

HUDSON BOARD OF SELECTMEN

Minutes of the September 14, 1999 Meeting

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:44 p.m., following an Attorney-Client Session that was from 7:10 – 7:35 p.m.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Terry Stewart.
3. **ATTENDANCE**

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

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; David Yates, Recreation Director; Frank Carpentino, Fire Chief; Kevin Burns, Road Agent; Nominations and Appointments applicants; Lisa Riley and Diane Callahan, Library Board of Trustees; Gordon Jackson and Carolyn Choate from tv-13, Nashua; Donald Boucher, Michael O'Keefe, Lillian Yates and Coleman Kelly, Cable Committee; Jack Minch, SUN; Fidele Bernasconi, HLN

4. **PUBLIC INPUT**

Ralph Chaput, 201 Lowell Road – Lowell Road Reconstruction Mr. Chaput was accompanied by his neighbor, David Tsai, owner of Sitek, who were both concerned about the realignment of Lowell Road. Last year, the Town Engineer showed Mr. Chaput a draft, which indicated that the section between Executive Drive and Wason Road would be straightened and widened, done at a minimal cost to the Town, and seemed like the best plan for everyone. This year, he was approached by a representative from SEA Consultants, who is now responsible for the Lowell Road project, and presented another plan, which is twice as big in scope as the original plan. He and Mr. Tsai prefer the first plan, which would impact the west side of Lowell Road much less; in addition, the cost of the present plan would far exceed the original plan. If they go forward with the present plan, it may put Sitek out of business. He understands that the switch from the east side of Lowell Road to the west side was so the Town could apply for an \$800,000 Federal grant, since the Oblate site on the east side is considered historical. The Oblate Retreat house is primarily a retirement home. He has lived in his present home for 45 years and questions the rationale of moving from the east side of Lowell Road to the west side just to qualify for an \$800,000 grant. As an accountant, he would place the value of the business as greater because of the financial loss Sitek's would suffer. He added that the Town could be looking at a lawsuit.

Chairman Madison said the Town had to change some of their plans because the State and the Federal Government mandated that the Town must preserve those historic sites. Selectman Jasper agreed with Mr. Chaput and has had considerable concerns about this. The Federal Government controls the wetlands permit and, even if the Town didn't want the money, the historic people said they would oppose the permit. Presentation of Mary really wanted the project and were willing to cooperate by selling the land, which would be less costly than purchasing business land, and it would give them the money to do the internal roadwork they need to do. Last month, he met with the Town Engineer, the consultant and a representative from PMA to talk about this issue. PMA and the Oblates are hiring a historian to make the case that their land is not historic. If they are successful, then the Town can go back to the original alignment. No one likes the current plan because of the impact to the businesses. The consultant told him that designating PMA and the Oblate House as historic was a close call that could have gone either way, and it could be very easy for the church to make the case that it is not historic because there have been too many alterations to the buildings and to the site. If they can do that, the Town will go with the first plan. Everything is on hold at State level until that issue is decided, which should be sometime this month. The Oblates would just as soon close off their Lowell Road access and combine it with PMA's and, if everything is accomplished, they would then have a light in front of the building.

David Tsai, Owner of Sitek on Lowell Road said the present plan will take away all of parking available for his business. He moved there in 1993 and worked very hard and spent a lot of money to remodel and to build up the business. He hoped his plight would be taken into consideration because the building houses five businesses.

