

HUDSON BOARD OF SELECTMEN

December 14, 1999 Minutes

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:30 p.m.
2. **PLEDGE OF ALLEGIANCE**, led by Selectman Shawn N. Jasper
3. **ATTENDANCE**

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

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Frank Carpentino, Fire Chief; Mike Gospodarek, Town Engineer; Gary Webster, Project Engineer; George Hall, Planning Board Chairman; Nominations & Appointments candidates; Tim, SUN; Fidele, HLN; Molly, TEL

4. **PUBLIC INPUT**

Scott Middlemiss, who had signed up to speak against Hawker-Peddler procedures, was not in attendance.

Presentation of "Master Road Scholar" Award to Gary Webster

Dr. Charles Goodspeed of the UNH Technology Transfer Center presented an award to Gary Webster, Project Inspector in the Engineering Department, congratulating him for completing 100 hours in the Road Scholar program. Gary is only one of 34 people in the state who has achieved the status of Master Road Scholar, which is the fourth achievement level in the program. Following the presentation, Chairman Madison presented Gary with a Certificate of Achievement in recognition of his dedication and perseverance in pursuing his education to maintain a leading edge in the field of road maintenance and construction. Gary thanked the Selectmen for the opportunity to attend the classes which, in turn, will benefit the Town as a whole. Members of Gary's family were in attendance.

5. **CORRESPONDENCE**

A. **From: Michael Gospodarek, Town Engineer**

Re: Street Acceptance—Megan Drive, Reeds Brook Subdivision

Refer to: New Business/Public Hearing

B. **From: Sewer Utility Committee**

Re: Sewer Abatement Requests

Refer to: New Business

C. **From: Jim Michaud, Assessor**

Re: Various Assessing Items

Refer to: New Business

D. **From: Bell Atlantic, Right of Way Department**

Re: Licensing of poles on Various Streets in Hudson

Refer to: New Business

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to accept Items A-D, with appropriate referral, carried unanimously.

6. **NOMINATIONS AND APPOINTMENTS**

Chairman Madison explained that the Selectmen interview candidates on their first meeting of the month (the second Tuesday) and make the appointments at their second meeting (the fourth Tuesday).

A. **Building Board of Appeals (2 Members w/terms to expire 12/31/02; 1 Member, term to expire 12/31/01)**

David Tanguay (Incumbent) was unable to be present.

B. **Conservation Commission (2 Members and 1 Alternate, terms to expire 12/31/02)**

?**Richard Callahan** (Member Incumbent) was unable to be present.

- **Linda Walkley Kipnes** said she was on the Land Preservation Committee and would like to continue working to preserve natural resources and open space in Town.

- **Terry McLlarky** (Current Alternate) was unable to be present, due to illness.

- **Jennifer Richtarek** is interested in the natural resources within Hudson. She has made a lifestyle change recently that allows her more flexibility in her schedule, so she'd like to volunteer her time to the Town. She has also applied to the Recreation Committee, which is her first choice.

- **Patrick Tate** said he was born and raised in Hudson and has used Hudson's natural resources for recreational purposes. He was involved with Alvirne's forestry program and studied Wildlife Management and Forestry at UNH. He'd like to be a part of helping conserve Hudson's natural resources. He is currently working for NH Fish and Game.

C. **Nashua Regional Planning Commission (1 Member & 1 Alternate, terms to expire 12/31/03)**

There were no applicants.

D. **Planning Board (2 Members, terms to expire 12/31/02)**

?**Charlene Provencal** (Alternate Incumbent, term to expire 12/31/01) was unable to be present.

- **Denis O. Robinson** (Alternate Incumbent, term to expire 12/31/00) has enjoyed the past year he has served as an Alternate and would like to move up to full membership. He feels he can really contribute to the meetings and would like to do so. Selectman Jasper asked he feels the Town should manage growth. Denis said he was a fan of 2-acre zoning outside the proposed circumferential and one acre within. He'd like to see a development of density within the circumferential, but outside remaining rural. Selectman Seabury said Denis is a great asset to the Planning Board, which often relies on his expertise as an attorney.

- **Mark Balba** said he wanted to take an active role in the development and planning of the future of Hudson to preserve the rural character of the community. Selectman Jasper asked him how he would deal with the growth of the Town. Mark said they should limit the amount of industry and he agreed with 2-acres per property.

- **Terry McLlarky** was unable to be present, due to illness.

- **Jeromy Muller** said he found Richard Patterson, a Planning Board member whose term will expire at the end of the year, to be articulate, intelligent and a hard worker. The Town needs people to participate in the Planning Board and he has expertise in electronics and communications, an electrical engineer by trade. He thought it was time to volunteer his time to help out the Town.

- **Marilyn McGrath** said she applied for the Planning Board after attending several meetings over the last few months because of the proposed development near her home. It sparked her interest again, as she served on the Planning Board for eight years several years ago. She is for controlled growth. She believes that everyone should follow the regulations, with no special conditions being granted to anyone. She liked what Mr. Robinson had to say about the 2-acre zoning. Hollis is a town that has maintained its rural character, but it has high taxes. She thinks there is probably a way to balance that and is something that Hudson ought to try to seek for itself. In the last few years, Hudson has experienced uncontrolled growth. As a life-long resident of Hudson, she remembers when Lowell Road was a two-lane road. The south end used to be all farm land, but it's not that way any more. Across from her is all industrial and a business next to her. For those reasons, she'd like to become involved again. Selectman Seabury said she worked as a recorder when Marilyn was Chairman of the Planning Board, and she is truly dedicated and has the best interests of Hudson at heart. She thought Marilyn would be a tremendous asset to the Planning Board.

