

## HUDSON, NH BOARD OF SELECTMEN

### Minutes of the March 28, 2000 Meeting

Attorney-Client session prior to start of continued Public Hearing on the Sewer Moratorium.

At 7:40 p.m., Chairman E. Lorraine Madison gaveled the reopening of the continuation of Public Hearing from February 22, 2000 to consider an amendment to the Town's Sewer Ordinance, #77 "Regulation of Sewer Use," pursuant to its authority under RSA 149-I and Hudson Town Code, Chapter 270. Said amendment addresses the limitations on the sewer capacity available to the Town of Hudson through the Nashua Wastewater Treatment system, and is in conformity with Sewer Master Plan Amendment adopted by the Board of Selectmen at a public hearing held on November 9, 1999.

Attendance: Chairman E. Lorraine Madison, Selectmen Rhona Charbonneau, Shawn N. Jasper, Ann Seabury and Terry Stewart; Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Tom Sommers, Sewer Utility Consultant; Atty. Steve Buckley; Mike Gospodarek, Town Engineer; Richard Gendron, Chief of Police; Jim Michaud, Assessor; Donna Staffier, Sewer Utility Clerk; Frank Carpentino, Fire Chief; Matt St. Laurent, Assistant Fire Chief; Fire Capt. Jack Brewer; Paul Villamere; Atty. Jeffrey Zall; Kevin Slattery; Atty. Brad Westgate; Manny Sousa; Atty. Andrew Prolman; Len Foy; Len Lathrop; John, Derry News; Julie, SUN; Tom, TEL; Fidele, HLN.

Chairman Madison recognized Sewer Utility Consultant, Tom Sommers, and asked him for an update. Mr. Sommers explained the amendment, stating that while drafting it, they tried to address issues that were raised by attorneys and others who commented on it during the process, and tried to ensure that it meshed with the Town's Zoning/Land Use Ordinance.

Atty. Jeffrey Zall, was representing PAV Properties, a development company owned by Paul Villamere. The 9-acre lot is across the street from the Alvirne HS parking lot. He asked if lots with frontage on a sewer line are included within the boundary. Mr. Sommers said they included properties that had sewer right up to their boundary. In that particular piece, it has not crossed 102 yet, nor has it been inspected or approved. Atty. Zall thought this project should be exempt from the moratorium, which is what was requested in his letter of November 8. The plans for this project were approved by the Planning Board in July. The Planning Board wanted the project to be serviced by sewer, and it was agreed that it would come from the back of Alvirne parking lot where it currently crosses. After getting an easement from the School District, the developer would bring the gravity sewer across the parking lot to 102. The engineer for the project brought the proposal (but not by a formal application) to the SUC for their review and comment prior to Planning Board approval. On June 10, 1999 Tom Sommers sent a memo to the Planning Board (copies were distributed) in which he stated that the SUC had reviewed the concepts with respect to the subject project. His client constructed the planning phase of the project, based on the recommendations of the SUC. The School Board had no problem granting an easement, but stipulated it had to be completed prior to school opening in mid-August. School District counsel determined that a Town vote was needed to approve the easement, so they were given a temporary license to build the sewer line, which was in place before school opened, at a considerable amount of money. The Town was not involved at that time because it was a private line, and it was inspected (he thinks by CLD) as it went in. When the moratorium went into effect, the SUC would not hear their application for final approval of the sewer plan, as they determined that this did not come under the exemption clause. Atty. Zall felt that the project was within the sewer boundary prior to the moratorium because it's directly across the street on a lot that abuts the sewer line, and this lot received Planning Board and SUC approval. The project fits within the current allocation system, and was developed in good faith, based on the recommendation of Town boards. Selectman Jasper said the map didn't show that the sewer line went near that area. Mike Gospodarek said there is a manhole inside Alvirne's parking lot, but not on 102. (A little later in the hearing, Atty. Zall said he reviewed his notes and there is no frontage directly on an existing sewer line.)

