

## HUDSON BOARD OF SELECTMEN

## Minutes of the November 9, 1999 Meeting

Chairman Madison opened the Public Hearing at 7:05 p.m. and recognized Tom Sommers, who reviewed his amendment to the Sewer Master Plan (copy attached to original set of Minutes). In the audience of the Selectmen's Meeting Room at Hudson, NH Town Hall were about 35 people, including staff, developers, attorneys and citizens. A recommendation he made, not in the amendment, was to develop a table of usage, based on existing consumption data for different bedroom types of single family homes, apartments and condominiums, of what is going to be allowed so density can be determined on the basis of those allocations. There are about four industries that have expansion plans. They have been in Town for awhile and have already started their expansions, but they didn't make their applications before the moratorium. He, therefore, recommended to the Board to consider those on a case-by-case basis with respect to allocation. They are also being asked to use the best water conservation they can. There are two parcels outside the sewered area that are being considered for development that the Town needs to deal with: Northridge Estates subdivision across from Alvirne, and a future school site. Following his presentation, which everyone followed along with on individual handouts, he entertained questions.

Raymond Shea, Holden Engineering, 9 Constitution Drive, Bedford, said he was present at the request of Wal\*Mart, who has one unbuilt parcel adjacent to SAM's. Back in '91, Wal\*Mart was permitted for 20,000 a day sewer capacity. Between SAM's, Wal\*Mart, Friends Lumber and what was Common Crossing and is now the muffler place, they are up to 16,000-17,000 gallons a day. Wal\*Mart has been in discussions with a user for about 2,800 gallons a day for that site. He asked if that capacity would still be available to them. Town Engineer Mike Gospodarek thought they would be impacted by the 1,000 gallons per day per acre. Mr. Shea clarified that then they weren't locked into that original 20,000. Mike said that was correct. It wasn't taken advantage of before the Town placed the sewer moratorium. Tom Sommers said he didn't know what the status of the 20,000 gallons a day is. He was talking about industries who paid a certain amount of money on that basis and, therefore, are locked in. He thinks that will have something to do with how that's worked out. Mr. Shea thought Wal\*Mart was paying \$5,700 a year for 10 years. Mr. Gospodarek said that was for part of the Sagamore pump station. Wal\*Mart is like everyone else. They came in and applied for a sewer permit, received capital assessment and that site hasn't come forward yet.

Jim Bickford, Operations Manager for Performance Materials, 4 Park Avenue said they have experienced a lot of growth in the six years they have been in business and anticipate continued growth. Having the ability to increase their processed water discharge will impact them on expansion. They anticipate additional uses in the second or third quarter of the upcoming year and considerably more after that. They currently are committed for 9,700 gallons a day. Mr. Sommers asked what their expansion plans were in terms of more flow. Mr. Bickford said probably about another 6,000 gallons a day towards the end of 2000 and possible another 6,000 - 9,000 a year or two after that. Mr. Sommers said this is one of the situations he brought up in his Conclusions that the Town needs to look at and evaluate on a separate basis, but his recommendation would be to give due consideration to applications made before December 30, 1999 which would mean he would have to come for whatever he wanted at that time with respect to permitting and, in a general sense, the sewer capital assessment fee, but there are also changes in the sewer capital assessment fee.

Attorney Jeffrey Zall, Nashua, representing Paul Villamiere, Northridge Estates Subdivision (across from Alvirne), said he made his client's position clear in a letter sent to the Board. He asked if when it was determined what properties were in the sewer boundary, if they considered properties across the street from existing sewers, such as his client's property. Mr. Sommers said usually, but he knows that parcel has particular circumstances surrounding it. In that area, since there is no sewer line along Derry Road, there is no access to that sewer except at a point, so that was taken into consideration. It had to be adjacent and available to connect. There are a couple other sites they will have to look at because they go across a State (background coughing) highway, and they would have to use a boring rig or a jack, which is not financially feasible. The Town may take them out and say they are not part of it and they may decide they want it that way, too. Atty. Zall urged the Board to consider his client, and possibly other sites, as special cases, those who have gone through the process in good faith, anticipating and expecting sewer availability to complete their project, who may have been in the pipeline for a year or two, and now find that the project can't happen because they find they are outside the scope of the sewer boundary, and allow those parcels to get into the sewer allocation formula. These project proceeded in good faith and his client had Planning Board approval.