E. **Recreation Committee (2 Members, terms to expire 12/31/02)**

?**Keith Bowen** (Member Incumbent) wants to be reappointed, as he has enjoyed working with Dave and on the committee, trying to make a difference in the lives of children in Town through Recreation programs.

- **Christopher Linscott** was unable to be present, but will be on the 28th.

- **Jennifer Richtarek** said she has lived near Robinson Pond and frequents the facility. There is a lot of potential that could be taken advantage of and she'd like to be a part of that. She is also interested in helping the residents enjoy recreational activities.

- **Ed Caban** said he has been Camp Director and Assistant Cub Master for the Cub Scouts and he serves on the Hudson Youth Baseball Committee and manages a baseball team. He applied for a seat on the Rec Committee last year and is still interested.

F. Sewer Utility Committee (1 Member, term to expire 12/31/02; must be a sewer user)

?**Doris Ducharme** said she is a sewer user and was on the Sewer Utility several years, chairing it at one time, but had to resign for health reasons. Now that she's in good health, she'd like to come back on the committee to serve the community.

G. Solid Waste Study Committee (2 Members, terms to expire 12/31/02)

?**Coleman Kelly** (Member Incumbent) said he will be going into his 11th year on this committee and would like to continue because of his interest in it. With the diminishing trash disposal space that is left in the northeast, it will become very costly, so they need to look at innovative ways of reducing the flow.

A. Zoning Board of Adjustment (2 Members & 2 Alternates, terms to expire 12/31/02)

?**Leo Fauvel** (Member Incumbent) said he has been a Hudson resident for 20 years and on the ZBA for 10 years. His interests include developing zoning ordinances and looking at things that needs to be changed. Chairman Madison asked if being a developer has interfered in the way he has conducted himself on the ZBA. Leo said he has never done anything in the Town of Hudson until very recently. In going forward with the subdivision, he found a lot of things in developing land in the Town that are different than in Hollis or Lowell. Things are much more difficult in Hudson.

(Start Tape 1, Second Side)

He'd like to see things become more user-friendly. Hollis is an excellent community. They have restrictions on building that you can only build 4 units a year if you have 50 acres. You need building rights in order to build. Brookline also has limitations and they only allow 40 units a year to be built. If you own one lot, you are allowed to build, but it comes out of the following year's increment of houses built. Hudson has to develop a procedure. Selectman Seabury said Leo was the token developer on the ZBA and they respect his ideas; he is much appreciated.

●**James Pacocha** (Member Incumbent) was unable to be present.

●**Richard Botteron** (Alternate Incumbent) said he's been learning all of the regulations on the ZBA because there is much more involved than he had originally thought.

●**Laurie Perreault** (Alternate Incumbent) was unable to be present.

●**Mark Balba** said he was interested in the ZBA and wanted to be involved in developing, planning and zoning of the Town. He's concerned about too much development coming in. His first choice would be the Planning Board.

Brad Seabury, Chairman of the ZBA, spoke at length in favor of reappointing the current members, and especially on behalf of Leo Fauvel.

7. OLD BUSINESS**A. Discussion with Planning Board Chairman George Hall re Zoning Ordinance Lot Sizes, etc.**

Chairman Madison said they had asked the Planning Board to develop an ordinance for the ballot to control lot size. Selectman Stewart said at the last Planning Board meeting, discussion went round and round on the subject, but they didn't come to any decisions; that's why she asked Mr. Hall to attend tonight. Selectman Seabury agreed, saying that this was Selectman Jasper's bailiwick and neither she nor Selectman Stewart knew what he wanted them to convey to the Planning Board. Selectman Jasper said he didn't have a problem with 2-acre lots, but he does with the imaginary boundary line of the circumferential, which doesn't represent any zoning area in the Town and ends at 111 in the northern end. He doesn't know if the circumferential will ever be built or not. The concept of urban sprawl and smaller lots in the center of Town was alright in towns that have centers, but Hudson isn't like that. He also has a problem with apartment and condo complexes that are built at eight to an acre. Those are the things they need to try to eliminate. They create a negative tax flow and that's why he suggested an acre per residential dwelling.

Chairman Madison asked why they wanted it to be one acre within the imaginary circumferential boundary instead of trying to preserve what land was left by mandating larger lots. Mr. Hall said they would love to have discussions to find out what everyone wanted and where they were going. Numerous hearings were held on the Master Plan and only one person commented. Zoning changes regarding density needs to be supported by the Master Plan, which has goals. Whatever is done should conform to the

