

## HUDSON, NH BOARD OF SELECTMEN

### Minutes of the June 6, 2000 Meeting

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:32 p.m.
2. **PLEDGE OF ALLEGIANCE**, led by Selectman Shawn N. Jasper
3. **ATTENDANCE**

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

**Staff/Others**: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Steve Malizia, Finance Director; Frank Carpentino, Fire Chief; Matt St. Laurent, Assistant Fire Chief; Mickey Rudolph, EMS Coordinator; Jim Michaud, Assessor; David Yates, Recreation Director; Attorney Jeff Zall; Howard Dilworth, Jr; residents of Jacqueline Street; John, Derry News; Kelly Blizzard, TEL; Pierre Comtois, SUN

#### 4. **PUBLIC INPUT**

Gregory and Marilyn Swick, 12 Jacqueline Street, Petition regarding noise complaints re. 46 River Road, spoke on behalf of a group of about a dozen residents, abutters of 46 River road, who were present. The Swicks distributed two handouts. Mr. Swick said the problems with the property at 46 River Road were first voiced in 1985. They've tolerated the situation throughout the years, but can no longer do so. They issued a formal complain to Susan Snide on May 5, 1998. They went before the Planning Board in September 1998 when, without any process, the site was modified. The Planning Board agreed that the process was violated, but no action was taken. The situation has continued to worsen. The site, which is never maintained, drains unto their property. The back third of all six of their properties is unusable, due to drainage from that site. The site continually exceeds the Noise Ordinance. He's taken measurements himself and Ms. Snide, who also took measurements, confirmed that the site is in violation. As part of the permitting process, the hours of operations were supposed to be from 7 a.m. to 7 p.m., as noted in the minutes of March 13, 1985 and became part of the occupancy process for that site, but the people at the site routinely violate that. They operate around the clock, unloading trucks at 2 a.m. This was prohibited by their occupancy permit. The neighbors have tried to be reasonable. They went to the logistics manager of the site, Mr. Sharon and other Town officials have gone to talk to them, but everyone has been ignored. In fact, the business is planning to expand their hours of operation, and the neighbors feel that is unacceptable. They are asking the Town to conduct an independent review of the site plan and drainage and to determine compliance and to ensure the abutters have not been damaged. They want enforcement of the Planning Board's '98 direction and they want the Noise Ordinance enforced. They want the site monitored, which will show unacceptable noise levels. They want the police to be able to act when the Noise Ordinance is violated. They are asking the company to operate in accordance with Town laws, which they are not doing. The residents' grievances have been relayed to Town officials over the years, both in writing and verbally, but nothing has been done. They are asking what the Town is going to do would like an answer within 30 days.

Chairman Madison said they may have an answer sooner, at which time she recognized the Town Administrator. Mr. Sharon said about two weeks ago, he received a call from the owner of the property, Sam Tamposi, who asked to meet him out there to discuss potential expansion by the tenant, CTS. At that point, Mr. Sharon was not aware of the grievances. He brought then-Zoning Administrator Susan Snide with him because, even though it was close to her last day, he wanted her input on discussions relative to what was being proposed. Susan said there had been some problems, and she briefed Mr. Sharon on them. Shortly after, he received a call from Mrs. Swick, who said she heard about the meeting with Mr. Tamposi. He had a fairly lengthy discussion in his office to review the grievances the Swicks laid out. When he met with Mr. Tamposi, Mr. Calder and others from CTS, he was clear to them that they have continually been in violation of their site plan, which they acknowledged. They had made an attempt to bring in an amended site plan to the Planning Board, but it was neither approved or disapproved; he's not sure why. He indicated to the people at CTS that they were not going to get cooperation from the Town unless they could show that they are doing something to address the grievances. (The residents said no attempts have been made to contact them. ) Mr. Sharon told CTS that, at the very least, the neighbors should be invited in for a face-to-face discussion. He said, although it's not necessary, the Town would participate. CTS said they would do that, and would start addressing the concerns relative to the third shift operations--lighting, idling trucks, etc. Yesterday, Mr. Sharon received a call from CTS' general counsel in Indiana, who indicated he had heard from the Swicks, (not CTS local management), about the problems. He told Mr. Sharon that within two weeks, he would travel from Indiana and visit the site, meet with the neighbors, and work to resolve their problems. Mr. Sharon said he thinks that is progress, adding that the site plan is really a Planning Board issue and they need to be made aware of that. The construction that was done is a violation of the site plan, adding that the Town is short two key staffers, which may make exhaustive monitoring a little more difficult. Chairman Madison said that's where it now stands, but they would keep track of it.