Attorney Brad Westgate, Nashua said the recommendations would undoubtedly require deliberation by the Board and determination whether or not to implement them, but it will also require the passing of additional ordinances or regulations under which the Board and Sewer Utility Committee can operate under, such as procedures regarding the allocation process, the application process for expansion, the determination of existing rights, etc. He asked if there has been an analysis done as to how the procedural steps will occur and the timing involved. Chairman Madison said, regarding timing, they do not have a schedule for implementation of procedures, but they will be voting on the recommendations under Other Business tonight. Atty. Westgate said there has been no determination on the implementation phase yet, regulations they may need to consider changing, new ones they may need to implement, time factors involved, etc. Chairman Madison said that was true and it was something they would have to look at. Atty. Westgate said the moratorium was due to expire and wondered if there was any thought process given to how that dovetails into tonight's process. Chairman Madison said if they act on the recommendations, they will be able to continue. If not, they will have to set another hearing and set some future dates. Town Administrator Paul Sharon said legal counsel has advised that for the Board to continue the moratorium, which expires on Monday, they would have to have a Special Meeting Friday night to vote to do so. Atty. Westgate said he has been involved with the development of the Lexington Place project on Derry Lane and about a year ago, the SUC and State Water Supply and Pollution Control permits and approvals were issued. He wondered whether the permitted component of that has been analyzed within the recommendations

presented, based on the flows analyzed and approved by the SUC and the State, or how that thought process occurred. Mr. Sommers said those flows have been included, because he remembered the name.

There being no further questions, Chairman Madison closed the public hearing at 7:35 p.m., saying that the Board would act on this under Other Business tonight, and thanked Mr. Sommers for the presentation.

1. **CALL TO ORDER** by E. Lorraine Madison at 7:40 p.m.
2. **PLEDGE OF ALLEGIANCE**, led by Selectman Terry Stewart.
3. **ATTENDANCE**

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

**Staff/Others:** Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Tom Sommers, Sewer Utility Consultant; Mike Gospodarek, Town Engineer; Mike Reynolds, Town Planner; Frank Carpentino, Fire Chief; Kevin Burns, Road Agent; Donna Staffier, Sewer Utility Clerk; George Hall, Planning Board; Terry Wiggin; Howard Dilworth; Coleman Kelly; Nancy Regan; John Drabinowicz; Tim, SUN; Josh, TEL; Fidele, HLN