goals outlined in the Master Plan, which is where the reference to the circumferential comes from; it was a line of demarcation, to reduce the densities outside the circumferential. He has a problem with voting to send something to a public hearing with Planning Board approval on something that was just put before him. His general practice is not to even discuss those items and that is what happened at the last Planning Board meeting. They received a document with no real discussion as to what the Selectmen wanted; it was just a new table on densities, so it was difficult to understand where the Selectmen were coming from. Most of their concern is over the process, not substance. The Planning Board wants to know what the Selectmen, and the general public, want. They are supposed to reflect and condense what they feel the residents would like to see in Town. In that process, there needs to be discussions between the two boards. Over the past two years, the Planning Board has made significant changes to the zoning regulations. Several months ago, NRPC asked what projects the Town wanted to be done and the Selectmen wanted them to work on a Master Plan for Benson's. Zoning could have been one of the topics, had the Planning Board known lot sizes was a priority for the Selectmen. About a month ago, he read in the paper that the Selectmen wanted to address lot sizes and his understanding was they were going to submit a warrant article to the Planning Board. Now it's his understanding that the Selectmen want the Planning Board to put it forth. They didn't have enough time to hash things out at the Planning Board meeting to get a consensus on what direction they should take. Almost every Planning Board member would like to do something to control growth; it's a question of how it's done and should be consistent with the Master Plan. They shouldn't do things at the last minute, without proper input, and that's the problem with this--they're too late getting started. A petitioned warrant article has a narrow window of time for being accepted for Town Meeting. The Planning Board has more power in doing the same thing. If the Planning Board, during the year, votes to put forth a zoning change, the date of the public hearing of the zoning change is the effective date of that change, and it is instituted as if voted at Town Meeting. At some point, if the Planning Board votes to send that article to the Town Clerk for posting at the next Town Meeting, that zoning change will stay in effect, unless defeated by Town Meeting vote. Several months ago, they asked NRPC to put forth a recommendation as to how they should proceed. He did not anticipate that it would go on the next warrant. Andrew Singelakis was asked to come back with a proposal, and he submitted a letter which contains useful information and puts things into context about what they need to think about before going ahead. This change the Selectmen are talking about is a significant impact to property owners and it should be thoroughly discussed first.

Chairman Madison said once again, there seems to be a communications problem, as she brought this up well over six months ago, and she thought it was moving forward. Her understanding was that, even though the Board of Selectmen is the governing body, it had to come from the Planning Board. They had the attorney look into it, but apparently the Planning Board never got the message. Selectman Stewart said both she and Selectman Seabury have brought it up. Chairman Madison said she even talked about it at Town Meeting last year, and maybe she should be followed up on things more closely. She wasn't saying that it was anyone's fault.

Mr. Hall said the Selectman can put forth an article at any time, but it would have to go to the Planning Board for a recommendation. He didn't think that's what they would want to do, however, because that wouldn't be the proper process. All it would have taken was a letter with an outline as to what goals wanted to be achieved so all members would have gotten the same information at the same time. He asked Selectman Seabury what the Selectmen's intent was, after he read the article in the paper. Selectman Seabury said this was a very nebulous issue--no one knew exactly what to do. She wasn't going to blame the Selectmen or the Planning Board. When they go forward with any zoning question, they must take into consideration they've gone through a whole zoning process, putting in a TR zone. Now they want acre zoning. They will put all of the little properties into nonconforming use. They have to tread very carefully.

(Start Tape 2, Side A)

Selectman Charbonneau thought the Master Plan calls for 2-acre lots. Mr. Hall said the Master Plan says one of the things they should be looking at is to take areas of the general zone that are relatively undeveloped and change them to two acres, and he agrees with that, but it takes somebody, such as NRPC, to identify those areas. They need to do some homework to say why it is they are doing something. He doesn't know how much area is left within the circumferential to build on. If they changed the Master Plan to an acre, how many houses would that eliminate? If what they did by taking the 30,000 square feet that's allowed now, where water and sewer are available, and changed that to an acre, anybody that owned two lots side by side that were not developed is instantly going to lose \$70,000 and they are not going to be happy about that. They need the advice of a professional. He didn't think it was fair to use a broad brush and make everything two acres outside the circumferential. He didn't think it was feasible that a study would be done in time to put something on the ballot this year.

Chairman Madison asked for comments. There was no response. Mr. Hall asked the Selectmen to list their goals so the Planning Board would have clear direction. Selectman Jasper said the Board had voted for the attorney to draft a zoning ordinance to require 45,000 sq. ft per dwelling for all residential units outside the TR zone, which carried 4-1. Mr. Hall said he wasn't aware of that. Chairman Madison said the attorney provided a 7-page response and they pretty much agree with what Chairman Hall has said.

Selectman Charbonneau said the attorneys have said towns can't enact a growth ordinance, but wondered why they can't limit construction. Mr. Hall said the charge to NRPC wasn't limited to changing the zoning ordinance and NRPC has experience with all of the area towns, including Hollis and Brookline. Selectman Charbonneau said they should go forward with the undeveloped land with some kind of grandfathering, or something. People won't be able to live here unless they build \$250,000 homes. Bedford has very expensive homes and their tax rate is \$18 because they have revenue coming in. Hudson doesn't.

There being no further questions or comments, Chairman Madison thanked Mr. Hall for being present.

B. Warrant Articles

The Library Trustees asked the Board to forward two articles to the Warrant, with their recommendation.

1. Funds to Purchase Adjacent Properties for Library Expansion

"To see if the Town will vote to raise and appropriate the sum of \$125,000 for the purchase of land for future library expansion. This article has been designated by the Board of Selectmen as being a Special Warrant Article. This article is in addition to the Operating Budget article."