Kathy Latham, 8 Jacqueline Street, said the responsibility is with the owner of the site, not just the leasee. When the site was approved in 1985, they attended the meeting. Two waivers had been requested, one of which was granted, which was a 100' buffer instead of the required 200' buffer, with the provision that hours of operation would be restricted from 7 am to 7 pm. Acceptance was by the developer's representatives, Mr. Maynard and Mr. Prunier. The tenant's lease should have stipulated the restriction on hours of operations, which was to be included on the accepted plan. CTS isn't entirely responsible; the onus was on the building owner, Mr. Tamposi, to include those

stipulations in the lease. Mr. Sharon said Mr. Tamposi had heard everything he had said. Mrs. Latham said yes, and here they are, discussing a third shift. This has been years of a continuing problem. They can't sleep at night with 18-wheelers driving along their property lines at 1 a.m. Their arguments aren't just with CTS, but with Mr. Tamposi, too. The Town granted a waiver to reduce the buffer, with the stipulation that they would restrict operating hours, and that has not been done. Chairman Madison thanked her for her remarks, saying they would look into it.

Larry Peterson, 4 Jacqueline Street, asked what the follow up action would be. Chairman Madison said it really is a Planning Board issue and they should wait until the attorney from Indiana meets with the residents. Mr. Sharon said the attorney has made a commitment to resolve the issues. Mr. Peterson thought it would be a good idea if someone from the Town attends the meeting, so they will know first-hand what transpired. Chairman Madison agreed to that.

Selectman Jasper said probably the company is not aware of the seven-to-seven restriction and the trade-off that was made at that time. That information should be forwarded to the attorney before he comes here. That issue would create a lot of heartburn if they learn they will be restricted to 12 hours of operation. That's an issue between them and their landlord and, hopefully, it will be enforced. The Town does, however, have control over the Noise Ordinance. Some time ago, they were going to see to it that police officers were trained to use the meter. Mr. Sharon said he talked to Chief Gendron last week about doing that. Selectman Jasper said that needs to be a priority, especially with the upcoming summer months. Chairman Madison said the priority is to get the noise meter calibrated. Selectman Jasper said there was plenty of time to get all of that done. Now that it's warm, people will leave their windows open and the noise complaints will start coming in.

Greg Swick asked what they should take to the Planning Board, and what action the abutters should expect. Mr. Sharon said the Planning Board has jurisdiction over the site plan and the violations, such as the projection of the loading dock on the northwest corner of the building and the conversion of the loading dock to a ramp on the east side. That needs to be brought back to the Planning Board by someone, perhaps Richard Maynard, or the building will be cited. Mr. Swick asked if that includes the drainage issue. Mr. Sharon didn't know at this point and that's why he purposely has not said anything about the drainage. He will have to find out what the Planning Board deliberations were. The neighbors have indicated that the drainage is a major issue, but Mr. Maynard has said it's not an issue. There must have been some testimony before the Planning Board, but he hasn't had a chance to sort it out.

Mr. Swick asked who was responsible for noise enforcement. Mr. Sharon said the only person trained was Susan Snide, who is no longer here. The Police Department will have several officers who will be able to use the noise meter. Last week, the police were called out there on a noise issue, but a noise meter wouldn't have helped because, as the police report reads, it involved idling trucks, backup alarms or tailgates being slid up and down which caused neighborhood dogs to start barking. When the officers got there, they found no discernable noise issue. Mr. Swick said Chapter 249 says that at the edge of his property, it's allowed to be 50 db continuous and an idling truck on that property indicates 63 db on his hand-held device. The noise constantly exceeds the allowable noise limit.

Chairman Madison said she would recognize Selectman Seabury, then if there is any more discussion, she was going to defer this to Other Business. Public Input is to listen to what residents have to say, not for discussion on it. Selectman Seabury said, to expedite things, the residents should write a letter and to the Planning Department so it will be included on an agenda and can be taken up within two weeks. Knowing the Board as well as she does, some action will probably be taken very quickly about that site. Mr. Sharon said he could short-circuit that by writing a cover letter to the Planning Board, with a copy of the letters submitted by the neighbors. Chairman Madison thought that was a good idea.

Selectman Charbonneau said the previous tenant, Raytheon, would have been a much quieter operation. Mr. Sharon said it would have been more internal with less off-loading and delivery. Selectman Charbonneau said before the building was rented, wouldn't the owner look at what the operation was going to be. Mr. Sharon said one would think so. Selectman Charbonneau said it was too bad the neighbors had to put up with this, and the Town should move on this very quickly. She knows how aggravating it can be. Mr. Sharon said he was encouraged by the attitude of the corporation counsel. Selectman Charbonneau hoped they didn't drag their feet, as they have too long already. It's time to do something about it, which should have been done a long time ago.

