

**HUDSON, NH BOARD OF SELECTMEN Minutes of the March 7, 2000 Meeting**

**Minutes of the March 7, 2000 Meeting**

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:30 p.m.
2. **PLEDGE OF ALLEGIANCE**, led by Selectman Rhona Charbonneau.
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; Tom Sommers, Sewer Utility Consultant; Jim Michaud, Assessor; Richard Gendron, Chief of Police; Capt. Ray Mello, Police Department; Frank Carpentino, Fire Chief; David Yates, Recreation Director; Atty. Brad Westgate; Kevin Slattery; Rev. David Howe; Betsy Cormier; Karen Susi; Ted Luzzey; Shawn McGrail; John Drabinowicz; Fred Giuffrida; Tim, SUN; John, Derry News

4. **PUBLIC INPUT**

- A. **Karen Susi, 2A Lenny Lane**, asked for authorization to put signs on Town property, supporting Article 1. Some individual Selectmen may not support it, but as a community, they should stand behind and support a positive school solution, especially one that addresses the present overcrowding crisis, in a viable, economical way. She had a list of the places they would like to put the signs. They are also asking to be able to place a banner at the end of the Sagamore Bridge, at the same location that Hudson Old Home Days has the past several years. Chairman Madison said they would take up this matter under Other Business.
- A. **Betsy Cormier, 12 David Drive**, said she believes School District Article 1 is the solution to the problem of overcrowded schools. If it does not pass, they will face two negatives--the accreditation of Memorial School by New England Association of Schools and Colleges and the inability to meet the minimum standards required for approval by the state. They are told that increased taxes will force members of the community to move, but so will unaccredited, unapproved schools. There wasn't any discussion of the decision to send the Selectmen's Budget Committee Representative on school issues back to the committee with instructions to not recommend Article 1. A vote by this Board, after eliminating two members due to conflicts of interest, did not release impact fees requested by the School District. The Library, an issue supported by this Board, did receive impact fees. Both the School and Library had voter approval for the purchase of land. That appeared to be a punitive decision toward the School Board. The current student population does not allow time for phasing in of a solution. At Candidates Night, they heard about the need to increase communication and good will between the School Board and the Selectmen. She hoped that would happen soon. Conflicts of interest are also a serious concern. The School Board is now facing the possibility of having two members with conflicts of interest, through marriage to teachers, if Mr. Alukonis is elected. It's critical for this community's elected officials work together through compromise, and that's what Article 1 is. It's not her first choice, but it works, and at less cost than her preference.

1. **CORRESPONDENCE**

A. From: Atty. Brad Westgate

Re: Etchstone Properties/Sewer Moratorium

Refer to: Old Business

B. From: Jim Michaud, Assessor

Re: Various Assessing Items

Refer to: New Business

C. From: Kevin Burns, Road Agent

Re: Requests for Authorization to fill vacant Positions

Refer to: New Business

D. From: Sewer Utility Committee

Re: Abatement Requests

Refer to: New Business

E. From: NHMA

Re: Home Rule 2000 Campaign

Refer to: New Business

F. From: David Yates, Recreation Director

Re: Free Concert by Air Force Band of Liberty  
Acceptance of Donation from Flash Photo Sports  
Refer to: New Business  
G. From: Frank Carpentino, Fire Chief

Re: Acceptance of Monetary Donation/Structures for Controlled Burn

Refer to: New Business

*Motion by Selectman Stewart, seconded by Selectman Charboneau, to receive Items A-G, with appropriate referral carried unanimously.*