Selectman Seabury asked who controls the funds, once they are appropriated. Lisa Riley said once the monies are appropriated for library purposes, the Library Trustees are the decision-makers as to how those funds will be expended, which are in the Town's General Fund, released by the Finance Director, upon request by the Library Trustees. Selectman Seabury said the warrant article should say the money is to be used only for the purchase of property. Lisa Riley said this was the same wording as last year's article, except for the amount.

Selectman Jasper said they've had extensive discussions on what the next step should be and they did release monies from the impact fees to determine the suitability of the land. He feels that once they determine whether or not a library can be sited there, they should do a design, and go in that direction before they buy the land. Since they don't know if they can even put a library there, he'd hate to commit to more land at this point. The next step should be checking out the land to see what's buildable and what's not. He doesn't want to put more money into land until they know where they are at. In retrospect, he thinks they made a mistake last year and he doesn't want to compound it. Chairman Madison thought it was decided that's where the library was going to go. Selectman Jasper said it is, if it's suitable, but they don't know that yet because they haven't studied it, or figured out what the costs are going to be to mitigate the asbestos. Last year, they put the cart before the horse, and he didn't want to compound the problem. They've talked about the fact that most of them don't want to see a new library on the back of the current one, which is a proposal that came up years ago and kept getting defeated. Before they buy more land, they need to figure out how to site it to make it work. Chairman Madison thought they were buying the land to put the library on it and the asbestos would have to be removed or buried. Selectman Jasper said they released the impact fees to find out how much asbestos there is, if it can be buried on site, etc. He's not comfortable committing any more money until they know where they are on this.

Selectman Charbonneau said she has always been concerned about the asbestos on the site and thinks they should have had some borings done. A library is very important, but she doesn't want to put an extra burden on taxpayers. She does not believe the bank would have financed the property the Town bought because of the asbestos on it. She thinks the Town paid too much for it. Another house that is going to be purchased is full of asbestos, plus the land, according to the owner. The Town is taking a big gamble and she hates to see the taxpayer get hit because of the asbestos problem. She cannot vote for this.

Selectman Seabury thought the library expansion should be at the current site. She doesn't know how much it will cost to remove the asbestos, but you can build on any property. People always seem to want the library built right where it is now. She will vote for this, but it will be the last time. After they see the results of the borings, they can decide whether or not to go forward with it.

Selectman Charbonneau asked if this article passes, which states "for the purchase of land" and they find out the properties are full of asbestos and cannot be purchased, will the monies go back to the General Fund? Chairman Madison said it has to be used for the intended purpose or else it will go back to the General Fund. She said if the Trustees get an ok to purchase the land, it should be for the site where they are currently buying land. If the borings aren't what the Trustees expect, she didn't want them to try to buy land in another location. Lisa said the properties referred to in the article are adjacent to the current site. They are committed to this site and have been for two years. There are people living in the two properties and when they are ready to negotiate, the Town should be ready, as well. The goal is to have a pool of money available so when the properties are available, the Town will be able to negotiate in earnest. Several years ago, there was a property that was available at a reasonable price, but the Town was unable to negotiate because there was no money. The asbestos on that site has been abated and that property is now financially out of reach. The goal is to continue with the process they started two years ago which failed, so they came back last year, asking to raise the money in increments, and that's what they have tried to do. She understands the concern about asbestos. They know it's there, but it doesn't preclude building. It will add some cost to the program, but that would be factored into the package when they ask the voters to appropriate the funds. They hoped to continue with the slow, steady progress they have been making. The impact fees have been released, which

were also approved by the Planning Board. They have to get approval from the property owners; she already has verbal approval from one of them. With the ground frozen, they decided to wait til spring for the asbestos testing to be done. In the meantime, they want to continue with the process. She wouldn't object to including wording, which says "adjacent to the current site."

Selectman Charbonneau wondered what was going to be done with the property that was just purchased, once the tenants move out. Lisa said there are three options: 1) leave it vacant until a library building is approved; 2) rent it out, with the income placed in a capital reserve fund for the library; and 3) modify it for use by the library or as a meeting place. In the meantime, the library will absorb the heating and lighting costs in their operating budget. Selectman Charbonneau hoped the building wouldn't remain vacant because they'd lose money. Lisa said that's not their intention, but they have some details to work out. Chairman Madison asked if there are plans for an appraisal to be done. Lisa said yes, when they enter negotiations.

Motion by Selectman Seabury to forward this article to the Warrant, adding the words, "adjacent to the current site," and with a positive recommendation by the Board of Selectmen, seconded by Selectman Madison failed by a vote of 2-3. Selectmen Seabury and Madison voted in favor.

2. Salary Increase for Library Employees

"Shall the Town of Hudson raise and appropriate the sum of Eleven Thousand Eight Hundred Thirty One Dollars (~~\$15,774~~) (\$11,831) which represents a ~~4%~~ 3% increase in wages and benefits for the employees of the Hills Memorial Library?"

Motion by Selectman Jasper, seconded by Selectman Stewart, to forward an article with a 3% increase for the Library personnel.