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Atty. Andrew Prolman wondered if this should be a Zoning amendment, as there are issues involving density, wetlands, slopes and the environment. Eventually, they will reach capacity, and landowners will be looking at septic systems instead of a wastewater system. He asked if Nashua is planning to expand their facility. Several people responded in the negative. He asked if projects that were in progress, but not recorded, included, such as the riverwalk, the elderly housing project, Thurston's Landing, Shepherd's Hill, etc. Mr. Sommers said projects included were ones that had been approved and/or were under construction. Selectman Jasper said whether the projects are included or not, 200,000 would not be enough for a total buildout. Mr. Sommers said excluding the projects noted on the master plan, about 500 acres of land is available within the sewer area, which is what he allocated the 200,000 to.

Atty. Brad Westgate, representing Etchstone Properties, developers of the Lexington Place elderly housing complex, said under the proposed exceptions, some of the projects which are not part of the 200,000 calculation are not going to fall within the specified exceptions. He wondered if a calculation on the gallonage of those projects was made, how much it is and why it was not added back to the 200,000 calculation. Mr. Sommers said calculation of gallonage, which will vary to some degree, was based on numbers of units. Lexington Place wasn't put back in. The issue is how it's allocated and how it works with respect to parcels it needs to be allocated to, or if they fit the requirements of exemption. Atty. Westgate said in a letter sent to the Board yesterday, he addressed the manner in which exceptions are now written into the proposed ordinance. One of the provisions seems to be directed towards Lexington Place Phase II, i.e., modifications to a site plan approval aren't permitted for the project to stay in the exception. He asked why that is no longer in the proposed ordinance. Mr. Sommers said a facilities plan is tied to a specific Planning Board plan, not to a piece of property. Facilities plan review has always been a part of the sewer review for a plan to be approved, so it would be more clear cut to tie it directly to the planning process.

Atty. Westgate said while the moratorium has been in place, there has been an exemption available for those who qualify, but it was never implemented, despite months of pleading. The exemptions were illusory. The moratorium purported to have safety valves for exempted projects, but no one could get through the process. Eight months have gone by, but they have been unable to get a determination that they fall within a designated exemption, and now the window of opportunity has closed. In his letter, he proposed that three other exemptions be implemented. One was to establish an exemption for projects that have existing discharge permits issued by the NH DES. Secondly, one that has substantial off-site improvements completed before the moratorium was enacted. Thirdly, projects for which facilities plan approval had been granted by August 17, 1999. These follow concepts of common law vesting, which is an element of the interpretation of any ordinance for land use purposes.

Atty. Westgate said priority and timing were missing from the proposed procedures. He suggested that an allocation request be acted upon by the Selectmen within 30 days of submittal to the Town Engineer. There has got to be a manner in which to prioritize the allocation applications, i.e., new requests for allocations versus projects pending before the Planning Board. Chairman Madison said requests will be handled on a first come-first served basis and everything that is required by law must be in place, such as site plan approvals, etc. The stack waiting on the Engineer's desk will be taken as they were submitted. Atty. Westgate asked if the Town has received formal applications. Mr. Gospodarek said he has requests to be reviewed by the Sewer Utility Committee. Atty. Westgate asked how they could be deemed as requests, when there is no procedure for accepting them. Chairman Madison said RSA's need to be followed, they have to go through site plan review, recording, etc., things that need to be done even before it gets to Sewer Utility. Atty. Westgate said in the past, sewer design concepts were often submitted to Town staff before site plan applications. The Town Engineer confirmed that was the procedure. Atty. Westgate said if the ordinance doesn't state that an allocation request cannot be made unless a site plan application is pending, the process is not as the Chairman described. Atty. Buckley said it is true that the ability to get an allocation from the Board of Selectmen is not dependent upon an approved site plan. Typically a town's normal process is to apply to the SUC for a facilities plan approval, then to the Planning Board for subdivision/site plan approval. Mr. Sommers said it is presumed that the applicant would come forward with a formal application, not to grab an allocation and then decide what to do with it. Chairman Madison said that's why the 90-day clause is there. Atty. Westgate said several vague requests could back up the entire planning process for months.