5. **CORRESPONDENCE RECEIVED**

A. From: David Yates, Recreation Director

Re: Establishing Fee for Aerobic Classes

Refer to: New Business/Public Hearing

B. From: Kevin Burns, Road Agent

Re: Acceptance of a Donation of a Flag Pole

Solid Waste Contract Extension

Refer to: New Business/Public Hearing

C. From: Donna Staffier, Sewer Utility Clerk

Re: Sewer Connection Enforcement Action Direction

Sewer Assessment Waiver Request

Refer to: Old Business

D. From: John R. DeCosta, Felicia Realty

Re: Request for Town-owned Property

Refer to: New Business

E. From: Steve Malizia, Finance Director

Re: Burns Hill Landfill Hydrogeological Evaluation

Refer to: New Business

F. From: Steve Malizia, Finance Director

Re: Bid Recommendation—Cablecasting Equipment

Refer to: New Business

G. From: Bell Atlantic Right of Way Department

Re: Licensing of Telephone Poles

Refer to: New Business

H. From: Sewer Utility Committee

Re: Abatement Requests

Refer to: New Business

I. From: Jim Michaud, Assessor

Re: Various Assessing Items

Refer to: New Business

J. From: Richard Gendron, Chief of Police

Re: Annual Town Auction

Refer to: New Business

K. From: Lisa Riley, Chairman, Library Board of Trustees

Re: Proposed Library Expansion

Refer to: File

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to receive Correspondence, Items A-K, with appropriate referral, carried unanimously.

6. NOMINATIONS & APPOINTMENTS

Chairman Madison said the Board's practice is to interview candidates on their first meeting of the month and fill the vacancies on the second. She further stated that the Land Preservation Committee and the Composting Committee are in the process of being formed.

A. Land Preservation Committee

1. Linda Walkley Kipnes, a long-time resident, is interested in preserving land to maintain the rural character of Hudson. She'd like land to be dedicated to conservation and recreational purposes.
2. Ruth M. Parker was unable to be present due to another commitment.
3. Jean Serino was not present.
4. Lisa Vermette has lived in Hudson most of her life. She saw the ad and wanted to be a part of this committee to help preserve what land is left in Town.

A. Library Board of Trustees (1 Member to fill a vacancy until the next election)

1. Sherri Hamilton-Lavoie was unable to be present.
2. Linda Walkley Kipnes said she has been an active member of the Friends of the Library and an active user of the Library for many, many years.

A. Composting Committee

1. L. Cheryl Freed said she's live in Hudson for 19 years and is very concerned about the waste problem, since the Town no longer has a landfill. She composts at home and by doing that and recycling, they can cut the trash in half. She'd like to see it done Town-wide.
2. Abbott Rice said he wants to be involved as an advisor only, because of his membership on the Ethics Committee. His wife, however, might like to be a participant in helping this feasibility study committee get started. In his many years of hauling stuff up to the dump, he saw grass and leaves being thrown away, which could be converted to something useful. Selectman Jasper didn't think a committee could be formed if only two people wanted to apply. Abbott said he would do some recruiting.
3. Donald L. Whitney was not present, due to illness.

7. OLD BUSINESS

A. Sewer Connection Enforcement Action Direction

Chairman Madison said that on June 22, the Selectmen decided it was time to have the remainder of the customers that were required to hook up to sewer do so. For those that don't, there is a \$100 a day fine. There was a vote by the Board to pursue this through the Court system. The Sewer Utility Clerk provided an updated list. Selectman Jasper said this matter should just be turned over to the Attorney without further discussion. Mr. Sharon suggested that the Sewer Utility send a letter to notify them of the impending action.

(Start Tape 1, Second Side)

Chairman Madison agreed that a letter should be sent out, notifying the people that they must connect by a certain date, and if not, turn it over to the Attorney. Since there is a moratorium in effect, maybe the date to connect by should be the date the moratorium lapses. Selectman Jasper didn't think it was necessary to send these people their '63rd letter since 1985' on the subject. They should just go to court. They were noticed this year, last year, and so on. 164 Webster Street has been going on since at least 1984. Selectman Seabury and Charbonneau agreed. Selectman Jasper said every year they get a letter saying they have got to hook up by a certain date or else, and then nothing is done.

Motion by Selectman Stewart, seconded by Selectman Jasper, to forward all of these names to the Attorney immediately carried unanimously.