Chairman Madison opposed the amendment because they have been trying to raise the salaries of all employees to be equitable with other towns and Hudson is between 11-38% less than people in other libraries around the state. Mr. Sharon asked if the 5% that was approved last year was applied across the board. Lisa said it was a 3% across the board, plus an additional amount for professional staff to give them a boost while, giving all of the employees an increase. Mr. Sharon asked what the impact of this article would be. Lisa said the Trustees would have to discuss it. They had wanted to give everyone a 3% increase, plus an additional amount to be distributed at the Trustees' discretion, as it is their prerogative to award the increases as they see fit.

Vote: Motion carried 3-2. Selectmen Madison and Seabury were opposed.

3. Lowell Road Widening

"Shall the Town of Hudson raise and appropriate the sum of One Million, Five Hundred Sixty Five Thousand Dollars (\$1,565,000) gross budget for the construction and widening of Lowell Road, [it is anticipated that this project cost will be offset by local agency funds for corridor improvements of Six Hundred Sixty Nine Thousand, Eight Hundred Eighty Six Dollars (\$669,886), with the remainder to be taken from surplus funds], and to authorize the use/transfer of not more than Eight Hundred Sixty Five Thousand, One Hundred Fourteen Dollars (\$865,114) from the unexpended 6/30/2000 fund balance for such project?" (This appropriation is in addition to Article #___, the Operating Budget.)

Chairman Madison recognized Mr. Sharon, who said the way they originally put this article together, they felt that even though gross budgeting did not include monies spent directly by others, it would give a clearer picture of what the project really cost, if they included federal and state funds. This raised some question and the Budget Committee has acted unfavorably in this article and, with the gross budget inclusive of those state and federal dollars, it would even take it beyond the 10% watershed mark so the article would not even be considered by the Town. It is not necessary that they incorporate funds that are being spent directly by others. The state would manage that project and spend their own money. It requires no direct appropriation by the Town at Town Meeting for those dollars. Further incorporated in the local share, they had talked about with the corridor improvements and were \$198,000 which had been approved at the 1996 Town Meeting for acquisition of right of way. The numbers before them on the amended warrant article show a project with a gross budget of \$1,575,000 which is the remaining local share which needs to be appropriated and spent by the Town. It incorporates corridor funds of \$669,886 and leaves a remainder of \$865,114 which, by a previous Board action, is proposed to be taken from unexpended surplus at the end of the year.

Chairman Madison noted that there was a Budget Committee member in the audience and she said, whether or not he agreed with the article, she hoped he would carry the Selectmen's message back to the Budget Committee. She understands when the Budget Committee voted on this, they did not have all of the facts and she also heard a lot of comments were made. She has the tapes, but hasn't had a chance to listen to them yet. There were comments made that the Town did not want this last year, so why should it be brought forward this year. As a matter of fact, this did pass last year by a majority vote, but it needed a 2/3rds vote to pass. Senate Bill 2 has been changed, and they don't need a 2/3's vote, they need 60%. The reason the Selectmen brought this back again is because it's an 80% state match, with only 20% paid by the Town. This is the last year they can receive this money from the state. If they do not get it voted in this year, they are going to lose the money. Sooner or later, Lowell Road will expand, and the Town may end up having to foot the entire bill. They can't continue growth at the rate they are going without improving the roadways. Traffic is not stacked up and if another school is built, kids riding the buses will be stuck in traffic, along with business commuters. Lowell Road is already in failure. Anything that can be done to improve it would be wonderful. She hoped they could work together to do what is best for the entire Town. She votes on a lot of things she doesn't agree with, but does so because it's in the best interest of the Town. She hoped members of the Budget Committee would consider all aspects and vote what is best for the Town. She asked Mr. Drabinowicz to let the Budget Committee know the Selectmen brought this back because the state will pay 80%. Selectman Jasper said he'd personally carry that message forth to the Budget Committee.

Motion by Selectman Jasper, seconded by Selectman Stewart, to withdraw the previous Lowell Road widening article and submit this new one in its place.

Selectman Jasper knows that some will view this new article as subterfuge, but when they voted on the first article, it crossed his mind that they shouldn't be gross budgeting the state amount in there because the money is not coming to the Town. They never put state money in a project. They gross budget the amount of money they are going to pay to the state. He feels that the money from the agency funds shouldn't be in there because they spend money from the corridor accounts all the time. State law is set up so that they don't have to have that in the budget. They are free to spend the money however they want. He understands the accountant wants them to have it in there, so they will comply, but as a matter of law, it need not be in there. The first year they put for the highway garage, they didn't have that kind of money in surplus. The next year, they had surplus, but not enough to do Lowell Road at the same time, so they went forward with a bond. Last year, the state said that was going to be the last year the funds were available, but they were behind on schedule and couldn't finish the project as they expected. Therefore, he thinks that this year is actually the last shot they will have. The Selectmen aren't playing games with the surplus and it's not subterfuge.

Chairman Madison would hate to see them not be able to use the money from the state, which will go to someone else, and then two, three years down the road, the people of Hudson will have to pay for the whole thing. Selectman Charbonneau said if they don't go forward with the project, it will stop at Haffners. She, Lenny Smith and a couple others went up to speak to the state about the project and they were happy to take it up to Executive Drive because of the pressure they put on the Town because of the bridges. If this doesn't go forward, the taxpayer will end up paying for the whole thing.

(Start Tape 2, Second Side)

Vote: Motion carried unanimously.