## **6. NEW BUSINESS**

### **A. Etchstone Properties/Sewer Moratorium**

Chairman Madison recognized Atty. Brad Westgate to discuss the effect of the sewer moratorium on Phase II of the Lexington Place project on Derry Lane. Referring to his letter of 2/29, he felt that this project should be able to finish the on-site sewer improvements that were a part of the overall plan that was approved by the State and Town over a year ago. He wanted the Board to confirm that Etchstone is exempt from the sewer moratorium, which was originally passed in August 99. The moratorium allows for certain exemptions, one of which is facilities plan approval that had been granted for a particular project. Throughout the fall and winter, Etchstone has sought Planning Board approval for a site plan for Lexington Place Phase II, an elderly housing community project. The first phase is completed; the second phase is on contiguous land, all serviced by the same water and sewer system. In the summer, they received a variance from the ZBA to proceed with the project. The moratorium was passed in August. They prepared their site plan for Phase II, submitted late fall to the Planning Board. They were given plan acceptance on January 12, but not plan approval because of the moratorium. They do not understand why there hasn't been any action on their request for determination of exemption. Chairman Madison said they planned to stay with the moratorium until March 28. Lexington Place is on the Planning Board's agenda for tomorrow, so she wanted to wait and see what happens. If the Selectmen need to take any action after that, they will do so.

Atty. Westgate assumed that the Planning Board will feel that the underlying circumstances still haven't changed because there has been no determination by the Selectmen on whether or not Etchstone is exempt from the moratorium. The Planning Board is looking for some indication from the Board of Selectmen. Chairman Madison said, depending on what the Planning Board does, if the Selectmen are required to have a meeting, they will do that.

Atty. Westgate expects the sewer moratorium to continue until an amendment to O-77 is adopted, but action on exemptions isn't dependent upon an amendment being enacted. Since the moratorium has exemptions built into it, one would think there would be a way to have action on them. Chairman Madison said it was never determined that Etchstone was exempt. Atty. Westgate said that's what they've been trying to determine because Planning Board action won't be finalized until that matter is resolved. He asked what the procedural mechanism is for them to get an answer on whether or not they are exempt. Chairman Madison said until they have determined whether or not Etchstone is exempt, they are going to leave it until the March 28<sup>th</sup> continued public hearing, after all of the amendments are in place. In the meantime, if the Planning Board asks for an extension, the Selectmen may have to meet in order to accomplish that.

### **B. Discussion of Pole Licenses (Assessing Item)**

Chairman Madison said a public hearing is scheduled for March 21 on this issue, but wanted the Board to be aware of it, and discuss it, at this meeting. Assessor Jim Michaud said this stems from a Supreme Court decision. In 1996, Rochester amended their pole license agreements to include RSA 72:23 I (b), which says if you use town property, and you 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. Rochester held hearings, they amended the licenses and assessed property that the utilities (Bell Atlantic, in this case) own. Bell Atlantic pursued it to Superior Court, who issued a summary judgement 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. He didn't have any real estate value assessed for that property at this time, but there will be something, if the Board amends the pole license agreements. Towns throughout the state will be doing this. There are court decisions that say if you give companies notice prior to the assessment date, they will be liable for some kind of taxation. The town could wait until after April 1 and issue a supplemental bill, but he recommends that the Board amend the pole license agreements prior to April 1. RSA 231:161 gives the authority to the Boards of Selectmen/City Councils to allow poles upon the highways. It also allows them to amend it for public good. Another RSA says a taxation clause shall be placed into the agreements. Both statutes mesh. It's back in the Superior Court now; Rochester and Bell Atlantic are exchanging interrogatories concerning value. Mr. Michaud said this isn't just about Bell Atlantic, but anybody that has usage on those poles, such as PSNH, ENGI, Adelpia, MCI, hydro-transmission companies, etc. He does not have a dollar value of what it will add. This is the first step and if it's not amended, he won't go any further.

Selectman Seabury asked who would be writing the amendments. Mr. Michaud said the amendments have been drafted (by the attorney) which grabs sections of RSA 72:23 I (b) and throws it into the license agreement, following the Supreme Court decision to the letter. He anticipates Bell Atlantic going to the Legislature to bar towns from doing this. They pay no real estate taxes on their poles, their licenses, conduits, or use of town property. PSNH does pay for poles, licenses, etc. Some people have said they will just raise their rates, but that's true of any commercial assessment. The Town is out to fairly assess the common burden. Bell Atlantic is using the property, but not paying for it and there's no franchise fee.