(Start Tape 2, Side A)

Atty. Westgate said zoning and density issues could be problematic. He didn't understand why an existing industrial user had a period of time to apply for an allocation under an ordinance not yet amended, while other types of users didn't. Mr. Sommers said industrial users purchased flows as part of their hookup fees. They felt a responsibility to give them an opportunity to make application for a real project. Selectman Jasper asked if people were told they could not make application. Mr. Sommers said everything is on hold for everyone until the ordinance is decided upon. Atty. Westgate said under the exceptions provision, industrial users applications are accepted and exempt from the process, whereas no other user is. There is a special industrial users exemption for pre-existing applications. They have a different status merely because of the nature of the property. On the timing issue, he does not see how there can be requests for allocations received by Town staff prior to the enactment of the proposed amendment. If the Town is intending to process application requests on a first come, first served basis, that is not fair because property owners can only react to ordinances that exist. If it's going to be on a first come, first served basis, it should start from when the rules were put in place.

Mr. Sommers said the ordinance didn't specify how every little thing would work, but maybe they need to take that into consideration. Atty. Buckley said there should be some method of analyzing each pending application. This project had a facilities plan and work was done, which should be addressed first. If they institute some sort of grading system that indicates which application should go first, staff could get bogged down trying to decide who is more important in the scheme of things and that might end up creating more problems. The first-come, first-served approach makes more sense. In December Mike Gospodarek wrote a memo, analyzing all of the projects which, collectively, are under the 200,000 gallonage figure. Selectman Jasper asked the Town Engineer how quickly he would be able to process the in-house applications. Mr. Gospodarek estimated within 35 days, and Lexington Place is at the top of his list.

Chairman Madison asked if the projects to be considered are inside the sewer boundary. Mr. Sommers said yes. There being no further comments, Chairman Madison closed the Public Hearing at 8:53 and declared a brief recess.

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 9:00 p.m.
2. **PLEDGE OF ALLEGIANCE**, led by Selectman Ann Seabury
3. **ATTENDANCE**

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

**Staff/Others:** Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Tom Sommers, Sewer Utility Consultant; Atty. Steve Buckley; Mike Gospodarek, Town Engineer; Richard Gendron, Chief of Police; Jim Michaud, Assessor; Donna Staffier, Sewer Utility Clerk; Frank Carpentino, Fire Chief; Matt St. Laurent, Assistant Fire Chief; Fire Capt. Jack Brewer; Paul Villamere; Atty. Jeffrey Zall; Kevin Slattery; Atty. Brad Westgate; Manny Sousa; Atty. Andrew Prolman; Len Foy; Len Lathrop; John, Derry News; Julie, SUN; Tom, TEL; Fidele, HLN

#### 4. PUBLIC INPUT

No one had signed up for Public Input and no one responded when the Chairman asked if anyone in the audience wanted to address the board on any issue.

#### 5. CORRESPONDENCE

A. From: Richard Gendron, Chief of Police

Re: Animal Control Facility

Refer to: Old Business

B. From: Frank Carpentino, Fire Chief

Re: Call Firefighter Update; New Vehicle Purchase

Refer to: Old Business

C. From: Jim Michaud, Assessor

Re: Various Assessing Items

Refer to: New Business

D. From: Gerald R. Prunier, Attorney at Law

Re: Purchase of Town-owned Property

Refer to: New Business

E. From: Lisa Mitchell, Mitchell Family Realty Trust

Re: Purchase of Town-owned Property

Refer to: New Business

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

#### 6. OLD BUSINESS

##### A. Sewer Ordinance Amendment

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to amend the Town Code, 270-17, to include a new section entitled, "Sewer Limitation Allocation Procedure," carried unanimously.