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

- A. **Chairman E. Lorraine Madison** said she wanted to speak first in order to right a wrong. At the last Selectmen's meeting, they talked about school impact fees and she not only voted on it, she seconded the motion. At the time, Selectman Jasper mentioned that since she worked for the school department, she should not be voting and she had responded by saying she worked for SAU 27, not Hudson. Tonight, she admitted that Selectman Jasper was right and she should not have voted on the issue, or even taken part in the discussion. She was thinking about the issue, not about the fact she worked for the school. However, upon reflection after she went home, she thought, "Oh, what did I do!" At a previous Selectmen's meeting when Bill Kress came before the Board to talk about the land for the school on Route 102, she abstained from voting. Even though it did not have an impact on the final result, she should not have voted on the school impact issue. When it comes up again tonight, she will not vote on it, nor will she vote on any further issues that have to do with the school. She apologized to the body.
- B. **Selectman Ann Seabury** said she called her family lawyer, her daughter, Suellen, and told her about the dilemma. Suellen agreed that Chairman Madison was definitely wrong to have voted on the issue, but that she (Selectman Seabury) was borderline in that she is a part-time employee of the school department and receives no benefits. Suellen, however, recommended that Selectman Seabury not vote on any school issue. Selectman Jasper has agreed to cover the Budget meetings when school issues are discussed.
- C. **George Hall, 18 Par Lane, re. Proposed New School** – Mr. Hall said he was present to ask the Board to support the School Board and to release the impact fees they have asked for. It's amazing how anything gets done in a democracy. Volunteers are asked to serve on committees, and they spend a great deal of time and effort doing so. They are expected to do a perfect job, have all of the answers, keep the costs down all with no money. It's impossible for volunteers to have all of the answers. He agrees with what the School Board has come up with, but he believes that everyone involved put forth a proposal they thought had the best chance of passing at Town Meeting. It's easy for the Selectmen to say no, but that answer isn't going to help them do anything. He asked the Board to support the School Board and do whatever they could to assist in coming up with a plan that does have answers. One way to do that is to give them some money to work with. They need to get answers from professionals who can put a package together that the voters can understand. It would have been good if the School Board had known what plan the Board of Selectmen would have supported before they made their choice. He thinks the public would like to know why the Selectmen won't support the plan put forward. The School Board was criticized last year for not putting forth a complete package, but they can't go through another year of doing nothing. He hoped the Selectmen would do what they can to see that something is accomplished. He personally likes the plan that was put forward, but any plan is better than none. If they squabble among themselves, nothing will get done.
- D. **Howard Dilworth, 36A Old Derry Road, 'Sauce for the Goose'** – Mr. Dilworth said he had come before them to talk about the Code of Ethics Ordinance, but there isn't any reason to say what he was going to say. Based on what he just heard, he wanted to salute Chairman Madison and Selectman Seabury for having the courage to come forward and say they made a mistake. By doing this, it shows that they are a class act.
- E. **Karen Soucy, 2A Lenny Lane, School Impact Fees** – Ms. Soucy asked the Selectmen to please consider the School Board's proposal asking for release of the impact fees. The children on Hudson are in a critical situation. This isn't a matter whether or not people agree or disagree with the proposal put forth by the School Board. The Advisory Committee presented solutions to the School Board, and it's only fair to the Town to see what the proposal is about and what it will do.
- F. **Betsy Cormier, 212 David Drive, School Impact Fees** – Ms. Cormier spoke in support of releasing the school impact fees to help the School Board present a solid, concrete proposal to the voters. Without the release of the funds, it will be impossible for people to hear all of the details. The School Board is operating under a default budget; there's no extra money there. A lot of people in the

community have worked very hard, and are continuing to work hard, toward a solution, dedicating a lot of personal time. Without the fees to pay for an architect, the Town won't get the information it needs and deserves.

- G. **Charlotte Schweiss, 28 David Drive** – Ms. Schweiss said as a resident, she supports the School Board's decision 100% and asked the Selectmen to reconsider their vote in releasing the \$90,000 of impact fees in order to hire an architect to complete the plans to complete the package. By not releasing the funds, it does not give them the opportunity to present to the Town a complete package and, without that, it won't pass. She asked the Selectmen to work together so they can get something done. There isn't a perfect answer for the Town, but she believed this was a viable solution and if they all join together, they can make it work.

## 1. **CORRESPONDENCE RECEIVED**

A. From: Kevin Burns, Road Agent

Re: Lawn Irrigation Systems in Town Right of Way

Refer to: New Business

B. From: Mike Reynolds, Town Planner

Re: Highland Street to McDonald's Route 102 Improvement Project

Refer to: New Business

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to receive Items A & B, with appropriate referral, carried unanimously.*

## 2. **OLD BUSINESS**

### A. **School Impact Fee Request**

Chairman Madison recognized Assistant Superintendent Terry Wiggan, who thanked the Board for placing this back on the agenda, saying he appreciates the difficult position two of the members are in. He asked the Board to reconsider their vote to release impact fees for the purpose of architectural design and for the types of site engineering and initial work that needs to be done in order to get the design off the ground. They would like to get this information to the voters, among which is a guaranteed maximum price. The funds would also provide them with some of the site engineering work that will expedite the process, if the voters approve it, because part of the \$90,000 would be used to do some of the initial work, licensing and fees and applications with state and local officials. He said at a previous meeting, there was talk about Town years and School years, and maybe this was the School's year. He'd like to think this is the Community's year and, hopefully, every year can be a Community's year. The School has a lot on its plate this year, but they are trying to make in-roads between the two administrations to work together. Kevin Burns has been very helpful, and they are looking at exploring ways he can do some things to use the Town's resources to reduce the burden to the taxpayers. Hopefully, they can work together to get a project that benefits the entire community off the ground.