C. **Assessing Items**

1. **Veteran Tax Credit Applications** (Frank Mako, Jr., 58 Gowing Road, Map 9, Lot 24, \$100 credit; Paul Cassidy, 611 Fox Hollow Drive, Map 13, Lot 12, Sublot 611, \$1,400 credit)

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

2. **Abatement Application** (Anthony Janco, Jr., 33 St. Anthony Drive, Map 14, Lot 177, Sublot 54)

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

1. **Elderly Exemption Application & Abatement** (Isabelle Cowgill, 45 Dracut Road, Map 5, Lot 69; Ellen Dalessio, 28 Wason Road, Map 11, Lot 12)

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

A. **Requests for authorization to fill two vacant Truck Driver-Laborer Highway Positions**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to grant authorization to the Road Agent to advertise for the vacant positions carried.*

B. **Sewer Abatement Requests (Ref. #S-2000-06)**

S-UTL-00-14 Lucky Duck Car Wash, 64 Derry Street, 2203, \$45 credit to Accounts Receivable

S-UTL-00-15 KonSult, Inc., 8 Birch Street, 3652, credit Accounts Receivable \$13.50

S-UTL-00-16 Michael Bardsley, 6 Manny Court, 4310, credit Accounts Receivable \$25

S-UTL-00-17 Town of Hudson, Flagstone Drive, Lot 4, 5068, credit Accounts Receivable \$58.52

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

C. **Home Rule 2000 Campaign**

Chairman Madison recognized Town Administrator Paul Sharon, who said the Municipal Association has requested that towns pass a resolution supporting a constitutional amendment to allow NH citizens to vote on the issue of Home Rule, which gives control to the local level. It's trusting local voters to handle local town affairs without having to go to Concord. Without Home Rule, towns operate on a set of standards which allows towns to do only those things enabling legislation allows them to do. Home Rule would still allow the state to control something particularly egregious that was adopted by a town. This is an era that deals with e-commerce, where often the ideas at the local level are months, if not years, ahead of the state level. He thinks Home Rule makes all the sense in the world. Selectman Seabury asked for an example. Mr. Sharon said the Town might decide to allow Hudson residents to pay their taxes by credit card. If the Town wanted to do that now, they'd have to have a bill introduced in Concord, debated by the Representatives and Senators, who would vote on whether or not Hudson residents could pay their taxes with a credit card. Towns could not, however, do something outlandish, such as legalize prostitution.

Selectman Jasper said Home Rule would work fine in Hudson because the Selectmen don't have a great deal of authority. He does have a problem with Town Councils and Boards of Aldermen, however. Londonderry has a five-man Board of Aldermen, which means three people can vote on a law, as opposed to Concord, where 425 people and the Governor are involved in the process. The Town Council in Durham attempted to pass a licensing process, where they could turn down a landlord if he was not of suitable moral character, as defined by the Town Council. The Landlords' Association took it to court and it was thrown out because there wasn't any enabling legislation. He testified in Concord against this bill and one of his questions still hasn't been answered: What happens to the community that passes the first bad law? Do they have the ability to go back and throw out that legislation?

Currently, the State has a law on the books that regulates speedway licenses at \$100, which the Town cannot override.

Selectman Charbonneau favored Home Rule, saying that mistakes will probably be made along the way, but legislators have made mistakes, some of them big, that the residents have had to live with until they've been corrected. Selectman Stewart said that although they will make mistakes here and there as they stumble along, there should be more local control and supports Home Rule.