##### B. Pole License Agreement Amendment

Chairman Madison said a public hearing was held on March 21, but action was deferred because Selectman Jasper was absent. She asked the Assessor to update them on the proposed amendment. Mr. Michaud said action tonight would add the provisions of RSA 72:23 I (b), providing for payment of properly assessed real and personal property taxes on Town-owned property used by, under the license agreements, public utilities servicing the Town of Hudson. They would not be approving any values. Selectman Jasper asked if they have a legal opinion on this. Mr. Michaud said yes.

Motion by Selectman Stewart, seconded by Selectman Jasper, to amend the pole license agreements, as recommended by the Assessor, carried unanimously.

##### C. Animal Control Facility

Chief Gendron said the Animal Shelter Committee was tasked with looking into the feasibility of building an Animal Control facility. They are seeking direction on how to proceed. They had a site on Constitution Drive near the new Highway Facility that they were going to bring before the Selectmen, but found out that the Conservation Commission has set that land aside. Another site proved to be too ledgy and need too much site work. A site near the Kirby Building, currently being used for canine training, is feasible. The training area could be moved down by the Public Works garage.

Chairman Madison asked Angela Hurshman if she had a preference where the facility was located. Ms. Hurshman preferred the lot the Chief mentioned. Chief Gendron said it's flat piece would be easy to build on. He distributed copies of a proposed drawing, showing 10 indoor/outdoor kennels, an office and a garage, totaling about 2,000 sq. ft. Selectman Charbonneau said there are a lot of regulations associated with running dog pounds. Selectman Jasper recommending turning the kennels to face south to get the sun, otherwise they will stay damp and dirty. He asked about the status of the sale of the remainder of Unicorn Park. Mr. Sharon said it's in the hands of the two attorneys and proceeding.

Motion by Selectman Seabury, seconded by Selectman Stewart, to place the kennel to the right of the Kirby Building, as proposed

*by the Chief.*

Selectman Charbonneau asked if there were any quotes yet and how much money is in the fund. Chief Gendron said so far, they've done everything themselves, including the plans. They have \$142,468-- \$74,388 public and \$68,080 private donations. He won't know the cost until he meets with the contractor. A vote was taken, at which time Selectman Charbonneau said she was in favor of the concept, but couldn't vote for it because no figures were available. Selectman Jasper thought the Chief would bring forth a proposal and develop the cost. Actual construction needs Town Meeting approval, so she changed her vote.

*Vote: Motion carried unanimously.*

#### **D. Call Firefighter Update**

Chief Carpentino said members of the Call force manned a booth at the polls and flyers were inserted in HLN. Out of that, 38 applications for the Call force were received, with four being rejected because they were from out of Town. Applicants will have to sign the two-year agreement. Some may not want to sign, rendering them ineligible. There are 14 slots available. The Department will conduct aptitude testing, physical agility testing, then do background tests and physicals. Per person cost is about \$4,236; \$59,300 for 14 people, including turnout gear. The Chief will check with the district training coordinator to see if it's feasible to conduct a class in Hudson, using the Town's equipment, with the State doing the paperwork. There needs to be lead time in order to get people into classes and to order equipment. He thinks they'll get a better price if they add on to the order for next year. Training will require them to have gear, so they will have to work out something with the academy. He wanted direction from the Board on how to bring on the Call firefighters. Selectman Stewart thought all 14 should be brought on now. Selectman Jasper agreed. There will be several hundred thousand dollars left over at the end of the year. If they order the gear, that amount can be encumbered. Chief Carpentino said outfitting a person is about \$1,500. The biggest costs after that is their hourly wage and physicals.

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to authorize the Fire Chief to bring on all 14 Call firefighters carried 4-0.* Selectman Jasper, a Call firefighter, abstained.

