

HUDSON, NH BOARD OF SELECTMEN

Minutes of the March 21, 2000 Meeting

The Board of Selectmen met with their Labor Relations Consultant, pursuant to RSA 91-A:2, from 7:00 - 7:45 p.m. This session was not open to the public.

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:50 p.m.

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

3. **ATTENDANCE**

Selectmen: E. Lorraine Madison, Rhona Charbonneau, Ann Seabury & Terry Stewart. (Shawn Jasper was absent.)

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Jim Michaud, Assessor; Lt. Dave Morin, Hudson Fire Department; John Drabinowicz; Nancy Regan; Seth Shortlidge, NE Power Co; Keith Froleiks, Adelphia; John, Derry News

4. **PUBLIC INPUT**

No one signed up, and no one responded to the Chairman's invitation to speak to the Board about any matter. She announced that election of officers would be on the March 28 agenda.

5. **CORRESPONDENCE**

A. From: Richard Gendron, Chief of Police
Re: Increase of Fees in Police Department
Refer to: New Business

B. From: Jim Michaud, Assessor

Re: New Business

Refer to: Veteran's Tax Credit Application

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to accept the Correspondence, with appropriate referral, carried unanimously.

1. **OLD BUSINESS**

A. **Public Hearing on amending Pole Licenses**

Chairman Madison opened the Public Hearing at 7:52 p.m. and recognized Assessor Jim Michaud, who said in 1996, Rochester amended their pole license agreements to include RSA 72:23 I (b), which says if you use town property, and enter into any agreement with the town on that property, that agreement has to contain a clause that allows the town to assess taxes on that property. Bell Atlantic pursued this to Superior Court, who ruled in favor of Bell Atlantic, which said towns cannot amend an old license agreement. Rochester took it to Supreme Court, who reversed the decision and said not only should old license agreements be amended to include the clause that calls for taxation of that which is town property, towns *shall* be obligated to. There are statutes dealing with roadways and statutes dealing with the taxation. Quite a few towns are already doing this, as they felt it was worthwhile to amend the agreement and explore the arguments in terms of how much value. The Town received a letter of March 10 from Bell Atlantic regarding utility licenses, in which five issues were raised. Nos. 1 and 5 are the same thing. They allege that Rochester only sought to tax the land occupied by Bell Atlantic. It didn't tax any other utility companies. Hudson is saying that everyone that was copied on this public hearing will all be treated equally. No. 2, which says, "Rochester does not own the public way." Mr. Michaud said he wasn't sure what to make of that statement and he hasn't had an opportunity to talk to Atty. Hodes. No. 3 says, "A utility licensee only occupies the land where the pole is located. The fair market value of such a minimal, non-exclusive occupancy is negligible." Mr. Michaud said if it's minimal, then they shouldn't be charging rental. He believes there is value to what they are doing. If it wasn't, then they wouldn't be there. There is some value to this distribution network that is located on public land. No. 4 says, "RSA 72:23 does not authorize Rochester to amend licenses issued prior to July 1, 1979." Mr. Michaud said that's true, but that's not the statute he's representing, which is 231:161, which says you shall amend pole license agreements in the public way.

Selectman Seabury asked if the Town was charging for the boxes that are on public land. Mr. Michaud said the telecommunication huts are picked up by the Town, no matter who owns them, but not the metal boxes. It encases equipment that can't be taxed. The Legislature exempted the telephone company from property tax on its poles, wires and electronic equipment, but not on land,

buildings, etc. None of these companies are being assessed for their area that they use.

Seth Shortlidge, representing NE Power Company, wanted to confirm that the purpose of the amendment was to tax only the land underlying the poles, and not the wires. Mr. Michaud said his intent was to assess whatever land is encompassed underneath wires, poles, or land above an underground conduit.

Keith Froleiks, Area Manager for Adelphia Communications, opposed the amendment. Adelphia is worried about the potential cost to consumers due to the rising cost of doing business.

There being no more speakers, Chairman Madison closed the Public Hearing at 8:05 p.m. and said, barring any objections, she wanted to defer voting on this until March 28, when all of the members are present. There were no objections.

B. Firefighters Memorial

Lt. Dave Morin of the Hudson Fire Department updated the Board on the status of the Firefighters' memorial. Last fall, the Planning Board wanted to see a survey and site plan of the property they want to use on Central, so he obtained 100 years worth of deeds on that site from the Registry of Deeds. He also got the State DOT map when they reconfigured that intersection. All of the information shows that the Town owns that piece of property. The surveyor will be taking measurements and it is anticipated they will go before the Planning Board on April 12. After that, he will come back to the Selectmen. They are hoping to hold the dedication ceremony on May 21.

Fundraising is going very well, with a great deal of support from the Townspeople and businesses. About 35 years ago, four firefighters rescued some children during a fire and they will be presented awards at the dedication ceremony. They've sold 329 bricks for the sidewalk and have collected \$28,250. They plan to have a firefighter carved out of a granite block, instead of using the one that is at the central fire station.

C. Award of Bid for the Property Located at 347 Central Street

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to award the bid to Felicia Realty in the amount of \$75,000 carried unanimously.