Selectman Seabury was satisfied with the status quo. Chairman Madison said when the Hudson Speedway applied for their license this year, someone suggested raising the \$100 annual fee, but since it is regulated by the State, the Town couldn't increase it. With Home Rule, the Town *could* increase the fee. Selectman Jasper said the Chairman was absolutely wrong, that the Selectmen would not have the authority to override existing State statutes under Home Rule. Mr. Sharon said but they can add on to it. Selectman Jasper said there is no authority in the constitutional amendment to go beyond State law. When there is enabling legislation, they can. He'd have to see something in writing from the Attorney General that says, under Home Rule, they can go beyond existing State statutes when a fine or fee is set by the State. Chairman Madison said she is on the NHMA Executive Board and that is a project they are working on. She said Mr. Sharon's comment was correct that they can add on to it, and the reason for Home Rule is to make changes that benefit the Town.

Selectman Charbonneau said NHMA, which represents 250 towns and cities, is in favor of Home Rule. Chairman Madison understood Selectman Jasper's concern about towns that have Councils or a small board, but they were there to represent Hudson. The voters in most towns know their government and the majority supports Home Rule. Selectman Charbonneau read the text of the following resolution aloud:

(Start Tape 1, Second Side)

Whereas, the only existing home rule in New Hampshire is the ability to choose the form of government at the local level; and whereas, municipal home rule is needed to avoid the lengthy and costly process of requesting state permission for action which is truly "local" in nature; and whereas, true municipal home rule may increase the timeliness within which a municipality can act in tending to its affairs; and whereas a home rule amendment to the New Hampshire constitution would create greater flexibility by town meeting voters to determine their own affairs; now therefore be it resolved that the Town of Hudson, by its Board of Selectmen, does hereby support a Home Rule Amendment to the New Hampshire Constitution and encourages its citizens to vote yes on Ballot Question 1 in November 2000.

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to adopt the resolution in support of Home Rule, carried 3-2. Selectmen Jasper and Seabury voted in opposition.*

Chairman Madison said she would get an answer on the things Selectman Jasper was concerned about.

#### **D. Free Concert by Air Force Band of Liberty**

Recreation Director David Yates was seeking authorization from the Selectmen to invite the Air Force Band (consisting of 46 pieces and four vocalists) from Hanscom to do a free concert. The music is patriotic/military, Americana, swing, pop, Sousa marches, etc. The event is scheduled for Friday, June 23, from 7:30-9:00 p.m. at Alvirne. Approval has been given to use the football field. The only costs are for advertising and traffic control. Chairman Madison said it sounds wonderful. Selectman Stewart hoped they would be able to tie in with Old Home Days. Selectman Charbonneau hoped this could be a community announcement on the local cable channel, TV-13, Jean Serino's show, TV-50 and Channel 9.

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

#### **E. Acceptance of Donation from Flash Photo Sports to the Recreation Department**

*Motion by Selectman Charbonneau, seconded by Selectman Jasper, to accept the donations of \$305 and \$300 from Flash Photo Sports to the Recreation Department carried unanimously.*

#### **F. Public Hearing/Board Action on Acceptance of Monetary Donation and Structures**

Chairman Madison opened the Public Hearing at 8:20 p.m. and asked if anyone wished to speak on the monetary donation of \$5,000 to the Hudson Fire Department to help defray overtime costs associated with controlled burn projects, and the acceptance of two structures (19 Phillips Drive and St. Kathryn's rectory at the corner of Lowell and Wason Roads) to be used in controlled burn projects by Hudson and other area firefighters. There was no response, so she closed the hearing.

Selectman Jasper stepped down on this issue, as he would be involved in and getting paid for this.

Selectman Charbonneau asked if the \$5,000 was for both burns. Chief Carpentino said it was for the Phillips Drive structure. Another donation will offset the cost of the second burn. Selectman Charbonneau said if it costs more than \$5,000 to burn a

structure, it wasn't the responsibility of the taxpayer to pay for it.