Chairman Madison asked if anyone had a problem if she recognized John Drabinowicz. There were no objections. Mr. Drabinowicz said during their meeting when it was discussed, three issues came up. The first one was it came to them at the last minute with no documentation and no plan. Secondly, some of the members felt there was an ongoing cycle where they go for a bond and if it doesn't pass, they go to surplus. Some of the members were not comfortable with having a five-lane highway on Lowell Road and no one was present to address any of those concerns. There was a lack of communication all the way around. If the Selectmen and Budget Committee could get together, it would help to get things resolved.

Chairman Madison asked him if the Budget Committee would let them know when this was going to come up. John said it will come up again when they take their final vote after the public input session. They don't plan to revisit that until then. Chairman Madison thought it was the Budget Committee's charge to make sure the Town is running in a fiscally responsible manner, she didn't

think they should be setting policy. John asked how they could decide whether or not something was financially responsible if they didn't have any information. Chairman Madison couldn't believe they didn't have any information, as there must be a book of information on the Lowell Road widening. Paul said Steve sent over all of the warrant article, with a summary sheet and the night he was there, he explained a little bit of what had been going on with the Lowell Road corridor and then solicited questions from the Budget Committee, and didn't receive any.

4) Street Acceptance

"Shall the Town vote to accept 160 feet (more or less) of Gambia Street? This is an existing street and there are not costs associated with acceptance."

There was some confusion on this. Mr. Sharon said it was put forth by the Town Engineer. Selectman Jasper interjected that this was a street down by the river off of Webster Street that came in this summer that the developer had built houses off of it. At the time it came before them, he pointed out that it didn't meet current Town standards, so it would have to go to Town Meeting. It had the recommendations by Town staff, but the Board couldn't legally accept it. It was an existing street, a little nub of a thing, and houses were built off of it.

Motion by Selectman Jasper, seconded by Selectman Stewart, to send it to the Warrant carried 3-2. Selectmen Charbonneau and Seabury were opposed.

5) Establishing a Vehicle Replacement Capital Reserve Account for Fire Apparatus

"To see if the Town will vote to establish a Vehicle Replacement Capital Reserve Account under the provisions of RSA 35:1 for the purpose of replacing fire apparatus (engines, ladders, tankers, pumpers, rescue trucks) and to raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) to be placed into this account, ~~and to designate the Board of Selectmen as agents to expend the funds in this account. This account would be set up and would work as does the present ambulance capital reserve account.~~"

Mr. Sharon said there is no necessity for the Board to change the article, as it is the one the Selectmen put forth. However, the Budget Committee has requested the Selectmen amend it by naming Town Meeting instead of the Board of Selectmen as agents to expend and they would like the initial \$50,000 to come from surplus. Mr. Drabinowicz said the Budget Committee felt this should be worded the same way as the ambulance article, since it states that it is. They don't have to put in Town Meeting as agents to expend, because that is defacto. Selectman Jasper said he was going to abstain on voting, but hoped they would vote to take out designating the Selectmen as agents to expend.

Mr. Sharon said they would delete everything after the words, "to be placed into this account," and suggested they add "and authorize the use/transfer of not more than \$50,000 from the unexpended 6/30/2000 fund balance." Selectman Jasper said if this is going to be a capital reserve account, they are going to put money into it each year and it's going to take a hit in the budget, so it might as well take a hit the first time. Selectmen Madison, Seabury and Charbonneau agreed, saying it was safer doing it that way instead of coming from surplus.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to withdraw the previous warrant article that was sent to the Budget Committee carried unanimously.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to send the amended article to the Budget Committee carried 4-0. Selectman Jasper abstained.

6) Combined Dispatch

Chairman Madison stated that the report isn't in yet, so a warrant article cannot be formulated yet, but it will be on the next agenda. When the Selectmen do receive it, she'd appreciate their taking some time to read it.

7) Assistant Fire Chief

Chairman Madison understands that the Selectmen were accused of coming in through the back door

on this, but they have been talking about this in open session for a long time, and they have been very open about this. The Budget Committee has removed the Assistant Fire Chief from the budget. There is a warrant article that is advisory only that they would bring new positions before the Town. They've had several meetings with the Chief and really feel they need an Assistant Fire Chief, so they went against the advisory warrant article. Selectman Jasper objected to the Chairman's terminology, saying they have brought all new positions to Town Meeting, but they have changed titles around.

Selectman Jasper said he'd abstain from voting on the issue, but he believed the Board should fight this on the floor of the deliberative session of Town Meeting and they should go ahead with the article for the three firefighter positions and fight to put the money back into the operating budget. They shouldn't be in a position of hiring someone as Assistant Chief and then telling him his position is on the March warrant. Chairman Madison agreed. Selectman Seabury said she was very tired when the Budget Committee acted on this and vaguely remembers them taking \$45,000 out of the budget and then they put it back in; she didn't fully understand it.

Mr. Drabinowicz said the Budget Committee felt this wasn't just adding a body; it was a drastic change in a position. Part of the advisory warrant article was that any new position, or substantially changed position, should go to Town Meeting and they felt this was a combination of both. They took the Assistant Fire Chief's position out of the budget, but they put back in the position of the firemen that was transmuted into an Assistant Chief. They felt that was a cleaner way of doing it. They were glad the Chief came in with a warrant article and were at a loss as to why the transmutation process was happening. It happened last year and the Budget Committee objected to it; it happened again this year and they objected to it. They wanted the Board to know this wasn't the most sound way of doing things. Chairman Madison asked when it happened last year. John said it was the Fire Prevention Officer and the Fire Marshall. Chairman Madison said if you look at the Minutes, the position was never unfrozen, regardless of the intent. This is a brand new year and they want to move forward, hopefully with an Assistant Chief.