Stephen Malloy, 10 Jacqueline Street, one of the original abutters, who has lived at the same address for 22 years, was present at the hearings in 1985. He believes that the property owner expected the original homeowners to have moved by now. Consequently, this problem would not have surfaced. He is still there and doesn't plan to move.

Marilyn Swick, 12 Jacqueline Street, said the problem with the noise meter is that someone has to stand at the edge of the property 24 hours a day. She asked the Town to consider hiring an outside source to set up a monitoring system that creates a tape. It is installed on the property and runs 24 hours a day for a given period of time. They have gone out at 2:00 a.m. with a hand-held monitor to measure the noise, but that is not practical.

There were no further speakers.

## 5. CORRESPONDENCE

A. From: Frank Carpentino, Fire Chief

Re: Paramedic Program Update

Refer to: Old Business

B. From: Hudson Nottingham West Lions Club

Re: \$100 Donation to the Police Department; \$100 Donation to the Fire Department

Refer to: New Business

C. From: Mr. & Mrs. Bradford Winans

Re: Association of the US Army

Refer to: New Business

D. From: Jim Michaud, Town Assessor

Re: \$64,483 Statewide Property Tax Administrative Grant Money

Various Assessing Items

Refer to: New Business

E. From: Sewer Utility Committee

Re: Thurston's Landing Sewer Acceptance

Refer to: New Business

F. From: Paul and Barbara Martineau, 9 Chestnut Street

Re: Request to purchase Town-owned Land, Lot 19-1, Map 5

Refer to: New Business

G. From: Gregory & Marilyn Swick

Re: Petition regarding Noise Complaints re 46 River Road

Refer to: Public Input

H. From: Teresa Commeau, NH DHHS

Re: Procedures for Interim Assistance

Refer to: New Business

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

## **6. OLD BUSINESS**

### **A. Paramedic Program Update**

Chairman Madison recognized Chief Carpentino, who said the Town Administrator will talk to the Board about scheduling a workshop to go over the information that he just distributed. The last time he was before the Board, they requested that he put together a proposal. In the first three months of 2000, 51% of the EMS calls were at the ALS level. They have to bring in outside help on a regular basis to provide the service. The information gives a breakdown of cost, fees, responses, etc. Chairman Madison said they were going to have a workshop on the off-Tuesday to go over the Combined Dispatch issue, and that would be the 20<sup>th</sup> of June. She thought the ALS could be added to that agenda. Selectman Jasper couldn't make it on that date, adding that he didn't recall they had said that. Chairman Madison said they didn't set a specific date, but once they get into July and August, they get into vacation schedules. It was decided to hold the workshop on June 19 at 7:30 p.m. for the two items only, Combined Dispatch and ALS.

### **B. Northridge Estates**

Chairman Madison said the Board received a fax from Attorney Zall late this afternoon. Atty. Zall was recognized and said he represents the owner of Northridge Estates. Since the last BOS meeting, they have researched the records of the Sewer Utility Committee and the Planning Board to determine what procedures were used. He asked everyone to keep in mind their issues with the Sewer Utility Committee, the moratorium and that Richard Maynard received final Planning Board approval and then was going to go the Sewer Utility Committee for facilities plan approval, but was told that was doing it backwards. The proper course was to go to the Sewer Utility Committee with a facilities plan for their review and recommendation, bring it to the Selectmen for approval, and then to the Planning Board. Regarding Town records, they found seven matters from 1996-1999, including four subdivisions and one site plan, in which final Planning Board approval preceded the review by the Sewer Utility Committee and acceptance by the Selectmen. The process that Richard Maynard was following back in the summer of 1999 appears to be a process that was used on more than one occasion by the Planning Board and the Sewer Utility Committee. That brings them to the issue of the moratorium and if this project should have been stopped. The moratorium allowed for three exceptions. One exception was a

site plan that received acceptance by the Planning Board and one exception was a subdivision plan that received sewer facilities plan approval. It seems that what the Selectmen were trying to allow those projects that had got to a significant state of completion to not be affected by the moratorium. A site plan process begins with an acceptance of a site plan, then a public hearing, and then approval. In order to get to acceptance, all of the engineering would have to be done, etc. If a subdivision plan had received the same level of approvals as a site plan, it should be exempt from the moratorium. The Board was no doubt basing that on the procedure of getting facilities plan approval done before the Planning Board. Had that been the process required in all situations, the Planning Board wouldn't have even heard the plan. Because Richard Maynard was following procedures that had been approved and followed in the past, he got to a level with that subdivision plan far beyond the level a site plan would have gotten. In the interest of fairness and justice, and to do what's right, the best way to rectify this problem created by the moratorium is for this Board to allow this project to be expanded into the existing sewer system. He didn't think there was another project that sits in the same position as Northridge Estates does, so it would not be setting a precedent. They're not looking for increased allocation, like other projects. This eight-lot subdivision just wants to tie into the sewer system.