#### **E. New Vehicle Purchase--Fire Department**

Throughout the budget process, they've had discussions about vehicles. He had submitted the budget before starting the process of hiring an Assistant Chief. One of the items they discussed after that was the availability of a vehicle. At the direction of the Board, they have been sharing a vehicle between Prevention and the Deputy Chief, after hours. During the day, it's used by everyone. There are six people using four vehicles. One is command vehicle, a 2-door, 2-passenger Bronco. A couple years ago, they upgraded their communications equipment. In the budget there is a program of \$7,000 a year for the next four years to purchase pickup truck, which was going to be a Ford F-250, 4-wheel drive. Grappone has the state bid, but the Town has missed the cutoff for Crown Vic's and pickup trucks, but they are taking bids for the Expedition and Explorer, but that order has to be in by April 1. They can't buy a vehicle off the lot because of the additional features, such as an upgraded electrical system. They can buy a 4-wheel drive Explorer for under the \$7,000 per year, which would provide them with a second vehicle with 4-wheel drive and it would carry five people, and allow them to transport people from an incident, if they had to. It would also help them with communications, which is now set up in the back of the Bronco. They do a large amount of back-to-back calls, sometimes up to five at the same time. If they get authorization for this vehicle, they will mount the same type of radio system in the back that allows them to overcome some of the weak areas by having higher outputs on the radios.

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Chairman Madison said this was already discussed during budget time, at which time he was told that if the Assistant Chief's position was approved, he would have to share a vehicle. They had given authorization for the Deputy Chief to take the vehicle home when he was on call, and when he wasn't, the Assistant Chief could use it. Chief Carpentino said they had conversations after that that the Assistant Chief, as the Operations Chief, gets the vehicle and the Deputy Chief would share a vehicle with Prevention. Chairman Madison asked why he had originally asked for a pickup truck. Chief Carpentino said it was to replace an existing vehicle. If the position of Assistant Chief was approved sooner, he would have asked for this vehicle and put off the pickup truck a year. Chairman Madison said the pickup truck is what was approved. She asked how much more money he needs for that. Chief Carpentino didn't have the figures in front of him, but going into the budget, they had around \$6,900. He estimated they could get a vehicle for up to \$1,000 more. They can wait to see if someone doesn't take a vehicle ordered, if Grappone ordered extra, or wait till the next go-around. Chairman Madison said he should go with the pickup truck, as originally planned, and he could find the money somewhere in his budget. Chief Carpentino said he'll come back next year for another vehicle. Selectman Seabury agreed totally with the Chairman's remarks. Selectman Stewart nodded her agreement.

Selectman Charbonneau recalled how the Chief had insisted he needed to have a pickup truck. Now he's willing to give it up, and she doesn't agree. Chief Carpentino said he was looking at the efficiency of the organization. The truck won't be responding to emergencies on a daily basis, as this vehicle would be. It is also all terrain and will enhance their communications abilities. If they have a communications issue down the road, he'll remind the Board they could have resolved the issue, but didn't. Selectman Charbonneau said during the budget presentations, the Chief had insisted that the truck was essential and she can't understand how now this vehicle is more important. The Chief said the truck is used for general maintenance and it has a plow. Another one used as a forestry vehicle, both of which should be replaced.

## **1. NEW BUSINESS**

### **A. Election of Chairman and Vice-Chairman**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to nominate E. Lorraine Madison as Chairman carried unanimously.*

*Motion by Selectman Stewart, seconded by Selectman Seabury, to nominate Shawn N. Jasper as the Vice-Chairman carried unanimously.*

### **B. Assessing Items**

#### **1) Veterans Tax Credit Applications** (Map 9, Lot 34, Sublot 18; Map 40, Lot 3, Sublot 6)

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

##### **1. 1999 Abatement Request** (Map 31, Lot 46-2)

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

##### **2. Elderly Exemption Applications** (Map 57, Lot 55; Map 55, Lot 24-1, Sublot 225)

### **A. Request to Purchase Town-Owned Property (Map 44, Lots 108B, 110, 132-136, 138 & 139)**

This is in the Atwood Avenue, Willard Street neighborhood. Chairman Madison noted that 108B and 110 are not Town-owned lots. There had been a request to purchase this property in the past, to which staff had submitted their recommendations. Their remarks this time are consistent with their previous responses.