Chief Carpentino didn't know of any other town where anyone offered to defray costs associated with training. The Town is fortunate to have people who offer money for the Fire Department to burn a building down as a training exercise. He didn't know how many people would show up for the burn, which is what will determine the cost, but if all the full-time and Call firefighters attend, it will cost about \$7,253. So, for \$2,253 the Town and its taxpayers are going to see their Fire Department get hands-on, enhanced training, working with other Mutual Aid departments. Today, they had a rapid intervention training class, conducted at 19 Phillips Drive, a structure donated to the Town by Reverend Howe's church, at no cost to the Town. Thirteen employees came in on their day off and volunteered their time. It would have cost well in excess of \$2,253 to get a facility and pay people overtime to get this training--and Hudson firefighters don't have to go to another town to get the training. There is money budgeted for training. In 1997, they burned a donated building on Lowell Road, and received a \$5,000 donation. In addition to that, an additional \$600 was paid to the Town and local establishments donated food, water and soda. The Town is fortunate to have buildings that are safe enough to burn and, on top of that, receive a donation which covers a substantial portion of the cost of the exercise.

Selectman Charbonneau asked who takes care of the debris, and if any other community does this. Chief Carpentino said after burning the building to the ground, they make it as safe as possible and then turn it over to the property owner, who is responsible to watch it. If the fire rekindles, they could call the Fire Department back. Nashua did a building burn today, which Selectman Jasper participated in. Windham and Pelham have also done burns, and there may be some others. They used the building on Phillips Drive today for rapid intervention training and will have follow up training on Saturday. They will have a number of different fires in the facility, involving fire suppression, rescue, ventilation, salvage, overhaul, water supply, pumper operations, etc. There will be a magnitude of classes which, if costed out, would well exceed \$2,253.

Selectman Charbonneau asked what would happen if there was an emergency if everyone was at the training exercise. Chief Carpentino said they have coverage from other departments in the station and not all the apparatus is tied up at the scene. When Windham did a burn, Hudson sent equipment over there to help out. They sent a truck over to Nashua today, and Hudson was on stand-by. It's a reciprocal thing. Selectman Charbonneau asked what happens if someone gets hurt during the training. Chief Carpentino said they are covered under Workers Comp, as long as it's during the course of their employment and it's a sanctioned Fire Department training exercise, being paid by the Town. It's handled just like any other training exercise or emergency.

Motion by Selectman Stewart, seconded by Selectman Seabury, to accept the donation, with thanks, carried 4-0. Selectman Jasper abstained.

#### **G. Public Hearing/Board Action of Receipt of \$5,000 Grant for the Police Department's Justice Band**

Chairman Madison opened the Public Hearing at 8:30 p.m. and asked if anyone wished to speak.

Capt. Ray Mello of the Police Department said the Department of Justice has awarded the grant to further the anti-drug message. The Justice Band has been in existence for about five years, and some of the equipment needs upgrading and replacing. This grant would reduce or eliminate any cost to the Town. There being no further comments, the Chairman closed the hearing. She asked if the band was still a Hudson band. Capt. Mello said the drummer works for Nashua PD, but he is a Hudson resident, and the shows are booked through the Hudson Police Department.

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

### **7. OTHER BUSINESS**

#### **A. Litchfield Ballot--Controlling the Growth Rate**

Selectman Stewart said someone gave her a copy of the Litchfield ballot. It contains a Zoning Ordinance amendment to moderate the rapid rate of residential growth. She suggested that Hudson look into this for next year. They've talked a lot about this in the past, and it looks like Litchfield has jumped ahead of them. Selectman Charbonneau thought Litchfield had a growth ordinance. Chairman Madison said it would be looked into. Selectman Seabury said NRPC was going to be looking into this, too. Selectman Jasper said he received a phone call from someone asking what was happening with Shepherd's Hill. He was asked where the leadership from the Board of Selectmen was on growth control in Hudson. Selectman Jasper said he pointed out that back in late August, he personally went to the Superintendent and told him he thought there was a serious problem within the school, and that the Town of Hudson needed to look at some growth controls. The Board of Selectmen isn't in a position to say the schools are over-capacity; that has to come from the School Board. Nothing ever came back from the other side of the street, which is a shame. It's the School Board's job to make the first move, and they failed to do that.