Chairman Madison asked what sizes the lots were. When told that they range from 3/4's of an acre to 1.76 acres, she said there is plenty of room for septic. Selectman Jasper said a septic system requires 45,000 sq ft, which is just over an acre. There is enough land to reconfigure the lots so they will all be at least one acre. Atty. Zall said the two large lots in the back were where Mr. Villamaire and his partner wanted to build their own homes.

Chairman Madison said the Town Attorney's legal opinion states that the Town is not legally obligated to grant a sewer line extension. Mike Gospodarek's statement in a letter to Richard Maynard on July 22, 1999 states, "Subdivision was recently approved by the Planning Board on July 14<sup>th</sup>. One of my review comments for the subdivision referred to the sewer extension not approved by the Sewer Utility Committee appeared to have gone unnoticed." Atty. Zall said as soon as Richard Maynard got that letter, he made it clear that Richard had to get the facilities plan in. He submitted it, but the Sewer Utility Committee was unable to hear it prior to the moratorium. He didn't agree with Atty. Buckley's assessment, saying that is up to the courts to decide. He is not assessing fault, but is saying that an injustice was done. Under the new ordinance the Board has the authority to rectify that injustice.

Chairman Madison asked if the injustice was because the subdivision wasn't included in the sewer boundary. Atty. Zall said the sewer moratorium was meant to allow an exception to those projects that went to a certain stage of approval. If you had a site plan that was just accepted, you were exempted, but for a subdivision you had to have facilities plan approval. When the Selectmen passed the moratorium, they assumed that the procedure for subdivisions was to first do the facilities plan approval, get the permission from the Selectmen to tie into the sewer, then get Planning Board approval. That's the procedure that should be followed, but it was not always followed. The examples he cited earlier shows that the procedures in a lot of cases was just the opposite. If they are trying to exempt those projects that went to a significant level of completion, Northridge Estates certainly did. If a site plan can get exempted simply because it was accepted, this subdivision, having Planning Board final approval, should also be exempted. That's the injustice created by the system that the Selectmen can rectify.

Chairman Madison thought the injustice was done when Mr. Maynard went before the School Board and implied that everything was fine with the Town and they should let him put the pipes in the Alvirne parking lot. Atty. Zall said Richard Maynard followed the recommendation of the Sewer Committee. He was acting in good faith and thought that was what the Town wanted. The Planning Board also discussed at length whether the sewer should go across the parking lot or be put further down Route 102. The assessment from everyone, specifically Tom Sommers, was that the best way was across the parking lot to keep from tearing up more of Route 102, plus sewer would be made available to Evergreen Street.

(Start Tape 1, Second Side)

Selectman Jasper thought the Board was going to schedule a meeting with the Sewer Consultant. Chairman Madison said the Board met with him in Attorney-Client at the last meeting. Selectman Jasper was not in attendance because he was at a fire. Selectman Jasper moved to grant a sewer line extension to Northridge Estates in exchange for return of an equal amount of sewer capacity being returned to the Town from Paul Villamiere's industrial allocation. Atty. Zall confirmed that Mr. Villamiere doesn't have enough to make an exchange. Selectman Jasper then moved to grant the sewer line extension, but he did not receive a second.

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to deny the sewer extension carried 3-1.* Selectman Jasper voted in opposition. Selectman Seabury abstained. (Later in the meeting, she stated she abstained because it was a school issue.)

*Motion by Selectman Jasper, seconded by Selectman Stewart, to send a letter to the Planning Board, asking them not to consider the approval of any subdivision or site plan which has not previously received final sewer facilities plan approval by the Board of Selectmen carried unanimously.*

Atty. Zall thanked the Board for their consideration.

### **C. Job Description for Director of Community Development**

Mr. Sharon said he submitted this to the Board a couple weeks ago for comments. Chairman Madison asked if the Board wanted to formally adopt job descriptions, something they haven't done in the past, because they are trying to get their procedures in order. Mr. Sharon said it has been very inconsistent. Selectmen Jasper and Charbonneau said they should start being consistent and adopt job descriptions.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to adopt the job description for the Director of Community Development carried unanimously.*

Selectman Jasper said they need to formally create a Department of Community Development. Mr. Sharon said that's a codification item. He will figure out how to do it and then bring it back within the next two agendas. Selectman Jasper said this person would probably not be coming on board any time soon, so it was ok to put the cart before the horse in this case.