B. Sewer Assessment Waiver Request (18 Frenette Drive)

Chairman Madison said this was deferred to tonight from the last meeting because Selectman Jasper had some questions. Selectman Jasper said the recommendation by the Sewer Utility Committee was to approve the waiver only until a certain date. State law says they have to be connected unless their sewer was constructed after 1988, so he didn't understand the background explanation, which didn't really clarify things for him. He thought the sewer was put in on Frenette Drive in 1985, so why it wasn't hooked up then, he didn't know. Selectman Seabury said they all came in crying that they had new septic tanks, which were adequate, so they didn't feel they should have to hook up. They were given break until a certain time and, apparently, these people didn't do it.

Chairman Madison said the waiver is for the assessment fee only, with a six-month extension, to January 8, 2000. Selectman Jasper said that didn't make much sense, because it would be a lot easier for them to hook up to the sewer now instead of in January. Chairman Madison agreed with that opinion. Selectman Jasper asked the Road Agent if he had any information on this issue. Mr. Burns said he didn't. His research showed that the sewer was put in in 1985, and that is the last house on the street that has not hooked up. Selectman Jasper didn't see what the extension does for these people, because it doesn't seem to be what they are asking for. The backup indicates that these people were in place and were under the extension that was given in '87. Everybody was supposed to be hooked up by July 1 of '88, and in '90, they extended it to '91. He didn't see how these people's situation is substantially different than anybody else's they've ordered to hook up. If they hooked up when they were supposed to, the waiver would have been 50% of the assessment. He wondered if the requested amount was 50% or 100%, saying that it looked to him like 100%.

Chairman Madison asked Selectman Charbonneau if she was at the meeting when this was discussed. Selectman Charbonneau said she was, and tried to recall what the specific concerns were.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve the waiver, provided it be hooked up by January 8, 2000 and that the amount of the waiver be no more than was granted to other residents of Frenette Drive who hooked up to the sewer between July 1, 1987 and July 1, 1988 carried unanimously.

C. tv-13, with Carolyn Choate and Gordon Jackson

Carolyn thanked the Board for letting them come tonight, saying that this has been a circuitous course. She had some of the legal documents they obtained from the FCC that she distributed to the Board, adding that they were very encouraged by the vote in Milford last Tuesday night, when the Selectmen pledged to support tv-13's efforts.

Gordon echoed Carolyn's thanks, saying this has been a long, tiring ordeal for them. He explained that what Carolyn had distributed was a component of the FCC regulations, entitled, "*Use of Cable Channels and Cable Ownership Restrictions.*" The key issue, he explained, was under Item d: "*In the case of any franchise under which channel capacity is designated under subsection b, the franchising authority shall prescribe (1) rules and procedures under which the cable operator is permitted to use such channel capacity for the provision of other services if such channel capacity is not being used for the purposes designated, and (2) rules and procedures under which such permitted use shall cease.*" In other words, as the franchising authority, it's the Selectmen's channel to give away or take back as they like, if it's not being used.

Selectman Jasper said Coleman Kelly told the Selectmen that the Town doesn't have a channel. Chairman Madison said she'd like Gordon and Carolyn to continue, and then they could discuss it afterwards. Gordon referred to a second document, a letter from William Johnson, Deputy Chief of the Cable Services Bureau of the FCC in Washington, DC, which says that, "involvement with the use of cable PEG channels by entities agreed upon by local franchise authorities and/or the cable provider. It is my understanding that this question arises in the context of the potential for using such channels for the carriage of a commercial, low power television station. Cable television public, educational, and governmental access channels, although provided for in the Communications Act, are created through the cable television franchise process and are administered locally. The Commission formally addressed the question of using channels of this type. . . In this discussion, which involved the carriage of broadcast signals pursuant to Sections 614 and 615 of the Communications Act, the Commission stated at ¶ 71 that 'we will defer all such decisions to the franchising authority.'"