#### **B. School Board using the Selectmen's Meeting Room for their Regular Meetings**

Selectman Stewart asked if the Town had received an answer on the Selectmen's invitation for the School Board to use the

Selectmen's meeting room so their meetings could be televised. Mr. Sharon said not formally, but he understands they are formulating some questions, which have not been forwarded yet.

**C. Shepherd's Hill**

Selectman Jasper said the Public Hearing for Shepherd's Hill is March 20, which was originally scheduled for the 15<sup>th</sup>, and he hopes all of the Board members attend. He has hope that, under the statute, this project won't go forward, but he would like to get a legal opinion. The Town needs to take a very pro-active stance on this project, which would alter the character of the Town dramatically, particularly if it does become financed by the Housing Authority.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to have the attorneys to look at RSA 204 c to see if they see any points which may be relevant to this situation and may give the Selectmen arguments against the project before they go to the public hearing.*

Chairman Madison asked if he wanted it to go to Atty. Drescher. Selectman Jasper said it's a different issue, but he may be the better attorney to look at it. Mr. Sharon suggested that they not utilize Town counsel for an opinion because he feels the cited section of the statute is right on point. He thinks it would be appropriate to ask NHHFA why this doesn't legally apply, rather than the Town paying the legal fees. Selectman Jasper said that point will probably come out at the Public Hearing. That one is particularly on point, but there may be some other ones. Because of the magnitude of the project, he wants to make sure they don't miss anything. He's sensitive to the size of the legal bills, but if they miss something, it will be more costly in the long run. There is a clause that talks about public interest and the need for this type of housing, but it's not well defined. There's a need for the housing in northern Massachusetts, and he can guarantee that's where most of the people will come from. Is the need for Hudson, or northern Massachusetts? That's something maybe the attorneys can help with, and Bill Drescher may be the one.

Chairman Madison agreed that they should seek an attorney's opinion. This is one time they need to spend money to possibly save some money. Selectman Charbonneau said the Town received a letter from NHHFA and the response back should state the Selectmen's concerns. She is on that board, but she will not participate or vote; she will participate only as a Hudson Selectman. NHHFA wants to make sure everything is up to par before they go forward.

Chairman Madison asked again which attorney the opinion should come from. Selectman Jasper would like someone who may have had some experience dealing with the Housing Finance Authority, so it may be appropriate to ask Atty. Drescher that question, and he's more familiar with the site plan. He is a land use attorney and, perhaps, he may have had experience with NHHFA, but if he hasn't dealt with this statute, then they should go with the other attorneys. Chairman Madison suggested they start with Attorney Drescher and if they don't get the answers they want, they can go in another direction.

*Vote: Motion carried unanimously.*

**D. Land for Sale across from the Library Street School**

Chairman Madison said the lot at the corner of Library and School Streets was going up for sale and wondered if the Selectmen wanted to inquire about it. It might be a solution to the future expansion of Town Hall. It would have to wait until next year's Town Meeting, if they decide it's something they want to consider. Selectman Charbonneau said the property hasn't been appraised, but the owner would consider selling it to the Town. Mr. Sharon said when this issue came up late last year, they were putting this year's Town Warrant to bed. There was some talk about using the Land Use Change tax funds to acquire it. Selectman Charbonneau said someone should keep in contact with the owner and let her know they can't do anything until next year. They have to think about the possibility of moving Town Hall, when and if it becomes outgrown. If this is kept as the center of Town, they should consider any pieces of property that comes up, if it's reasonably priced. That's a good piece of property. Selectman Jasper wasn't interested because it's not directly adjacent to Town Hall. He's very interested in the pieces that directly abut this property. They missed an opportunity to buy the house on the corner for \$40,000. Selectman Seabury said that's because they couldn't come up with a good reason back then to buy it. Selectman Jasper said there were a lot of questions that weren't answered on the floor of Town Meeting, including the asbestos issue. Those are the parcels they should keep their eye on. Mr. Sharon said the parcel in question is very large, and could be subdivided. Chairman Madison asked if it would hurt for them to inquire. Selectman Seabury said no, maybe they could build a garage for the fire truck that is always outside.