Selectman Jasper said he feels very strongly that Hudson needs a new school and he hopes this is the year they get one. He's very disappointed with the process that was used and feels he was on a freight train that crashed. The committee, of which he was a part, put four proposals forward, and two of those proposals were not considered by the School Board. All of the committee members would most likely agree that one of the proposals was probably the most cost-effective, although not all of the members may have approved of the concept. The School Board chose not to price that out. The proposal they came forward with was probably \$6 million higher than the other option, but they have no way of knowing for sure. He intends to do some research in and come forward with a proposal of his own. He'd like to think that even if the proposal he favored were here, he would not be in favor of releasing the \$90,000. Lenny Smith, also a member of the committee, had said he didn't know of another Town project where these kind of monies had been spent before approval was obtained. There had been architectural renderings done, but not to this extent, and Lenny has been involved in every major Town project in the last 50 years or so. He didn't think this proposal was going to pass because it's much too expensive. Therefore, he would not be voting to reconsider, nor would he vote in favor of releasing the funds. He regrets they are at the point of having no alternatives, but that was a decision made by the School Board. He thinks they made it, knowing they were going to limit the options. He's had extensive phone conversations with several School Board members, right up to the last minute, and was led to believe other things were going to happen and other information was going to be available and it came as quite a surprise to him when that wasn't the case. He feels very used and other members of the committee feel the same way.

Chairman Madison clarified that Selectman Jasper was a member of that committee as a resident, not as a Selectman. Selectman Jasper agreed, saying that was always very clear.

Selectman Charbonneau said they definitely need schools, but she is not in favor of releasing \$90,000. Things should have been done with more thought.

Selectman Stewart said as a parent of a child that does attend Memorial School, she is aware of the overcrowding issues there, but she agrees with Selectmen Charbonneau and Jasper. This just shows poor planning on behalf of the School Department and the School Board, which has created the difficult position before them now.

**B. Sewer Abatement Request (Delta Properties, 9 Industrial Drive)**

Chairman Madison said Selectman Jasper had asked that this item be deferred at the last meeting, pending more information. Selectman Jasper said after looking at the additional information provided, he thought it would be wise to deny the abatement. As he suspected, the information indicates that the owner of the property has someone interested in buying the property and would be willing to clean it up, but they don't want to assume the \$50,000 for back taxes and sewer assessment. If the Selectmen approve the abatement, they would clear the books and give the landowner the ability to sell the property free and clear after, essentially, saying that the property is useless. That wouldn't be fair to the rest of the taxpayers. This may be something they want to look at in terms of negotiating, but it would be a benefit to the taxpayers to have this on the tax rolls. This property shouldn't be treated any differently than any other piece of property in Town that has been paying sewer assessments and CAP fees. Usually problems that come with the land reduce the value of the land to the landowner and not to the Town. He assumes the property taxes reflect a lower value because of the problem.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to deny the abatement carried unanimously.*

**C. Sale of Town-Owned Property (347 Central Street)**

Chairman Madison said this property was put out to bid. Town Administrator Sharon said the bid opening was on Friday [November 5, 1999] and two bids were received, one for \$70,000 and one for \$80,000. It's still not clear which of those bids is really in the best interest of the Town. Selectman Seabury asked if they always have to take the lowest bid. Mr. Sharon said no, they don't. They have the option to take the bid that's in the best interest of the Town, or they can reject all bids.

*Mr. Sharon requested that this be deferred until the next meeting to give him an opportunity to review it with the Town Attorney and come back to the Board with their options. Selectman Jasper so moved, seconded by Selectman Stewart, which carried unanimously.*

**1. NEW BUSINESS**

**A. Lawn Irrigation Systems in Town Right of Way**

Chairman Madison recognized Road Agent Kevin Burns, who said irrigation systems that are installed in the Town's right of ways interfere with plowing operations and street acceptances. He'd like the Board to adopt a policy stating that irrigation systems that are installed within the Town's right of way are done so at the system owner's risk and the Town will not be liable for repairs or replacement.