*Motion by Selectman Jasper, seconded by Selectman Stewart, that the Board of Selectmen send a letter to the person who sent the inquiry and inform them that the Town is not interested in selling carried unanimously.*

### **B. Request to Purchase Town-Owned Property (River Road, Map 2, Lot 13)**

There was a request in the past to purchase this parcel, a narrow sliver of land. Mr. Sharon explained that at that time, there was some concern that it might be combined with the lot next to it to produce something that would be detrimental to the subdivision. The lot not owned by the Town abuts the subdivision, and has since been developed and is a gymnastics facility. The concerns that the subdivision had, which was the reason the Board opted not to sell it before, have gone away. Selectman Charbonneau said she thinks the residents in the Winslow Farm area would still object to the Town selling this lot. Selectman Jasper said what is on a piece of property today might not necessarily be there tomorrow. There is no great benefit to the Town to sell that parcel.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to send a letter informing the person who inquired that the Board of Selectmen is not interested in selling this parcel at this time carried unanimously.*

## **1. OTHER BUSINESS**

### **A. Site Plan of Lion's Hall**

Selectman Jasper said this is an *old* item that came up before Terry was on the Board--a site plan of Lion's Hall, which they requested a long time ago, but haven't seen yet. He'd like this taken care of, as they have been more than patient. Chairman

Madison agreed. Selectman Seabury said someone from the State is going to help the Juniors with the landscaping.

## **B. Licensing Town Businesses**

Selectman Charbonneau said back in 1972, the Town licensed businesses. She thinks they should consider some kind of business registration procedure. When people move out and something else goes in, they should be aware of it. A local sports bar started out as a pool parlor, but now it's a RAVE facility. They should take a hard look at these things and make sure people are not using their place of business for something other than what was they are supposed to. Chairman Madison said that's what happened with the adult video store. Selectman Jasper didn't like calling it licensing, but thinks they should discuss this with the attorneys to see if they have the ability to require businesses to register with the town so they can ensure they are complying with applicable regulations.

Chairman Madison asked if someone changes the use of a building, if they have to come in with a new site plan. Mr. Sharon said not necessarily. If it's retail, they can change the use as long as it's a like use. Selectman Seabury asked about Gold's Gym. Selectman Stewart said that's why she argued the point, but any time anything changes, Mr. Smith wants it to come before the Planning Board. Selectman Charbonneau said that's because it was a different use. Mr. Sharon said retail use can be replaced by another retail use without having to go through another site plan approval. Selectman Charbonneau said a gym was a different use than retail. Mr. Sharon said a photo-finishing shop can close up and a florist can go into the same space without further approval.

Selectman Seabury said three, four years ago, Leo Fauvel suggested that that would be a means of control. They do it in other communities for a nominal fee. She'd like to see that done, but didn't know how to go about doing it. She asked who would be responsible for instituting such a program. Mr. Sharon said the attorney, and the framework is out there for doing that. He suggested that the Chamber should be brought in, too. Selectman Seabury asked who would be in charge of taking the money in, etc. Mr. Sharon said the Zoning Administrator and Code Enforcement Officer. If the Board wants to go forward with that, he can get the ball rolling.

*Motion by Selectman Seabury, seconded by Selectman Charbonneau, for staff to check into the possibility of registering businesses in Town.*

Chairman Madison asked if the attorney should be included. Mr. Sharon said he'd hold off on involving the attorney as long as possible in order to keep costs down. Selectman Stewart suggested he check with other Town Administrators. Selectman Jasper thought checking with NHMA would be good, which was agreed to by Selectmen Madison and Charbonneau. Mr. Sharon said he was aware of the sources to access.

