

HUDSON BOARD OF SELECTMEN

Minutes of the August 24, 1999 Meeting

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

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

Staff/Others: Steve Malizia, Finance Director; Priscilla Boisvert, Executive Assistant; Cecile Nichols, Town Clerk/Tax Collector; Kevin Burns, Road Agent; David Yates, Recreation Director; Richard Gendron, Chief of Police; Detective Mike Gosselin; Sgt. Bob Tousignant; Frank Carpentino, Fire Chief; Torrey Demanche, Executive Secretary; Lt. Todd Hansen; Elisa Benton; Cable Committee Members Coleman Kelly and Michael O'Keefe; Howard Dilworth; Josh Trudel, TEL; Fidele Bernasconi, HLN; Pierre Comtois, SUN

4. **PUBLIC INPUT**

Police Sgt. Robert Tousignant and Detective Michael Gosselin were recognized for their participation as Co-Chairmen in the NH Special Olympics. Chief Gendron explained that these men contributed their time in organizing the Winter Olympics, the regionals and the Summer Olympics. They raised a record \$4,100 which is the highest amount the Hudson Police ever contributed. They did such a great job, that is why he thought it was appropriate to recognize them for their hard work and dedication before the Board of Selectmen and the public. Certificates were read by Chairman Madison, which she presented to them, along with lapel pins, depicting the Town Seal. A photo-op followed.

Chairman Madison asked if anyone in the audience had anything to bring to the Board's attention. There was no response.

5. **CORRESPONDENCE**

A. From: Richard Gendron, Chief of Police

Re: Recognition of Officers participating in NH Special Olympics

Refer to: Public Input

B. From: Frank Carpentino, Fire Chief

Re: Combined Dispatch and Route 111

Refer to: New Business

C. From: Sewer Utility Committee

Re: Sewer Assessment Waiver Request

Refer to: New Business

D. From: Cable Committee

Re: TV 13 and Transfer Consortium Activities

Refer to: New Business

E. From: Bell Atlantic

Re: Phone Pole Licensing

Refer to: New Business

Motion by Selectman Jasper, seconded by Selectman Stewart, to received Items A-E, with appropriate referral carried unanimously.

6. NEW BUSINESS

A. Combined Dispatch

Chairman Madison recognized the Chief of Police and the Fire Chief. Chief Carpentino said the RFP to determine the feasibility of a combined dispatch was prepared and sent out to 19 vendors. Six were received, with copies going to each of the Chiefs and the Town Administrator. The Chiefs have met and discussed them and have narrowed it down to two. They each took one to check on the references. The two Chiefs were proposing to conduct the interviews to determine if they would meet the needs of the Town.

Selectman Seabury it would be up to the Chiefs to decide what questions to ask when the two companies come before the Board. Selectman Jasper didn't think the intent was for them to come before the Board to interview. The two Chiefs would conduct the interviews and then would present a recommendation to the Board. Chief Gendron confirmed that was correct, they just wanted to update the Board of where they were in the process. Chief Carpentino said he's spoken with five organizations that have combined and two of them had initial problems, but they smoothed out after a few months. The others ones had no problems from the day of inception. Chief Gendron said once they get things narrowed down, they can conduct a field trip to look at combined dispatches.

Chairman Madison said even though the Chiefs will be doing the initial interviews, this is a huge step for the Town, and she would like the two finalists to come before the Board so they could ask them questions, too. Selectman Jasper suggested that Board members who have questions can sit in on the interview process, rather than do two interviews. Chairman Madison didn't have a problem with that. Chief Carpentino said there would be a cost associated with bringing the companies in. He asked if the Board wanted the meetings to be in conjunction with their regular meeting, or if it would be a special meeting. Chairman Madison thought it would have to be a special meeting. Selectman Jasper thought the Board members who want to meet with the two finalists can make themselves available at the time they interview with the Chiefs. Chairman Madison said she didn't have a problem with that, but requested that the Board have advance notice of when the meeting would take place. The Chiefs agreed to that.