Gordon said they have retained attorneys Mintz & Levin from Boston and have requested an opinion on these matters, but they haven't received it yet. However, they do agree that the franchising authority does have the right to adjudicate themselves, if they so choose, of the three channels which they are authorized to negotiate with, in the franchise agreement, they can, if they so desire, turn them back to the cable company. At that time, when that particular channel is turned back to the cable company, it is no longer a PEG channel and that channel can be used for whatever purpose it so desires. They also will check that opinion with their communications attorney in Washington, Peter(not discernable), as well. Mintz in Levin are in contact with the Town's attorney, Peter Epstein regarding this matter.

Carolyn said their attorney was quite casual in her response, saying that towns do this all over the country, and it's nothing new. She said they strongly believe in public access, as that is where they got their start, and they didn't want to diminish its importance. They were just hoping that there might be some way that they could temporarily use one of the Town's channels until the Town was ready to use them. The people at Adelpia have been very sympathetic in this case, saying they will seriously look into the matter. They started a letter-writing campaign because they wanted the cable provider to know how important tv-13 is to the area viewers and the close relationship they have with the people of the towns. They received 400 cards in the last four weeks. She read a sampling of responses that came from Hudson, which said, essentially, they were disturbed that tv-13 was going to be off the air and replaced by a shopping channel because they have good, healthy, moral programming.

Gordon said when this first started, they wondered what was going to become on them. They have come to realize that, with the great outpouring from the community, they realize that there are hundreds of families out there that would feel the loss of tv-13. He understands that the cable advisory board is concerned about public access, but they have a responsibility to all cable subscribers to try and provide programming that those subscribers would like to have for their cable system. Carolyn said about 30% of the population doesn't have cable, and a lot of people in Hudson watch them on their antenna system. Gordon said they hope this is a temporary situation for them while they work something out. He hopes they can work with the Town of Hudson in order to keep them on the air so when there is an increase in channel capacity, they will be able to have the use provided to them.

Chairman Madison said she doesn't fully understand this and addressed her comments to Coleman Kelly, saying it is her understanding the Town will get three PEG channels. Coleman said yes, when an agreement is struck with whomever the cable company is at that time. They started this process in 1994 and have had three shifts in ownership. Each time, they are back to ground zero on the negotiation of the substance of the agreement. Chairman Madison asked, if and when the agreement is passed, if the Town will have access to and control of three channels. Coleman said that is their desire. Chairman Madison asked, if the Town does have access to and control of three channels, was there any reason why they should not share it with tv-13 since they have provided service to the

community for so long? Coleman said one point is the language of federal law, which would have to be adjudicated between warring attorneys. Carolyn and Gordon's attorney has given them an opinion, but Atty. Epstein gave a differing one, so if it comes to an issue of who is right, it is the judgement of the court.

(Start Tape 2, Side A)

At this time, there aren't many options open to the Town to help them (Gordon and Carolyn) solve the problem. It's a decision made by Harron, based on the supremacy of federal law that a high power station is granted privilege than a low power station. Chairman Madison said she understood that, but asked if the Town was still going to get three channels, when all of the negotiations are done. Coleman said that is their desire. Selectman Jasper said there is no guarantee.

Chairman Madison asked how Milford went about approving this, and how their agreement was different than Hudson's. Carolyn said there was no difference. They are their own franchise authority, like Hudson is. The cable advisory board said that they would support tv-13 when a legal clarification was made between the attorneys, which their attorney is working on now. She knows Peter personally and indicated to Carolyn that this is a routine matter. Their original proposal was to outright share it, the only proposal that Mr. Epstein saw, and she concurs that that probably would not have worked. They were naïve at the beginning, not really knowing what they were doing. When they looked more closely at the law, and communicated with Mr. Johnson at the FCC, and then when Milford said they wanted to get over the one, small legal hump, they thought it would benefit everyone if they got a legal opinion. When they contact Ms. Everett, she indicated she would contact Peter and work it out.

