177 carried unanimously.

Selectman Jasper mentioned that there was a Warrant Article approved at Town Meeting that allocated \$17,700 for these increases. Including benefits, this totals \$17,618.

**6. ADJOURNMENT**

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to adjourn at 11:15 p.m. carried unanimously.

Recorded by Selectman Ann Seabury

Transcribed by Priscilla Boisvert, Executive Assistant

**HUDSON BOARD OF SELECTMEN**

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**E. Lorraine Madison, Chairman**

\_\_\_\_\_  
**Rhona Charbonneau**

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**Shawn N. Jasper**

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**Ann Seabury**

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**Terry Stewart**