#### **D. Personnel Policies**

##### **1) III C Recruitment & Hiring Process**

Chairman Madison said this policy states, "A determination will be made by the Board of Selectmen, in cooperation with the department, whether to accept only in-house candidate applications." In the past, it has not been the policy to post all the positions, but she believes if they are going to be consistent, they should all be posted. Some only need to be posted in-house, but that should be determined by the Board of Selectmen. Selectman Jasper said for the most part he agrees, but there may be times when that becomes a bureaucratic process that serves no purpose, as they will discuss later tonight. There are times when the Board needs to have the flexibility to make exceptions, and he'd like something in there to clarify that. Mr. Sharon said the Board needs to set the parameters and they should announce that they are about to fill a position. At very least, stick it on the bulletin board and declare they are not going to go out to the world to seek candidates. For a five-day period, (and the Board of Selectmen is free to make exceptions to that if they can't wait five days), it's appropriate to follow procedures, even if it's almost assuredly going to an in-house candidate. Selectman Jasper said in reality, five days is 14 days for the Selectmen, except in rare instances when they meet three times in one month. Mr. Sharon said the five day period is determined by the hiring department. Selectman Jasper said in the situation they are going to be dealing with tonight, had they known about this policy, it could have been posted long ago. They are ending up with a two-week delay for no good reason. Chairman Madison said they can always waive the five-day posting, if it is something that has to be done. Now that they have these policies that they've waited for for so long, they should use them. Selectman Jasper said in this particular case, and since these policies weren't known to anybody before now, they will end up with an unnecessary delay. Chairman Madison said they can always waive the policy. Selectman Jasper said he's asking for something in the policy that says the Board reserves the right to waive any and all policies. Mr. Sharon said that's implied with any of the adopted policies. Selectman Charbonneau asked if this was a union position. Mr. Sharon said yes. Selectman Charbonneau said then it should be posted.

##### **2) III D Employee In-Processing & Orientation**

##### **3) III E Types of Employment & Eligibility for Benefits**

##### **4) III F Probation Period**

##### **5) VII E Continuation of Pay during Disability**

Mr. Sharon said this one will be expanded, but it was absolutely necessary to get this much done.

##### **6) VII F Family or Medical Leave (FMLA)**

Chairman Madison said they didn't get these last two at the same time they got the first five, and she had some questions. When both of the spouses are employed by the Town, they are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care or care of a parent who has a serious health condition. What if each one of them has a parent that is sick? Mr. Sharon said that was lifted right from Federal law, but he will double-check it. Chairman Madison said the policies state that an employee has to use all of their personal, sick and vacation leave when they take a 12-week leave, but Federal law doesn't say it has to be paid. Mr. Sharon said in order for it to be paid, they have to use all of their leave first. Chairman Madison asked if someone could take 12 weeks of unpaid leave, if they wanted to. Mr. Sharon said he's had conversations with the labor attorney and the Finance Director. Federal law allows for leave with preservation of a job. In 99% of the cases, the employee is going to want to be paid for that time and is going to have to exercise their earned time, sick leave, vacation leave. If a situation came up, they would be able to exercise unpaid leave. Chairman Madison said it didn't say anything in there that they can take 12 weeks unpaid leave, and it should. The policy clearly states an employee has to use all of their leave time before they can take unpaid leave. If someone requests an unpaid leave up front, they should be able to take it. Mr. Sharon said that would be a rare request. Chairman Madison said she knows of several instances where that has happened. Selectman Seabury asked if they could do that. Chairman Madison said sure. FMLA states you are entitled to the 12 weeks, not that they are paid. This policy says you have

got to use all of your vacation, personal time and sick time first. The employee might not want to do that. Mr. Sharon said they are trying see that FMLA is applied first. Where someone wants to take leave for legitimate purposes under the act, they take FMLA and get paid through vacation and sick leave and whatever. It prevents them from taking vacation or earned time and at the end of that, take another period of unpaid leave. This will require that FMLA apply right away, a strong recommendation by the labor attorney. Chairman Madison said an employee should have the option of taking their 12-weeks unpaid, which is how the FMLA is written. It preserves your job, it doesn't guarantee that you're paid. This policy states they would have to use all of their time accrued when applying for 12 weeks unpaid leave. Selectman Jasper agreed with Chairman Madison. He asked if that would apply to earned time, too. Chairman Madison said yes. If someone was out on unpaid leave, the Town would not have to pay for his or her benefits while they were out. Mr. Sharon suggested he would clarify the wording and bring it back. Selectman Jasper agreed, adding that he didn't like the marriage penalty. If both people work for the Town, they should each be entitled to 12 weeks. This policy says they can only get 12 weeks combined, and that is blatantly unfair. Chairman Madison asked Mr. Sharon to pull a copy of the FMLA so she can see where that is. Selectman Jasper said all employees should be treated the same way, whether or not two employees are married to each other. He feels strongly that they ought to be treated as individuals. Mr. Sharon said he will bring this back.