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to adopt a policy that if sprinkler systems are installed in the Town's right of way, the Town will not be liable for damages during Highway Department operations carried unanimously.*

**B. Highland Street to McDonald's Route 102 Improvement Project**

Chairman Madison recognized Town Planner Mike Reynolds, who said this project has a public meeting on April 20 and a public hearing in October. The project involves creating a center turn lane and two travel lanes, and the construction of sidewalks on both sides of Route 102. The value of the project is \$1,350,000. Because the local match is 20%, the Town's share is \$270,000. In 1996, the Town reserved \$95,600 in impact fees, which leaves a balance due to be reserved of \$174,400. He recommended the Board reserve that amount in order to indicate to the State that the Town is committed to providing their local share.

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to approve reserving \$174,400 from Agency Account 1050-091 for the Route 102 (Highland Street to McDonald's) project carried unanimously.*

(Start Tape 2, Side A)

Selectman Jasper said he has some concerns about David Rugh's ongoing driveway issue and four pieces of property regarding curb cuts. He'd like to put that issue on the next agenda. He didn't know if the other property owners have any issues, but perhaps they could get a map showing where the issues are and even pictures. Selectman Seabury said a vote was taken at the last Planning Board meeting, something about reducing driveways, because they're

under time limitations from the State. Selectman Jasper said he spoke with Paul about this and that was only a *recommendation* from the Planning Board; roadways are under the jurisdiction of the Board of Selectmen. He said Paul assured him there was enough time in the process to get a recommendation, but this one particular piece of property, which he hoped everyone read all of the correspondence on, presents quite a hardship to the property owner. There is an apartment on one side of the house and one on the other side of the house, and if you have two cars, it doesn't matter if they are going in one or two driveways; it doesn't change the number of trips a day. When the State widened Central Street, there was a curb cut left for the School District where there is no activity and then there are two other curb cuts that were left where there isn't activity. This causes an extreme hardship to the tenant in that property, who would have to go around the building to get to his side, for no apparent good reason. Chairman Madison said this would go on the November 23<sup>rd</sup> agenda.

## 1. **OTHER BUSINESS**

### A. **Sewer Master Plan Amendment**

Chairman Madison said the Sewer Utility Consultant, Tom Sommers, spoke about the Sewer Master Plan and he has made several recommendations. She asked for the will of the body.

Selectman Jasper said Tom has done an excellent job. They all know this is an unfortunate situation for everyone and it certainly is going to impact people and projects but there is really no choice other than to do it in a planned and reasonable manner. He didn't really know how they go about putting the recommendation in place, because there isn't any verbiage to accomplish that. He asked Tom what the Board needs to do in order to implement the changes. Chairman Madison mentioned that the Attorney has stated he didn't think there were any legal issues, if the Board were to adopt the recommendations made by the Sewer Utility Consultant.

Selectman Jasper said he has questions on one particular piece of property, which he indicated on a map to Tom Sommers. Following their brief exchange, Selectman Jasper said the Board could adopt the map, subject to revisions. Tom said yes, but the revisions should fit within the guidelines of the recommendations.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to accept the report and approve the recommendations contained within the report, subject to revisions to the map that fall within the guidelines set therein, and further, that anyone who is in the process and has vested rights, legal counsel will review their plans, carried unanimously.*

Chairman Madison said the Sewer Consultant recommended approval on a case by case basis, so if there is a problem, they should apply either to the Planning Board, or Sewer Utility as a courtesy, which will eventually come before the Board of Selectmen. Tom Sommers said in reviewing projects on a case-by-case basis, the Selectmen may want legal counsel review the projects that have any vested rights, to make sure they are covered properly and, if they did have vested rights, that they get those vested rights. A detailed check of that has not been done. Chairman Madison thanked Tom, saying he did a wonderful job. Tom said he will be in touch with Mike Gospodarek on during his (Tom's) stay on the West Coast.