1. NEW BUSINESS

A. Public Hearing/Board Action on Increase in Police Department Fees

Chairman Madison opened the Public Hearing at 8:10 p.m. and asked if anyone wished to speak on this. There was no response, so she closed the hearing.

From To

Photos--Accident/Crime Scene \$3 \$4 ea. 3x5 film devel

--- \$10 ea. 8x10 film devel

--- \$3 ea. Digital color printout

--- \$2 ea. Blk/Wht Digital print

Report--Domestic Violence Incident \$10 \$10 -- Plaintiff

--- No charge for victim

Daily Log \$5 \$5/24-hr period, up to 5 pgs

\$1 per page, over 5 pages

Dispatch Screen --- \$5

(Accident under \$1,000 or other call)

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to amend Chapter 205-8 of the Town Code, as requested by Chief Gendron in his memo dated 2/28/00, carried unanimously.

B. **Veteran's Tax Credit Application** (Map 44/Lot 45; Map 11/Lot 35/Sublot 04; Map 29/Lot 48/Sublot 21)

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

1. **OTHER BUSINESS**

A. **Hudson Speedway**

Selectman Charbonneau said the Speedway hasn't paid for last year's Police Detail, so they shouldn't be given their license until they do. Mr. Sharon said a letter has been sent to them, indicating that.

B. **Playmaker's Bar and Grill**

Selectman Charbonneau said Playmaker's Bar and Grill also owes the Town for Police Detail coverage at their RAVE parties. The Town should not be responsible for paying for this. It started out as a pool hall and sports bar, and now it's a RAVE facility. She wondered if they ever came to the Town for a change of use of the site. She suggested the Chief contact the Nashua Police Department to see how they handle it. Mr. Sharon said a letter has been sent to Playmaker's, as well. Chief Gendron will go to see him, too.

C. **Advertising for Vacant Police Positions**

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to authorize the Police Chief to advertise for two new Police Officer positions and the Police Prosecutor position that were approved by the voters on March 14, 2000 carried unanimously.

D. **5th & 6th Grade Dance last Friday Night**

Selectman Stewart said Friday Night, she was a chaperone at the Recreation Department's 5th & 6th grade dance at Lions Hall, and it was very well attended (300 children, 15 chaperones, one Police Officer). Enough credit isn't given to the Rec Director.

E. **Jana McMillan--Jr. Women's Club Employee of the Year**

Chairman Madison offered Jana congratulations.

A. **Monica Abucewicz**

Chairman Madison wished Monica Abucewicz a happy birthday, as she will be turning 94 on March 24.

B. **Public Works**

Chairman Madison said the new Public Works Facility Grand Opening is scheduled for the first part of May. Because this department did their own site work, they saved the Town \$439,400.

C. **Saturday's Meeting with Mayor Streeter**

Chairman Madison asked who would be attending the meeting on March 25th from 9:00 - 11:00 at Nashua City Hall with Mayor Streeter. Selectmen Seabury and Charbonneau plan to go. Selectman Stewart will not be able to attend. Chairman Madison will try to rearrange her plans so she can attend. Selectman Jasper will let the Executive Assistant know so she can RSVP.

1. **ACCEPTANCE OF MINUTES**

A. **Minutes of the BOS Meeting of March 7, 2000**

B. **Minutes of the Special BOS Meeting of March 13, 2000**

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

1. **COMMITTEE ANNOUNCEMENTS**

3/22 7:00 Planning Board in the P/Z Mtg. Rm.

3/23 7:30 ZBA in the P/Z Mtg. Rm.

3/27 7:30 Conservation Commission in the P/Z Mtg. Rm.

3/28 7:00 Public Hearing re. Sewer Moratorium

3/28 7:30 BOS Meeting in BOS Mtg. Rm.

4/01 Sewer Moratorium ends

4/05 7:00 Planning Board Workshop in P/Z Mtg. Rm.

4/11 7:30 BOS Meeting in BOS Mtg. Rm.

2. REMARKS BY THE SELECTMEN

Selectman Stewart thanked the voters for re-electing her and congratulated Selectman Madison for her re-election. She visited the new Highway Facility and was impressed with it.

Selectman Charbonneau was disappointed that the voters did not approve the part-time cable person. They don't realize how much work goes into producing the TV programs, and probably didn't realize it comes out of the franchise fee. She hoped next year it will be approved. She hoped Coleman doesn't quit because it will be an awful mess if he does. He does a lot of work. Selectman Seabury said he is here practically 18 hours a day. Selectman Charbonneau was also disappointed the Assessing position was not approved. People don't realize how much it would have saved the Town if it had passed. She hoped that it, too, would pass next year. Selectman Seabury said they will have to keep pushing.

Selectman Madison said, regarding the Assessor's position, she doesn't think the people understand that if they had someone to assess the property on a regular basis, the taxes would go down because the more money that comes in, the lower the taxes will be. Everyone seems to think the taxes will go up, but the opposite will actually occur. She thanked everyone who voted for her and congratulated Selectman Stewart.

3. ADJOURNMENT

Motion to adjourn at 8:25 p.m. by Selectman Charbonneau, seconded by Selectman Stewart, 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