#### **7) IV H Use of Computers, E-mail & the Internet**

Selectman Jasper said the phrase "while on duty," sounds like an employee who is on break, or who came in early or stayed late, could play around with the computers. That creates a loophole for off-duty employees to play with the computers. Selectman Stewart asked if the games have been deleted from the Town computers. Mr. Sharon didn't know because they come loaded that way. Selectman Stewart said deleting the games would remove the temptation. Mr. Sharon said if someone wanted to play games on a computer, they will download from the Internet, which concerns him much more. After discussion concerning the phrase, "while on duty," it was decided that Mr. Sharon should edit it out and bring it back on another agenda. Selectman Charbonneau wants to bring in their (the County's) e-mail policy for them to look at, that this one could be tightened up more. Mr. Sharon said he's looked at several from other towns, and this is a lot better than what they had. Selectman Charbonneau will bring in a copy of the e-mail policy tomorrow.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau to adopt III C Recruitment & Hiring Process; III D Employee In-Processing & Orientation; III E Types of Employment & Eligibility for Benefits; III F Probation Period; and VII E Continuation of Pay during Disability carried unanimously.*

Chairman Madison said VII F Family or Medical Leave (FMLA) and IV H Use of Computers, E-mail & the Internet will come back on June 13 or 27<sup>th</sup>.

#### **E. Benson's**

Chairman Madison asked Selectman Charbonneau for an update. Selectman Charbonneau said she spoke with Mr. Kenison, and the Town was to have received a letter by the end of last week, but nothing has been received. She will contact him tomorrow to ask him what happened. She knows that within a week, the Town should have something in writing about the land itself. Chairman Madison said people have asked about this and the Town would really like to move forward on it. Selectman Charbonneau said definitely, and she has been pushing, but like everything else, it takes time. Mr. Sharon said, as a point of information and since he doesn't have any direction to the contrary, he is continuing to encourage Cynthia May to keep working on the concept plan for Benson's. He will meet with her and Andrew Singelakis in two weeks. Selectman Charbonneau said when she spoke with the State last year, it was supposed to have been done in six months, but they have been dragging their feet. When she spoke with him last week, he apologized and indicated to her that it would be done within a few weeks. He wants to move forward on it. She told him the Town was concerned about the buildings and didn't want to lose them. She told him she'd like to see something in writing so if the Town has to do something, they are able to. He said the Town was definitely going to have the land. She is trying to figure out when so they can use some of the money that is available to preserve the buildings before they are deteriorated beyond repair.

Selectman Jasper said perhaps it would be appropriate for the Board to meet with Cynthia May to talk about what they envision for the park. Mr. Sharon said he thinks that is coming, but the work she is doing now is pretty preliminary. She knows that she has to tie certain elements in, such as the Selectmen's vision and the Planning Board's vision. She hasn't reached that point yet. Chairman Madison said as soon as they get something from the State, the deed or whatever, they should schedule a meeting with Cynthia.

Northridge Estates -- Chairman Madison said regarding Northridge Estates, Selectman Seabury abstained from voting, but did not declare her reasons why. Selectman Seabury said she preferred not to vote since it was a school issue.

#### **4. NEW BUSINESS**

**A. Nottingham West Lions Club \$100 Donations to the Police Department and Fire Department**

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

**B. Association of the U. S. Army**

Chairman Madison said this is a program to 'adopt' a Reservist going to Bosnia or the Balkans. She asked if the Winans were present to explain this program. They were not, so she recognized Mr. Sharon, who said he thought this was a concerted effort on the part of families, veterans, and others to somehow recognize the troops in Bosnia and the Balkans. Similar things went on during Desert Storm, where local units were sponsored by families and towns by sending letters and care packages. AUSA is asking communities to support this program. It is recognizing the Reservists' efforts by whomever would be willing to take on this project. Chairman Madison thought they should defer this to the next meeting so the Winans could come in and explain this program further. She didn't know how many were going to be sponsored or what the costs were going to be. Mr. Sharon said it doesn't have to cost the Town anything. If the Board of Selectmen support the program, they would publicly acknowledge that it's a good idea and ask families to participate. Selectman Seabury said the information said it costs \$200 to cover a squad and wondered if that was the total amount, a monthly amount, or what.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to defer this until the first meeting at which someone would be present to explain the program carried unanimously.*

**C. Public Hearing on \$64,483 Statewide Property Tax Administrative Grant Money**

At 8:53 p.m., Chairman Madison opened a public hearing, pursuant to RSA 31:95-b and in accordance with Article 36 of the March 1994 Town Meeting relative to the acceptance of a statewide property tax administrative grant in the amount of \$64,483 and asked if anyone wished to speak. There was no response, so she closed the hearing.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to accept the grant money carried unanimously.*