Selectman Jasper asked what the Budget Committee did with the article for three firefighters. John said the Budget Committee felt the Chief does need some more Indians, so they voted in favor of the firefighters, but they didn't think they could take the firefighter out of the budget that a previous Town Meeting had put in. Chairman Madison said she thought the Fire Chief was the one who determined what help was needed in the Fire Department.

Fire Chief Carpentino said that was a pretty accurate depiction of what happened at the Budget meeting. Chairman Madison asked the Board what they wanted to do. Selectmen Jasper said they should go forward at Town Meeting and deal with it then. The other Selectmen agreed.

8) Property Appraiser

Paul Sharon said the Board already sent to the warrant an article relative to this position. The Assessor is asking that the article be amended to clearly point out that that position could or would be totally funded out of the administrative grant that we got from the state relative to the education funding, HB-684. Selectman Jasper said it has already gone forward and it has a recommendation from the Budget Committee and he didn't like doing things like this, particularly when it's a one-shot deal. It would be like saying this was a free position, but then the taxpayers would have to pay for it next year. Selectman Seabury asked what would happen with the grant money. Selectman Jasper said it would be used to offset the tax rate. Chairman Madison said other departments may want to use some of the money. Mr. Sharon said only three departments are affected: Assessing, Financing and Town Clerk/Tax Collecting and it is, indeed, a one-shot deal. In the Assessor's case, they all know that the position he's asking for is not a position that is going to be voted in overwhelmingly because people cannot relate to the hiring of a Property Appraiser as being something that's for the Assessor's Office that's something that's going to be directly beneficial for the taxpayer. He's running an unpopular department and he's trying to get the article written in such a way that he stands a better chance of getting it passed.

The general consensus was to leave the article the way it was originally written.

8. NEW BUSINESS

A. Public Hearing/Board Action on Megan Drive Street Acceptance (Reeds Brook Subdivision)

Chairman Madison opened the Public Hearing at 9:30 and asked if anyone wished to comment on this issue. There was no response, so she closed the hearing.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to accept Megan Drive as a Town street carried unanimously.

B. Sewer Abatement Requests (S-2000-04 and S-2000-05)

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to grant the abatement applications listed on S-2000-04 and S-2000-05, as recommended by the Sewer Utility Committee, carried unanimously.

C. Assessing Items

1) Abatement Applications (Joyce Goodale, 122 Kimball Hill Road; Robert Litch, 7 Sterling Way; Carl and Gloria Pomroy, 28 Frenette Drive)

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

1. Veteran's Tax Credit Applications (Charles and Patricia Pantazis, 20B Quail Run Drive; Neil and Jill Daley, 18 Jump Lane; George and Elaine Lamarche, 25 Glasgow Circle; David and Sandra Houde, 35 St. Laurent Drive)

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

2. Totally Disabled Exemption (Harold and Yolande Rowell, 6 Marshmallow Path)

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

D. Licensing of Poles on Various Streets in Hudson

- 1) 944185 Derry Lane
- 2) 925270 Commercial Street
- 3) 559169 Executive Drive
- 4) 945628 Sagamore Road
- 5) 945042 Clement Road
- 6) 945478 Riverside Avenue
- 7) 925865 Steele Road
- 8) 944207 Wason Road
- 9) 925666 Flagstone Drive
- 10) 925709 Kimball Hill Road

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve as recommended by staff, carried unanimously.

8. OTHER BUSINESS

A. Zoning Petitions

Motion by Selectman Stewart, seconded by Selectman Jasper, to forward to the Planning Board a petition to amend the Zoning Ordinance, Map 59, Lot 35 and Map 23, Lots 31, 32 and 32-1, Derry Street and Elm Avenue, carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Stewart, to forward to the Planning Board any zoning petition received by the Selectmen's Office by the close of business on the 15th that has been validated by the Town Clerk's Office to ensure it contains at least 25 registered voters' signatures carried unanimously.

B. Selectmen's 2000 Meeting Dates

Motion by Selectman Stewart, seconded by Selectman Jasper, to continue with the Board of Selectmen meeting dates of the 2nd and 4th Tuesdays on the month for the year 2000 carried unanimously.

Selectman Charbonneau didn't like going three weeks between meetings, which happens on some months. Selectman Jasper agreed, saying that the meeting tonight wouldn't get over till after 11:00. Chairman Madison said that on the months with a third week, the Executive Assistant should alert them and at the previous meeting, they can schedule another meeting, which doesn't necessarily have to be on a Tuesday.

(Start Tape 3, Side A)

C. Forwarding Warrant Articles to the Town Attorney

Motion by Selectman Jasper, seconded by Selectman Stewart, to forward the articles to the Town Counsel for approval and editing carried unanimously.

D. DOT/Benson's

Selectman Stewart asked if Selectman Charbonneau has spoken to DOT about Benson's. Selectman Charbonneau said she tried to call (Nancy Mayville) the other day, but she wasn't in.