**E. Request to place Signs on Town Property during Public Input**

Chairman Madison said they've never allowed signs on Town property. Selectman Jasper said they *can't*. The property at the end of Sagamore is State land and signs can't be placed there, either. Two years ago, he had some political signs removed from there. The Kiwanis placed an Old Home Days banner there, but the Historical Society did not. Mr. Sharon said there is also the issue of utilization of public facilities to promote one side of an issue. They shouldn't do that any more than they should put "Vote Yes for Lowell Road" on a message board, even though they all know it should pass. Ted Luzzey, 13 Cathedral Lane, asked if all of the signs along Lowell Road were illegal. Chairman Madison said property owners can give permission for signs to be placed on their

property. The Zoning Administrator also has to be contacted because she has to know where the signs are. Selectman Jasper said a lot of illegally placed signs are all over the place, often within the State right of way. Unless there is a specific request made, the State generally does not take them down, but it is not legal to put them there. Mr. Luzzey asked about the request for the Selectmen to support Article 1 on the School ballot. Selectman Jasper thought that question was already answered.

(Start Tape 2, Side A)

Selectman Charbonneau said the Selectmen denied authorizing the School to use the impact fees, but they ok'd the Library to do so. When the vote was taken on that, she voted against release for both the School and the Library, because she felt they should be consistent in what they do. None of them are against the school, but they have a few concerns. Betsy Cormier said when instructions were given to the Budget Committee representative, she did not hear any discussion. Chairman Madison said it didn't need discussing; everybody fully knows exactly what is happening with the schools.

Selectman Jasper was glad Selectman Charbonneau brought up the issue of the impact fees. The School requested money for the architectural fees to design a specific building. The Library Trustees requested monies to study the issue of the asbestos contamination on the property, which is site specific, not building specific. If the School requested money to look at the feasibility of putting a school on a particular lot, he would have felt differently, because that is something that would have to be done, regardless of what you build there. Selectman Charbonneau said the Library had money left over from the \$200,000 approved by the voters to purchase property, and they should have used that. She felt they should have been consistent in their voting and authorization shouldn't have been given to either one of them.

Shawn McGrail, 9 Cardinal Drive, was recognized and said he was on the Planning Board when they adopted that resolution. Impact fees were for anything associated with building a school, including architectural design. Test borings for asbestos would definitely come under the impact fee assessment being imposed. When decisions are made on things like this, they should look at what was passed and the purpose. After six years, the fees have to be paid back to the homeowners, with interest, and that six years is coming up next year. The Board should be more willing to free up that money when people request it.

#### **F. TV Monitor in the Selectmen's Meeting Room**

Chairman Madison said that the tv monitor on her table would be moved to another table, to her left.

### **8. ACCEPTANCE OF MINUTES**

#### **Minutes of the Selectmen's February 22, 2000 Meeting**

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

### **9. COMMITTEE ASSIGNMENTS**

3/08 7:00 Planning Board in Planning/Zoning Meeting Room

3/09 7:30 ZBA in Planning/Zoning Meeting Room

3/14 7:00 a.m. - 8:00 p.m. Voting at Lions Hall

3/16 7:30 Budget Committee in Planning/Zoning Meeting Room

3/20 7:30 Conservation Commission in Planning/Zoning Meeting Room

3/20 7:00 NH Housing Finance Authority Public Hearing in Planning/Zoning Meeting Room

3/21 7:30 BOS Meeting in Selectmen's Meeting Room

### **10. REMARKS BY THE SELECTMEN**

**Selectman Jasper** encouraged everyone to vote for Article 20, the property appraiser. The Assessing Office has been the same size for 20 years, the only area of Town government that hasn't grown. With all of the subdivisions, and thousands more to be subdivided, one person can't do all of the assessments. The Assessor has put together a program that includes this person, which means we do not have to go outside and spend a lot of money. This position will save the Town thousands of dollars in the long run. He encouraged people to support this article. People don't like to hear about property reassessment, but it will happen, and this is the best way to do it.