Selectman Jasper said the obvious problem right now is they don't have a channel, and they don't have a clue as to when they will have those three channels, so there isn't much they can do right now. In terms of warring factions and going to court, if they are up front with Adelphia and say they are negotiating for the channels and want to allow tv-13 to use them, and they don't have a problem with that, there's no one to fight with in court. Carolyn thought Coleman was referring to their Attorney and Attorney Epstein, and she was a little unsettled with his choice of words because it isn't their stance to be aggressive or acrimonious. Selectman Jasper said if the Selectmen and tv-13 agree, the only other party that could object would be Adelphia. Gordon said they started down this path on the advice of the cable operator that recommended they go to the towns and work with them. Right now, the cable operator is suffering a tremendous public relations problem by virtue of the fact that hundreds of calls and letters they are receiving from their subscribers. They are in the process of selling to Adelphia, so the last thing they want is a black eye. The cable operator has already set aside three channels, 23, 24 and 25, with two being held by Merrimack and the third one is the public access channel that serves all of Harron subscribers. Those channels will be allocated to each of the towns when an agreement is reached, and it will be engineered in such a way that each town will see each of the channels. The channels are there, already in the system.

Chairman Madison said even though the Town doesn't have an agreement with the cable provider, Carolyn and Gordon have given their whole life to this, and it doesn't appear that they are making a lot of money at it. She offered them her support, and hoped the Board, as a whole, would, too, and would work with them. Selectman Charbonneau said tv-13 has worked very hard and has given a lot to the community. Who else would go out and tape Alvirne's graduation and parades, etc. The Town should help them out as much as they can. They are reliable people and she trusts them. The Selectmen should support them, as they are in a tough situation. The Town doesn't need another shopping channel, adding that Carolyn and Gordon have her support 1,000%. Selectman Stewart said she totally agreed with Selectman Charbonneau and Chairman Madison.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to support the efforts by tv-13 when a channel is available in Hudson.

Coleman said, based on Carolyn's comment about a proposal that came after the original one that Peter reviewed and gave them a position statement on, he requested seeing that proposal, as he has not seen it. It could be that what they are proposing now is acceptable. What was proposed in July was what Peter commented on and said was running counter to federal law. Chairman Madison said she's sure Carolyn will be happy to share it with him.

Selectman Jasper said in any event, the Town is going to have three channels available to them, and it's going to be a long time before they are able to fill them, so there certainly will be no harm for a period of time to let tv-13 use a channel. It couldn't interfere with what the Town has planned, and it is going to be hard enough getting one station up and going.

Vote: Motion carried unanimously.

8. NEW BUSINESS

A. Establishing Fee of \$40 for Aerobics Classes (Eight Week Sessions)

Chairman Madison opened the public hearing, pursuant to RSA 41:9-a Establishment of Fees, and Article 32 of the 3/12/94 Town Meeting, at 8:40 p.m. and asked if anyone wished to speak.

Lisa Riley, 7 Jeanne Street, asked how fees are established and if the Town was going to subsidize a portion, or if it was done on a case by case basis. David Yates, Recreation Director, said the Recreation Committee came up with the fee by polling people who go to aerobics classes, and then lowered it some so they could get maximum participation. It will cost \$600 per session for the instructor, or \$25 per class, three times a week for eight weeks. At least 15 people per session are needed in order to cover the fee.

Fidele Bernasconi, 122 Bush Hill Road, asked if the Town was going into competition against other aerobic instructors, who own businesses, that pay taxes in Town. David Yates said that is not the intention. It is something that is being offered to adults and it was included in the budget last year. Selectman Charbonneau wanted to ensure the Town wasn't going to be subsidizing this. Chairman Madison said aerobics is pretty popular and she couldn't imagine people not signing up for it. Mr. Yates said if he doesn't have at least 15 people, that session will be cancelled.

There being nothing further, Chairman Madison closed the public hearing at 8:45 p.m.

Motion by Selectman Stewart, seconded by Selectman Jasper, to amend Chapter 205-11 of the Town Code to establish a \$40 fee for 8-week adult aerobic classes.

Selectman Stewart said so often they hear there is no activity for adults, no recreation, other than some tennis and volley ball nets that are up. There may be aerobic classes in Town, but not always at convenient hours, and they won't have to pay large fees to join a club. She used to travel to Londonderry to go to aerobics. The Recreation Department is trying something new for the adults of this community.