**D. Various Assessing Items**

**1. Yield Tax Warrant (Map 012, Lot 018)**

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

**2) Veteran's Tax Credit Applications (Map 045, Lot 155; Map 031, Lot 045; Map 006, Lot 012)**

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

**E. Thurston's Landing Sewer Acceptance**

Chairman Madison asked for a motion to accept the sewer for Map 21, Lot 4, as approved by the Sewer Utility and Town Engineer. Selectman Jasper asked where the as built plans were. Chairman Madison said they were not with the packet. Selectman Stewart asked about the State fence that was damaged on this property and if that was taken care of. Selectman Charbonneau said the State put the fence back up, but she doesn't think they sent out a bill. Chairman Madison read from a letter from Nancy Mayville dated April 6, 1999: "A section of fence appeared to have been damaged recently, but is not conclusively known who did the damage. That section of fence was replaced by the contractor engaged by NHDOT Bureau of Right of Way. Finally, the contractor constructing the new sewer line for the Town of Hudson across the Benson's property removed and then reset some sections of fence, as necessary for their construction work." Selectman Jasper said that was at the gate, in front of the big barn.

(Start Tape 2, Side A)

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to defer until they get the plan carried unanimously.*

**A. Request by Paul & Barbara Martineau to purchase Town-owned Land on Chestnut Street, a portion of Lot 19-1, Map 5**

Chairman Madison said the staff have submitted their comments on this.

*Motion by Selectman Seabury, seconded by Selectman Charbonneau, to deny the request.*

Selectman Jasper said they should instruct the Road Agent to construct the hammerhead, as he proposed because the residents shouldn't have to have people turning around in their driveway. The Town should provide the Highway Department and others with a means of turning around. The Road Agent wouldn't have the money from the sale of the land, but he's sure they can find the money somewhere. Chairman Madison said the Town Planner recommended that the land be kept, as the Master Park Plan identified it for use as a park.

*Vote: Motion carried unanimously.*

*Motion by Selectman Jasper, seconded by Selectman Seabury, to instruct the Road Agent to construct a hammerhead at the end of the road, as he has proposed, carried unanimously.*

#### **B. NH DES Procedures for Interim Assistance**

Chairman Madison recognized the Town Administrator, who said the State Department of Health and Human Services seems to be making it more and more difficult for applicants to get onto to SSI or Medicaid and he's helping more Welfare clients for longer periods of time, while they are waiting for the benefits to kick in. He asked DHHS to send him the documents that would allow him to apply for reimbursement on some of the extraordinary delays. The agreement needs to be adopted by the Selectmen.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to adopt the agreement carried unanimously.*

#### **C. Law Library**

Chairman Madison recognized the Town Administrator, who said there is 126 lineal feet of law books, which are taking up a lot of space. He brought this up about five years ago, after the in-house attorney had been gone for about a year. At that time, there was concern that someone might need to use them for research. In the five year period that we have been maintaining the library at a cost of \$2,000 a year, (and it must be maintained, or it will immediately lose its value), he knows of only two instances where someone actually used them, and that was by him. Selectman Jasper had told him he had used them a couple of times and former-Selectman Dilworth also said he had used them once or twice. Mr. Sharon said for subscription costs of about \$10,000 to be used six times is not good stewardship. They've missed the opportunity to relocate those volumes in the Police Station. The Library Director at Hills Memorial said they could store them while waiting for the new library to be constructed, but they are short on human resources. He suggested that the Board consider allowing these to be sold at auction, or solicit bids to law firms and to attorneys coming out of law school. He expects they will bring in \$2,000 - \$3,000. If the Town had to buy them again, they could look to a CD ROM. If they wait much longer, they will lose value. Selectman Jasper didn't have any problem disposing of them at this time, but wondered if they should go through the Bar Association. However, if it costs \$2,000 a year to maintain them, the value of the complete set should be more than one year's maintenance. A lot of people still prefer the hard cover access.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to authorize the Town Administrator to dispose of the law library by whatever means he feels is appropriate and to the best financial benefit to the Town carried unanimously.*

### **4. OTHER BUSINESS**

#### **A. Noise Monitoring at Cedar Hollow (46 River Road)**

Selectman Jasper said relative to noise monitoring at Cedar Hollow, perhaps they owe it to the residents to look into a program where a device monitors noise 24 hours a day for a period of time to create a baseline so when this goes before the Planning Board, there is some real meat to the noise problem.