E. Firefighter's Boot Drive for Worcester, MA Firefighters' Families

Selectman Stewart said the Hudson firefighters would like to organize a boot drive for the families of the firefighters who died in a recent fire in Worcester, MA. Chief Carpentino said Dave Morin was contacted by a couple of Call firefighters who wanted to orchestrate a boot drive to help raise money for a scholarship fund for the families of the fallen Worcester firefighters. He doesn't know the date or time yet, but it won't be a Union activity. Chairman Madison clarified that it would be for the scholarship fund. Chief Carpentino said it's his understanding that the fund has been established and it is for scholarships and to help the families through the years. Selectman Charbonneau said she'd like to know where it is going to be located. Chief Carpentino said as soon as he gets the information on it, he'll send it over to the Selectmen.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, that the Board of Selectmen grant approval to Dave Morin and the Call firefighters to participate in a boot drive for the Worcester Fire Fund carried 4-0. Selectman Jasper abstained.

F. New Appointment to the Land Preservation Committee

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to appoint Leonard Smith to the Land Preservation Committee.

Chairman Madison asked if he applied. Selectman Jasper said yes, to him. Jean Serino, another member, declined to participate. There are three other members.

Vote: Motion carried unanimously.

8. LICENSES AND PERMITS**Hawker-Peddler Request by Michael Roy of Ace Catering to operate a Mobile Food Service vehicle in Hudson**

Motion by Selectman Jasper, seconded by Selectman Seabury, to approve, provided his licenses are renewed next April and May, as noted carried 3-2. Selectmen Charbonneau and Stewart were opposed.

9. ACCEPTANCE OF MINUTES**A. BOS Minutes of 11/05/99****B. BOS Minutes of 11/23/99**

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

8. COMMITTEE ANNOUNCEMENTS

12/15 7:30 Budget Committee Meeting in P/Z Mtg. Rm.

12/15 7:00 NRPC

12/16 7:30 ZBA Meeting in BOS Mtg. Rm.

12/16 7:30 Budget Committee Meeting in P/Z Mtg. Rm.

12/20 7:30 Conservation Commission in P/Z Mtg. Rm.

~~12/22 7:00 Planning Board Meeting in P/Z Mtg. Rm.~~

12/24 Town Hall Closed for Christmas Holiday

12/28 7:30 BOS Meeting

There will be no Planning Board meeting on December 22; there is a Land Preservation Committee meeting scheduled for 12/16 and a Budget Committee meeting scheduled for 12/17.

9. REMARKS BY THE SELECTMEN

Selectman Jasper said at Chairman Madison's retirement bash, he apparently hurt Ann's feelings when he made the remark that the Chairman was the hardest working Selectman and she let out a whoop and he was going to speak to her after the meeting, but obviously she was so crushed, she ran right out of the room. "Sorry, Ann." Chairman Madison said the two Selectmen were the best speakers. Selectman Charbonneau said the mike was terrible. Selectman Seabury said they were the only two that didn't need a mike.

Selectman Charbonneau asked if anyone has checked into the problems at Jimmy's Pizza. Chairman Madison said the RAVE parties have been discontinued.

Selectman Stewart congratulated Laurie Jasper on the book she has had published. She put her heart and soul into it, especially for someone who is not a Townie. She did a great job.

Selectman Madison said she didn't have any animosity toward the Budget Committee, but she needs to listen to the tapes because she has heard that some horrendous things took place and she wants to form her own opinion. She will be at the public hearing. She thanked everyone who attended her retirement party and wished everyone a Merry Christmas.

10. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Seabury, 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, other than a member of the body or agency itself, unless such person requests an open meeting; (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, likely would benefit a party or parties whose interests are adverse to those of the general community; and Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:45 p.m. and was terminated at 10:55 p.m.

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

Motion to hire Matt St. Laurent as the Assistant Fire Chief at a salary of \$54,415, Non-Union position, starting date of January 2, 2000, with a six-month probationary period by Selectman Seabury, seconded by Selectman Charbonneau, carried 4-0. Selectman Jasper abstained, but stated he endorsed the action.

Selectman Charbonneau wanted to make sure everyone knew it was a salary of \$54,415, *plus benefits*. The other members said they did. Chairman Madison congratulated Mr. St. Laurent. Selectman Seabury asked where he was going to be located. Chief Carpentino said at the Central Station, at the top of the stairs, left hand side.

Motion by Selectman Jasper, seconded by Selectman Stewart, 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, other than a member of the body or agency itself, unless such person requests an open meeting; (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, likely would benefit a party or parties whose interests are adverse to those of the general community; and Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof

because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled carried 5-0 by roll call vote.

Nonpublic Session was entered into at 11:03 p.m. and was terminated at 11:35 p.m.

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

Motion by Selectman Seabury, seconded by Selectman Stewart, to hire Matthew Cox as a full-time firefighter/EMT-I at \$24,270.08 effective January 2, 2000 and after a 6-month successful probationary period, he will be on the contract scale, carried 4-0. Selectman Jasper abstained.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to hire Sabrina Abbott and Tim Chabot as part-time Fire Dispatchers, starting immediately, at \$7.50 per hour and then to \$10 after successful completion of training carried 4-0. Selectman Jasper abstained.

15. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Stewart, to adjourn at 11:40 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