Selectman Seabury asked if the class would be cancelled and the money refunded if 15 people don't sign up. Chairman Madison said the Recreation Director said the class would be cancelled.

Vote: Motion carried 4-1. Selectman Charbonneau was opposed for the same reason she doesn't support Hawker and Peddler permits.

B. Acceptance of a Donation of a Flag Pole by the American Legion to the Highway Department

Chairman Madison opened the public hearing at 8:46 p.m. and asked if anyone wished to speak. There was no response, so she closed the hearing.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to accept the donation that carries a value of \$800, with thanks, carried unanimously.

C. Solid Waste Contract Extension

Chairman Madison said the Town has the option of extending the contract agreement for a year, through June 30, 2001, and that is what the Road Agent is recommending. Selectman Seabury so moved, seconded by Selectman Jasper.

Selectman Jasper said this was great, but the last contract had the same provision, and they were told that the extension could be implemented only by extenuating circumstances. Donna O'Hanian had raised the question when they were looking at the huge increase for solid waste collection, and she was told that the extension couldn't be taken advantage of at the time. Chairman Madison said the last contract allowed for a six-month extension. Paul said this contract does allow for a 12-month extension. Selectman Jasper said the last one did, too, and he's sorry they didn't do it then, if that was the case. Chairman Madison said they don't have all of that historical information before them, but this was an opportunity they should take advantage of.

Vote: Motion carried unanimously.

D. Request for Town-owned Property, 347 Central Street, Map 32, Lot 33

Chairman Madison recognized Paul Sharon, who said this is the property just east of Park Drive on Route 111 that was tax-deeded some time ago. They have been in active discussions for almost a year with Performance Materials, a going industrial concern abutting the property, who wants to expand their business. The Town has worked with Performance Materials to give them ample opportunity to do some preliminary engineering in terms of their expansion plans. Two additional parties have expressed an interest in that property. He recommended authorizing the Town Counsel to proceed on putting the property out to bid, using the minimum bid submitted by the Assessor in a confidential memo. He said it would be nice, given the kind of development that Performance Materials is looking at, if they could do a straight negotiated sale, but he didn't think they could do that.

Selectman Seabury said she'd forgotten about this parcel of property and was surprised the antenna people didn't ask about it. The Town would have made a lot of money. Selectman Stewart said when she was the liaison to HEDCorp, this was before them and she still thinks this would be beneficial for the Town. This is a good company and provides jobs to the public. Selectman Jasper said he didn't have any problem with it, as long as they follow the Town Engineer's recommendations. He also thinks they should solicit some proposals from some companies that take down post and beam buildings. The house that is on the property is an extremely old post and beam structure, that has pretty much been gutted out, and it would be a shame for it to be razed. There may be no value to it, but someone may be willing to come in and take it down, at no charge to the Town. They might even be able to get \$1,000-\$2,000 for it, but they should look at it to see if there is an interest in it. It is a small building, but in good shape, and it would make a nice addition to somebody's house. Perhaps the Town Planner could look into it to see if there is a business that might be interested. He sees them advertised all of the time.

Motion by Selectman Stewart seconded by Selectman Charbonneau, to move forward with selling the property by putting it out to bid, with a minimum bid, as recommended by the Assessor, carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Stewart, to solicit proposals to have the house removed from the property.

Chairman Madison asked what would happen if they don't get any proposals. Selectman Jasper said then whoever buys the property will be stuck with it. They could ask the buyer if it's something they intend to rehab for office use, but he didn't think so.

Vote: Motion carried unanimously.

Chairman Madison recognized Fidele Bernasconi, who had his hand raised. Mr. Bernasconi said he instigated this about two years ago, and hoped action would be carried through 'post haste.' Chairman Madison said they would move as quickly as possible on this.