*Vote: Motion carried unanimously.*

## **C. Attorney of Record for Shepherd's Hill**

Selectman Stewart said there seems to be some confusion on which law firm is handling this case, and asked for clarification. Mr. Sharon said that Atty. Drescher has been assigned land use issues, and will be at the Planning Board meeting on April 12. Other issues related to Shepherd's Hill are a carry-over from the former Town Attorney. This Board had decided DTC would continue handling certain things, such as protecting the Town's interest in the bankruptcy suit. It would be very costly for someone else to get involved with that. Selectman Jasper said Shepherd's Hill bankruptcy, site plan and land use issues are intertwined and one side might not know what the other side is doing. Bankruptcy is specifically mentioned in the site plan, but he didn't think it was active at this time. He preferred that Bill Drescher do all of the work involving Shepherd's Hill so that nothing is missed.

Chairman Madison said Atty. Drescher is a land use attorney, not a bankruptcy attorney. The law firm of DTC handle all kinds of things, including bankruptcy. They have already won twice in court and they'd be throwing money away if they change the bankruptcy attorney now. She's sure the attorneys have been in touch with each other. Selectman Jasper wasn't that confident. He wants to make sure Atty. Drescher is copied on all of the correspondence that Atty. Ratigan has, and on any future correspondence. Chairman Madison said it also has to be vice-versa because DTC has to be on top of everything when it goes to bankruptcy court. Selectman Jasper didn't think the bankruptcy case was active. Mr. Sharon said with what is going on now, the bankruptcy events are more active, adding it's a valid request for Atty. Drescher to be copied on everything.

(Start Tape 2, Second Side)

Selectman Charbonneau felt it would be costly to bring in another attorney at this point. Chairman Madison said they can't overlook the fact John has already won twice in bankruptcy court. Mr. Sharon said Atty. Drescher is a very good land use lawyer and would do his best to represent the Town in a bankruptcy procedure, but he's a one-man store, with other clients. Selectman Charbonneau thought the two attorneys could work together. Selectman Seabury said Bill Drescher is very good, but some of the boards were complaining about the length of time he has taken on some cases. Selectman Jasper requested a report on the status of the bankruptcy. Chairman Madison asked the Administrator to ensure that the two attorneys are communicating with each other. Mr. Sharon said he has set up a meeting with Sue Snide, Mike Reynolds and him at Atty. Drescher's office on Thursday to make sure

everyone is on the same page.

**D. Condition of the Floor at Lion's Hall**

Selectman Stewart said Coleman Kelly complained about the lack of cleanliness at Lion's Hall. She doesn't know what the cleaning people do, but the bathrooms smell and the floor is filthy. She is surprised that the people who use the hall on a regular basis haven't complained more about it. Mr. Sharon said Coleman didn't say anything to him, but the floor is a major problem. Selectman Stewart said the floor can be cleaned because it shined when the Lion's Club had the building. Selectman Charbonneau said the floor is bad because of the usage it gets, including the Boy Scouts and wrestling. She cannot understand why the Town is renting it for only \$150. Selectman Stewart said the usage of the hall has not changed since the Lions Club owned it, but their members used to clean it themselves. Mr. Sharon said the custodian that the Lion's Club did not do a good job. The current custodial service is a significant improvement. Selectmen Charbonneau and Stewart disagreed on the usage of the building; Selectman Charbonneau felt that it has changed, but Selectman Stewart said it hasn't.

**E. Assistant Building Inspector**

Selectman Stewart asked where they were in the process of hiring an Assistant Building Inspector, since it's has been five or six months. Mr. Sharon said the Zoning Administrator was going to re-advertise. Chairman Madison said they've done this twice already. Mr. Sharon was not sure that it was advertised again, part of the reason is the pending study. Selectman Jasper said they might be better off to wait until the study is done. Chairman Madison asked when the study is due. Mr. Sharon said they had some things to finish up, but he estimated within the next couple of weeks.