Although he abstained from participating/voting on the donation of buildings to the Fire Department for controlled burns, there is no better way to be prepared for a fire than to actually be in one. Nashua has over 80,000 residents, with a lot more firefighters than Hudson, but they came out of the building today saying they have never been through anything like that. That's the way to train, and the only way they can do that is to get donations of building, particularly when they also get money to offset the cost, which is a great benefit to the property owner, the Fire Department and to the citizens of the Town.

He wished Chairman Madison and Selectman Stewart good luck in their re-election bid.

**Selectman Charbonneau** thought that the Public Hearing on the 20<sup>th</sup> should be televised, and they have to get the people out. These two and three-bedroom apartments will be very costly to the infrastructure. Roads are already at failure and these are the things they have to address. If Hudson has low income housing, a certain percentage of that is Section 8. She said 20% of the 400 units are low-income housing, and she wasn't speaking against it, but it doesn't necessarily mean it will go to New Hampshire people. It could benefit others from other states.

**Selectman Stewart** reminded people to vote next Tuesday. The Lowell Road issue is especially important.

**Selectman Seabury** asked when she should be at the polls. Chairman Madison said she and Selectman Stewart are on the ballot and can't work the polls, so all three other Selectmen should be at the polls when they open at 7:00 a.m.

**Selectman Charbonneau** said she may have a conflict if she has to go to court on that day.

**Chairman Madison** urged everyone to attend the Public Hearing on March 20 regarding the 400 low-income units on Shepherd's Hill. Selectman Jasper said they may need a backup plan for another room, if there is a capacity crowd. Chairman Madison suggested Lions Hall. Mr. Sharon said the Planning/Zoning meeting room could be a spillover room because there is a television set in there that people could watch. Selectman Stewart said that room is being used by the Conservation Commission. Chairman Madison said they can use the small room. Mr. Sharon said ordinarily, they don't have a lot of people. Selectman Seabury said they don't have a lot of people, but they have a large committee--but they can go into the small conference room. Selectman Charbonneau said that room is squashed with eight people.

## 11. **NONPUBLIC SESSION**

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to enter Nonpublic Session under RSA 91-A:3 II (b) The hiring of any person as a public employee; (c) Matters which, if discussed in public, likely would affect adversely the reputation of any person; (e) Pending claims or litigation carried 5-0 by roll call vote.*

Nonpublic Session was entered into at 9:05 p.m. and was terminated at 10:00 p.m.

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

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to hire Bill Jobin as a provisional Call Firefighter, effective March 10, 2000 at \$7.50 per hour, and after successful completion, to a Call Firefighter at \$10 per hour carried 4-0. Selectman Jasper abstained.*

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to hire Michelle McNeil as the Aerobics instructor in the Recreation Department for \$600 for three classes a week for eight weeks carried unanimously.*

*Motion by Selectman Charbonneau, seconded by Selectman Jasper, to hire Robert Megowen as a Part-Time Dispatcher in the Police Department, at a rate according to the Police contract, effective March 12, 2000, carried 4-0. Selectman Stewart abstained because Mr. Megowen's mother works for her.*

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to hire Glenn Telgen and Chris Diaz as Firefighter/EMT-I's, effective March 19, 2000 @ \$24,270.08 and after successful probation, \$25,623.14 carried 4-0. Selectman Jasper abstained.*

## 12. **ADJOURNMENT**

*Motion by Selectman Charbonneau, seconded by Selectman Jasper, to adjourn at 10:05 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**