### B. **Delta Properties Issue (Refers to Item 6B)**

Philip Rogers said Delta Properties, the residue of the properties he bought from Clement Industrial Park, have been a problem because they contain asbestos deposits. It also has a long, narrow piece of land along Industrial Drive, with exorbitant water and sewer fees in comparison to the land. There's nine acres of land, but only about three acres are usable. At one time, someone was interested in the land, but he doesn't currently have a buyer for it. Three years ago, he offered to give this piece of land to the Town. In fact, the Town has the right to take the land because he hasn't paid the taxes on it and doesn't intend to. That's why he asked his attorney to approach the Town to see if they could meet to discuss it. The land can be utilized, but it doesn't have a lot of value. He was interested putting a building on the land, but too many fees have accumulated so it is impossible to do anything with it now. It's difficult for him to deal with the Town. He's lived here all his life and has served on the Sewer Committee and Planning Board. He was present tonight because of the moratorium issue, not because of this issue. If the Town wants to take the land, they can. If they can find a buyer, fine. He'll give the Town the deed and they can do whatever they want with it. If they don't want to do that, then let him use it at some very reasonable fee, and he will proceed with putting up a building. There is a demand for buildings, but it cost a lot more today to put up a building than it did 12 years ago. He would be happy if the Town just takes the land. He said he offered it to the Town years ago so they could put up a police station there.

Paul said there was a meeting with the Town Planner, the Assessor and Mr. Roger's attorney. Staff was told there was an interested party who exhibited some willingness to clean it up. Selectman Jasper understands the land is due to be deeded Friday, so he didn't see any reason not to take it. Mr. Sharon said Mike Reynolds is looking into Brownfield's grants. Selectman Charbonneau said it would make a good ballfield.

### C. **Increasing Lot Sizes in Hudson**

Selectman Seabury said they were going to do something about increasing lot sizes. Chairman Madison said their liaison was supposed to let the Planning Board know they were interested in having an article on the warrant about increasing lot size. Selectman Jasper thought that one of the attorneys was going to work on that when he came back from vacation. He thinks the Town did direct the attorneys to research that and to come back to the Board. Chairman Madison said it has to come from the Planning Board. Selectman Jasper said it can come from anyone, but it should come from the Planning Board.

Selectman Seabury said at the Planning Board meeting Chairman Hall said he read in the newspaper where the Selectmen are interested in increasing the lot sizes and asked if the Selectmen intend to send a warrant article before them because that would cause considerable difficulty since lot size proposal would be contrary to the Master Plan, with the result that the entire zoning ordinance could be thrown out.

Selectman Charbonneau thought the Master Plan states 2-acre lots. Selectman Seabury said unfortunately, the whole zoning ordinance would have to be changed. Selectman Jasper said that's why it went to the attorneys. Chairman Madison didn't want them to go past their time limit and find that nothing has been done. Mr. Sharon said the Planning Board has a workshop tomorrow night and Mike [Reynolds] is going to have a draft 'fill-in-the-blank' to open discussion with the Planning Board. With all of the discussion, there has never been anything definitive as to what the minimum lot sizes should be. Selectman Charbonneau said if the Master Plan states two acres, that's the way they should go. Chairman Madison agreed. Selectman Seabury said then it has to go in the zoning ordinance. Chairman Madison said then they'll have to do that, too. Mr. Sharon said that's by warrant article. Selectman Seabury said that's a lot of work because it all intertwines and that's how loopholes happen. Selectman Jasper said they better get off the dime. Chairman Madison said she thought this was in the process, having brought it up months ago and asked Mr. Sharon to track this down and to find out if there are any other ordinances that have to be changed, if they change the lot size. Selectman Jasper said the Master Plan belongs to the Planning Board, who can amend the Master Plan any time they want. Selectman Seabury said the problem was the zoning ordinance. **Mr. Sharon asked if the Board wanted this back on the next agenda. Chairman Madison said yes.**

#### **D. Damaged Fence at Benson's**

Selectman Stewart said Thurston's Landing had damaged the fence at Benson's and the developer is under the impression that since the State hasn't officially asked for their money for the fence that they don't have to pay for it. The Planning Board directed Nancy Minicucci to talk to Nancy Mayville because it cost someone some money. Mr. Sharon said the State is aware of that. Selectman Stewart said their engineer is adamant they don't have to pay for it unless the State pushes the issue, which she hopes they do.