E. Burns Hill Landfill Hydrogeological Evaluation

Chairman Madison said they have a proposal from GZA, which exceed the Warrant Article by \$6,800 and that does not include the necessary site work. She said they can proceed, but they will need an additional funding source. A suggestion was made to move forward and use the \$60,000 that was voted for at Town Meeting, and then fund the other \$6,000 next year—or they could find the \$6,800 somewhere else in the budget. She asked for the will of the body.

(Start Tape 2, Second Side)

Selectman Jasper said they also have money available to purchase land from the abutters. He thinks this is putting the cart before the horse and they should purchase the land first, and then do the hydrogeological evaluation. Under the cost of purchasing, there is going to be surveying costs, so perhaps if they put the horse before the cart, they can eliminate \$6,400 from this proposal, which would leave a balance of only \$400. Selectman Charbonneau said that was a good idea.

Mr. Sharon said the site access agreement needs to be signed, as well, and that Atty. Ratigan found no problems with the agreement. Selectman Jasper said they probably still need to get the land first. He assumes the owners want to do something with their property, and they can't until the Selectmen act first, so perhaps they can use a little bit of leverage and say that this is being held up because they don't want to spend \$6,400, that set bounds have been changed, and the Town has to get easements from the owners, but they don't want to do that until they get the property, so they can define easement more clearly. He thinks all of this should be on hold until they are able to buy the land. Selectman Seabury agreed, too.

Chairman Madison said they will defer this until they purchase the land, and then it will come back before them. Selectman Stewart so moved, seconded by Selectman Jasper. Motion carried unanimously.

F. Bid Recommendation – Cablecasting Equipment

Chairman Madison said this was pretty cut and dried and that Finance Director Steve Malizia, as usually, did a good job in putting together the packet of information, recommending that the Board award the bid to Great Northern Video in the amount of \$53,921. Selectman Jasper so moved, seconded by Selectman Stewart, which carried unanimously.

G. Licensing of Telephone Poles

(Two new poles on Spear Road, one new pole on Sagamore Road and poles on various streets.)

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to license the poles, as requested by Bell Atlantic, carried unanimously.

H. Sewer Abatement Requests

1. **S-2000-1** (S-CAP-00-01, Chester & Joyce Hurd, 12 Merrimack Street)

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to deny the abatement request, as recommended by the Sewer Utility Committee, carried unanimously.

2. **S-2000-2** (S-UTL-00-01, Susan Daniels, 6 Whippoorwill Drive, \$102.39; S-UTL-00-02, Diane Claveau, 38 Ferry Street, \$15.50; S-UTL-00-03, Karen S. Spinney, 4 Thurston Drive, \$15.50; S-UTL-00-04, Louis Michaud, 228 Webster Street, \$29.05)

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to grant the abatement requests, as recommended by the Sewer Utility Committee, carried unanimously.

A. Assessing Items

1. **Elderly Exemption Application** (Richard Tyler, 1 Summer Avenue)

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

2. **Totally Disabled Property Tax Exemption** (Mario Jeannotte, 3 C Street)

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

3. **Yield Tax Warrant** (HSWY Real Estate Trust, Map 016, Lots 005 – 005-009)

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

Selectman Jasper requested that, from now on, addresses be included on properties that come before the Board regarding assessing items.

A. Annual Town Auction

Chairman Madison asked the Board to approve the auction date of October 16, and the list of items to be sold. Additional items can be brought back to the Board at their meeting on October 12, the last meeting before the auction date. If anything comes in between the 12th and the 16th, it will need the Administrator's approval. Selectman Jasper didn't see included on the list the 'junk' from Robinson Road that he understood was going to go to auction. Chief Carpentino said they just got notified of the auction date until several days ago, so he will get his list over as soon as he can.

Motion by Selectman Stewart, seconded by Selectman Jasper, to approve the date of October 16 and the list of items, carried unanimously.

8. OTHER BUSINESS

Chairman Madison said the NHMA wants to use the Kirby Building on October 14 and 15, 1999 to conduct Interactive Use of Force training, as they have in the past, and they will take responsibility for cleaning up the building and for any repairs, should any damage result from their use of the facility.