*Motion by Selectman Jasper, seconded by Selectman Stewart, that the Town Administrator look into getting a proposal to place such a device out there for a period of two weeks and bring that back to the Board.*

Chairman Madison said she'd like to give the company's attorney a chance first, as he said he'd be here to meet with them. Selectman Jasper said all he's suggesting at this time is to get a proposal so they will know the cost. If things go south, they will be ready to move. Selectman Seabury asked where the money would come from. Chairman Madison said they are just looking for just a proposal, they're not going to move forward on anything just yet.

*Vote: Motion carried unanimously.*

Selectman Charbonneau said these people have been putting up with the noise for years and asked why the Town has waited so long to do something. Mr. Sharon said he didn't know what the answer was. When Raytheon was there, he's not sure who knew of the complaints. The Planning and Zoning office had to have known about some of



the drainage issues. Some of these things may be self-perpetuating. He wasn't even aware of the laundry list of complaints until two weeks ago. Selectman Charbonneau said this is the first she's heard of it. The owner of the property should have known exactly what should have been put into the lease. That's why she is in favor of licensing businesses. They will be able to know what kind of business is going into a building that is vacated, whether it is light industrial, heavy industrial, etc. She feels bad for the people who have to put up with this sort of thing, and it doesn't matter if they were there before or after the business. She doesn't think the 100' waiver of the buffer should have been approved. She feels very bad for people who have to put up with this type of stuff. They think they are in a residential area, and then it turns out to be commercial. She feels bad for people who have paid for their homes and can't have peace.

#### **B. Ledge Street Residents**

Selectman Stewart said the residents on Ledge Street ought to be able to sleep a little more peacefully now that a certain establishment has closed down.

#### **C. 2000 Townwide Paving Project**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to award the bid, as recommended by the Finance Director and Road Agent, to the low bidder, Brox Industries, in an amount not to exceed \$350,000 carried unanimously.*

#### **D. Resignation from Conservation Commission**

*Motion to accept the resignation of David DeGroot from the Conservation Commission, effective May 18, 2000, by Selectman Seabury, seconded by Selectman Stewart, carried unanimously.*

### **9. ACCEPTANCE OF MINUTES**

#### **Minutes of the BOS Meeting of May 23, 2000**

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

### **10. COMMITTEE ANNOUNCEMENTS**

6/07 7:00 p.m. Planning Bd Wkshp in P/Z Mtg. Rm.

6/08 7:30 p.m. ZBA in P/Z Mtg. Rm.

6/12 7:00 p.m. Visioning Committee in P/Z Mtg. Rm.

6/13 7:30 p.m. BOS in BOS Mtg. Rm.

6/19 7:30 p.m. BOS Workshop

### **11. REMARKS BY THE SELECTMEN**

Selectman Seabury said Rhona and she went to the school dinner, which was very nice. They gave out around \$70,000 worth of scholarships, and those weren't even the big ones. It was very impressive. They had a good time.

Selectman Stewart would like her four missing pink Flamingos back. They've raised around \$600 so far from the project. Selectman Charbonneau said she saw some Flamingos all in a line in Litchfield, but doesn't know if those are the missing ones or not. Selectman Stewart will go check it out.

### **12. NONPUBLIC SESSION**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to enter Nonpublic Session under RSA 91-A:3 II (a) personnel issues; (b) hiring of personnel; (d) consideration of the acquisition, sale or lease of real or personal property and (e) pending litigation carried 5-0 by roll call vote.*

Nonpublic Session was entered into at 9:25 p.m., and was terminated at 10:11 p.m.

The following votes were taken in open session:

A. Motion by Selectman Charbonneau, seconded by Selectman Jasper, to seal the Minutes of the Nonpublic Session carried unanimously.

B. Motion by Selectman Jasper, seconded by Selectman Stewart, to hire Thomas Duggan as a Summer Counselor at the Recreation Center for the 2000 season, @ \$6.75 per hour carried unanimously.

C. Motion by Selectman Charbonneau, seconded by Selectman Jasper, to authorize the Finance Director to post the position of Town Accountant carried unanimously.

D. Motion by Selectman Stewart, seconded by Selectman Charbonneau, to hire Dennis Geldart as a Firefighter/EMT-P, effective July 2, 2000 @\$24,876.83 and after successful completion of probation, to \$25,623.14 at which time he will become a member of the IAFF Local 3154, carried 4-0. Selectman Jasper, a Call Firefighter, abstained.

E. Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the release of the lien on Map 56, Lot 11 carried unanimously.

F. Motion by Selectman Jasper, seconded by Selectman Charbonneau, to adopt the job description of Assessment Technician carried unanimously.

G. Motion by Selectman Jasper, seconded by Selectman Charbonneau, to authorize the Assessor to post the job of Assessment Technician in-house only carried unanimously.

**13. ADJOURNMENT**

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to adjourn at 10:17 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**