#### **E. Excess Paperwork Distributed to the Planning Board**

Selectman Stewart said she asked Town Planner Mike Reynolds for costs on the excessive paperwork distributed to every Planning Board member re Sexually Oriented Businesses. (The photocopy cost was \$245.) She thinks it's a waste of paper. She hasn't totaled the costs from John Ratigan's firm to do the research for the Sexually Orientated Business from Seattle, Texas, Oklahoma, which really don't apply here. She thinks Mr. Ratigan and his firm are just wracking up the pennies against the Town of Hudson. In her opinion, and also most of the other Planning Board members, copying all of that paperwork was unnecessary. Mr. Sharon thinks he went into the Internet and pulled that material off West Law. Selectman Stewart whether it was \$10 or \$1,000 it was unnecessary. She asked to know what outstanding items Atty. Ratigan's firm is working on and the status of the projects. Mr. Sharon said, in talking with Mike Reynolds, the attorney was adamant in making sure that each Planning Board member had a copy of that case law. Chairman Madison said the attorney didn't copy the material, it was done here. Selectman Charbonneau didn't see the relevance of Taxes and Oklahoma. Mr. Sharon said there is some commonality, even though state statutes aren't necessarily the same. **Selectman Stewart asked to have a list of the cases for the next meeting that Donahue, Tucker and Ciandella are working on. Mr. Sharon said he'd get that.**

#### **F. Bush Hill Road Widening**

Selectman Seabury said the person doing the development for Thurston's Landing came before the Planning Board last week and the stretch of road near the barn, across from the Jackson property, is holding up the rest of the road widening, and he can't wait any longer. He offered the Planning Board \$75,000 in lieu of the work. Selectman Seabury thought that that was too low. He got upset and wondered if the Town was going to ask him for more money. The Planning Board is going to give them one final shot at that stretch of roadway. If the Board chooses not to do it, then the roadway will be wide, then narrow, then wide again. It's time for the Selectmen to fish or cut bait. Selectman Jasper said the last he knew Mike Gospodarek had done a revision that was going back and forth and he was waiting to hear from the State. Mr. Sharon said they were either waiting for the State or Mr. Jackson, but that's about the eighth iteration. Selectman Jasper doesn't think Mr. Jackson will be 100% satisfied, but they were very close to making the best possible deal they could and if they get State approval for that version, that's what they should go with. He hoped Mr. Sharon would put that on his list to see where that was. **Chairman Madison said she'd like that on the next agenda, if appropriate; if not, as soon as possible.**

**G. Vandals at Benson's**

Selectman Charbonneau said in talking with Nancy Mayville the other day, it seems that vandals are getting into Benson's and dumping tires. Selectman Stewart thought the vandals are getting in through the old parking lot. Mr. Sharon said the Police patrol it regularly. Selectman Charbonneau said Nancy is upset because the State has spent a lot of money up there. Chairman Madison said until the State turns the land over to the Town, there really isn't anything they can do.

**H. Condition of the Buildings at Benson's**

Selectman Jasper is concerned about the condition of several building roofs at Benson's. Two winters ago, the State promised they were going to do to the main barn; the elephant barn has got tarp over it; the train station is deteriorating and he'd be very surprised if that building wasn't leaking profusely. If the State, who promised to take care of those things, the buildings will be totally junk. As far as the vandals, any place that anyone can find to dump stuff, they do, so the driveway should be closed off, and they should put in a couple of yard lights because the police can't see if people are out there at 2:00 a.m. Selectman Charbonneau plans to visit Nancy next week. Chairman Madison said all of the Board's concerns should be documented in a letter to the State.

(Start Tape 2, Second Side)

Fidele Bernasconi, who asked about the records that were stored in the top of the train station, which will be ruined if the building is leaking. Selectman Jasper said there was some railroad stuff up there, but it would be good if they got permission to take it out. Selectman Charbonneau said that request should be in the letter, too, because that might play a big part in getting a grant. Mr. Sharon was asked to draft the letter.