Selectman Jasper said it was ok with him, as long as they are insured.

Motion by Selectman Jasper, seconded by Selectman Stewart, to allow NHMA to use the Kirby Building on October 14 and 15 to conduct Interactive Use of Force training carried unanimously.

9. LICENSES AND PERMITS

- A. **Block Party Permit Request** by Provincial Heights Neighborhood Association for a party on the Common Ground Area at St. Francis Place on September 18 from noon to 6:00 p.m.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to approve carried unanimously.

- B. **Block Party Permit Request** by Mike Girouard for a party to be held at the Center of Richman Road on October 2, 9:00 am to 5:00 pm, with a rain date of October 3.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to approve the permit, and to comply with Chief Gendron's recommendation, carried unanimously.

- C. **Raffle Permit Request** by the Hudson Nottingham West Lions Club to benefit a Community Service Project from October to January.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to approve carried unanimously.

8. ACCEPTANCE OF MINUTES

Minutes of the August 24, 1999 BOS Meeting

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

9. COMMITTEE ANNOUNCEMENTS

9/15 7:00 NRPC, 115 Main Street, Nashua

9/16 7:00 CIP BOS Mtg. Rm.

9/16 7:00 SUC Planning/Zoning Dept.

9/16 7:30 BGT P/Z Mtg. Rm.

9/20 7:30 Conservation Cmsn. P/Z Mtg. Rm.

9/20 7:00 Library Trustees BOS Mtg. Rm.

9/20 7:00 Cemetery Trustees SCR

9/21 7:00 HEDCorp P/Z Mtg. Rm.

9/23 7:00 CIP BOS Mtg. Rm.

9/23 7:30 ZBA P/Z Mtg. Rm.

9/28 7:30 BOS BOS Mtg. Rm.

10. REMARKS BY THE SELECTMEN

Terry Stewart noticed that a letter was sent to Pat Hetzer, complimenting her on the spectacular floral barrel that the Town puts out and she maintains on the traffic island in front of Hetzer's Bike Shop. Selectman Stewart said Pat's attention to keeping that area looking so good is greatly appreciated. She said today she, Selectman Jasper, Chief Gendron, Chief Carpentino, the Town Administrator, the Finance Director and others met with the Chief of Staff to the Minister of Finance and Economy of Morocco, thanks to Representative Alukonis. Selectman Jasper had the pleasure of explaining that he was the only gentleman on the Board of Selectmen. She was the only woman at the meeting today, and she wondered what they were talking about in their native language. It was an interesting, informative meeting.

11. NONPUBLIC SESSION

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

Nonpublic Input was entered into at 9:15 p.m. and was terminated at 10:37 a.m.

(Start Tape 3, Side A)

1. *Motion by Selectman Charbonneau, seconded by Selectman Stewart, to seal the Minutes carried unanimously.*
2. *Motion by Selectman Stewart, seconded by Selectman Charbonneau, to advertise for an Assistant Building*

Inspector/Code Enforcement Officer, due to the resignation of Warren Welch today, carried unanimously.

1. Motion by Selectman Stewart, seconded by Selectman Jasper, to authorize the Road Agent to advertise for the position of Mechanic in the Highway Department carried unanimously.
2. Motion by Selectman Jasper, seconded by Selectman Stewart, to promote Tim Lamper to Street Division Foreman in the Highway Department, Grade XVI, Step 2, effective 9/19/99, carried unanimously.
3. Motion by Selectman Charbonneau, seconded by Selectman Jasper, to promote Claude Culombe to Chief Mechanic in the Highway Department, Grade XIV, Step 8, effective 9/19/99, carried unanimously.
4. Motion by Selectman Jasper, seconded by Selectman Stewart, to hire Cindy Robinson as the aerobics instructor for two eight-week sessions @ \$600 per session, with a minimum of 15 people per class carried unanimously

8. ADJOURNMENT

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to adjourn at 10:45 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