**F. Second-Hand Dealer/Pawn Broker Licenses**

B & T's Bargain Exchange, 78 Lowell Road

Tool Liquidation Center, 216 Central Street

RST Reclaiming Co, Inc, 66B River Road

Bargain's Unlimited, 5 Central Street

Cash Converters, 77 Derry Road

*Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the renewal of the aforementioned licenses that expire April 1, 2000, as recommended by Chief Gendron, carried unanimously.*

**1. ACCEPTANCE OF MINUTES**

**Minutes of the BOS meeting of March 21, 2000**

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

**2. COMMITTEE ANNOUNCEMENTS**

04/05 7:00 Planning Board Workshop in P/Z Mtg. Rm.

04/10 7:00 Visioning Committee Meeting in P/Z Mtg. Rm.

04/11 7:30 Board of Selectmen in BOS Mtg. Rm.

Chairman Madison mentioned that, pursuant to State and Town regs, dogs must be licensed by April 1.

**3. LIAISON REPORTS**

Selectman Charbonneau met with the Fire Chief and Finance Director and everything seems to be going along fine.

Selectman Stewart spoke with the Police Chief and everyone is happy over there. She met with the Recreation Committee and they are energetic people, going full force.

Chairman Madison said new liaison assignments will have to wait until she comes back from vacation.

**4. REMARKS BY THE SELECTMEN**

Chairman Madison directed her remarks to Selectman Jasper and told him that regarding the difference of opinion they had a few meetings ago regarding Home Rule, she checked into it and found out that he was correct. They cannot change an existing statute. However, if there isn't any statute, they can put something before the voters, as long as it is feasible and is not frivolous.

Selectman Seabury congratulated the newly elected officers, saying they will do a fine job.

Selectman Stewart said she found the Telegraph reports regarding the Town of Amherst interesting. It seems their Board of Selectmen has a issue similar to Hudson--a wife is a Selectman and the husband is a Firefighter. The issue is whether or not the wife has to abstain on Fire Department issues. Chairman Madison pointed out that Selectman Jasper has chosen to abstain from voting on Fire Department issues.

Selectman Charbonneau asked if the Speedway has paid their police detail bill yet. Mr. Sharon said they aren't going to start until they do.

Selectman Stewart asked if Playmakers have paid their police detail bill yet. Chief Gendron said the owner has been contacted and is disputing the amount. He will take it up with the Finance Director.

Selectman Jasper said after the Chairman's remarks, he's speechless.

Chairman Madison congratulated Selectman Jasper on being elected Vice-Chairman.

## 5. NONPUBLIC SESSION

Motion to enter Nonpublic Session by Selectman Jasper, seconded by Selectman Stewart, pursuant to RSA 91-A:3 II (a) Personnel Issues; (b) The hiring of any employee as a public employee; (c) Matters which if discussed in public would affect adversely the reputation of any person, other than a member of the body; (d) Acquisition, sale or lease of real or personal property; (e) Pending Claims or litigation carried 5-0 by roll call vote.

Nonpublic Session was entered into at 10:15 p.m. and was terminated at 11:00 p.m.

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

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to hire Matthew Keller and Rachele Allen as Police Officers, effective June 18, 2000 at a salary of \$14.75 per hour, per the union contract carried unanimously.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to authorize the Chief of Police to advertise for part-time dispatchers carried unanimously.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to hire Eric Anderson as a Call Firefighter, effective Saturday, April 1, 2000 at \$7.50 per hour until completion of training, and then the salary increases to \$10 carried 4-0. Selectman Jasper, a Call Firefighter, abstained.

## 6. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to adjourn at 11:05 p.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert

Executive Assistant to the Board of Selectmen

**HUDSON BOARD OF SELECTMEN**

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**Chairman E. Lorraine Madison**

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**Rhona Charbonneau**

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**Shawn N. Jasper**

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**Ann Seabury**



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**Terry Stewart**