**I. Budget Item List**

Selectman Jasper said something went right over his head on Saturday during the budget presentations. He's already spoken with Chief and Paul, but in order for Frank to meet the criteria they set for the budget, he did not fund the authorized third shift dispatcher position. They all know they are going to need that position in the reorganization. He didn't think it makes much sense to take money out of the budget that they're already authorized to have and then ask for reauthorization in whatever form that is. They ought to put the salary and benefits for the third shift dispatcher back in the budget where it belongs.

**Chairman Madison said they have some budget items they have to go over between now and the time they submit the budget to the Budget Committee. That should be put on the list so they can do it all at once.**

*Motion by Selectman Jasper, seconded by Selectman Seabury, to fund the salary and benefits for the third shift dispatcher carried unanimously.*

**J. Call Firefighters Draft Agreement**

Selectman Jasper said, relative to the Call Firefighters and the draft agreement, it states a 3-year minimum, but the motion that was made says they shall stay with the Town a minimum of 2 years. Mr. Sharon said the draft agreement is still with the attorney.

**1. LICENSES AND PERMITS****Hawker/Peddler request by Maurice Boyer to sell Christmas Trees at SAM's Club and Wal\*Mart from 11/26/99 – 12/25/99**

Chairman Madison mentioned that for every tree sold, Mr. Boyer donates \$1 to either Wal\*Mart or SAM's club that is used for charitable purposes, such as the Nashua Soup Kitchen.

*Motion to approve by selectman Jasper, seconded by Selectman Stewart, carried unanimously.*

**2. ACCEPTANCE OF MINUTES****BOS Minutes of October 26, 1999**

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

### **3. COMMITTEE ANNOUNCEMENTS**

11/10 7:00 Planning Board in the P/Z Mtg. Rm.  
11/11 Veterans Day Holiday—Town Hall Closed  
11/15 7:30 Conservation Commission in the P/Z Mtg. Rm.  
11/15 First Day to accept Petitions to amend Zoning Ordinance, etc.  
11/15 Sewer Moratorium Ends  
11/17 7:00 Planning Board in the P/Z Mtg. Rm.  
11/18 7:30 Budget Committee in BOS Mtg. Rm  
11/18 7:30 ZBA in the P/Z Mtg. Rm.  
11/18 7:30 Budget Committee (doing a school walk-through)  
11/18 7:30 Sewer Utility Committee in BOS Mtg. Rm.  
11/20 8-2 West Road Landfill Open and Curbside Pickup  
11/23 7:30 BOS in BOS Mtg. Rm.  
11/25 & 26 Thanksgiving Holiday—Town Hall Closed

Selectman Jasper said the Land Preservation Committee will meet on 11/11, 7:30 p.m. at the Robinson Road Station.

### **4. REMARKS BY THE SELECTMEN**

Selectman Jasper said a noticeable notice should be put in the paper that Town Hall will be closed the day after Thanksgiving, because that caused some problem last year. He appreciated Selectmen Madison and Seabury's remarks earlier. They all have the right to vote on any item, and are elected to do so, and there are no statutory limitations on that right, but it's best at times to abstain on things.

Selectman Stewart said she's back. Chairman Madison said she always feels better when there is a full Board.

### **5. NONPUBLIC SESSION**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to enter Nonpublic Session under RSA 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee; (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting; and (e) 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 8:45 p.m. and was terminated at 9:15 p.m.

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

*Motion by Selectman Seabury, seconded by Selectman Charbonneau, to authorize the advertising for Assistant Fire Chief carried 4-0. Selectman Jasper, a Call Firefighter, abstained.*

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to hire Mark Tapply and Chris Wyman as full-time Firefighter-EMT-I's, effective 11/28/99, at \$24,270.08 in accordance with the IAFF Fire Department's contract carried 4-0. Selectman Jasper, a Call Firefighter, abstained.*

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to hire Mark Rapaglia as a temporary Firefighter, effective 11/28/99, at \$24,270.08, in accordance with IAFF, with the stipulation that he must complete the EMT-I course and obtain all of his certification, licenses and protocols within 90 days of his payroll start date carried 4-0. Selectman Jasper, a Call Firefighter, abstained.*

### **14. ADJOURNMENT**



*Motion to adjourn at 9:20 p.m. by Selectman Jasper, seconded by Selectman Stewart, 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**