B. Route 111

Chief Carpentino said, as everyone knew, former Capt. Roger Spooner was killed on Rte. 111. This is the third Fire Department-related death within a short span of time on that section of road. He suggested putting up barriers between the two Lawrence Road entrances. There is an issue of cars crossing the center line for a variety of reasons, and it will probably continue. This situation has struck close to the members of the Fire Department. He asked that the Town work with the State and address the issue.

Chief Gendron said he has spoken to Jim Coburn, NH DOT. The Police Department conducts an investigation to determine the reason for accidents. He didn't have a problem with NHDOT coming out again to look at the roadway and make suggestions for improvements to make it safer. They will look at the number of accidents and the causes for them. It's a heavily traveled road and most of the accidents that occur are because of driver error. They haven't had a DWI fatality out there for quite some time. A barrier would help to keep cars from crossing the solid line. One kid, who had a death wish, decided he wanted to go out in style. He thought a cruiser was coming at him, so he purposely crossed the center lane and hit a vehicle head-on. He was charged with negligent homicide and is currently incarcerated.

Chairman Madison asked about speed. Chief Gendron said they've conducted speed checks out there and they don't see a lot of speeding violations on that road. Occasionally, people pass on the right that are in a

rush to go to work. Speeds are determined by what it was engineered for and the 80 percentile.

Selectman Seabury said she has worked on this issue a long time and there must be a pretty big file on it upstairs. The State has consistently said the road can handle the traffic and any suggestions that were made by the Town weren't taken into serious consideration.

Selectman Jasper said the Board should forward the suggestions of Chief Carpentino to the State about installing a center barrier. Although not all of the fatalities have been in that section, there has been a number of them. It may require widening the road, and that's probably something the State won't do, but they should at least look at it. In his 16 years in the Fire Department, all of the fatalities he's been to, with the exception of one, have been on that stretch of road. Chief Carpentino said he, too, has spoken to someone from NHDOT and they are going to send someone down this week to talk to them and look at the roadway.

Motion by Selectman Jasper, seconded by Selectman Stewart, that the Board send a letter to the State Department of Transportation, requesting that they look at possible safety measures that can be taken to increase the safety of Route 111 in Hudson carried unanimously.

C. Sewer Assessment Waiver Request

Chairman Madison said the Sewer Utility Committee was recommending granting the waiver for the Sewer Capital Assessment fee, in the amount of \$2,325 for Richard and Diane Carbone, 18 Frenette Drive and asked for a motion to that effect. Selectman Seabury so moved, seconded by Selectman Stewart.

Selectman Jasper said he was confused by the request. He asked the Road Agent when the Frenette sewer was put in. Kevin Burns thought it was before '86, but could give him a specific answer tomorrow. Selectman Jasper also wanted to know how many houses on Frenette Drive were also not hooked up. Chairman Madison recognized Howard Dilworth, a member of the Sewer Utility Committee who was in the audience, and asked if he could answer the question. Mr. Dilworth responded that he hasn't been attending Sewer Utility Committee meetings because he's been going to the School Alternative meetings.

Chairman Madison asked Selectman Jasper if he wanted to defer this to the next meeting. Selectman Jasper said he really would like to know when the sewer was put in and how many houses have waivers. Selectman Seabury withdrew her motion; Selectman Stewart withdrew her second.

Motion by Selectman Seabury, seconded by Selectman Stewart, to defer this until September 14, 1999, pending more information, carried unanimously.

D. TV-13

Chairman Madison recognized the Cable Committee Chairman, Coleman Kelly, who said at a prior Selectmen's meeting, Gordon Jackson from TV-13 appeared before the Board and made a proposal, asking for access to and use of the peg access channel capacity that would inure to the Town after a franchise agreement is signed. The Board thought it was a good idea and sent a memo to the Cable Committee, asking them to work out the details. The committee met and discussed it. In looking at the Telecommunications Act, there is no precedent to allow commercial operations the use of that channel capacity. The Cable owner may choose to do so, however. Therefore, the committee cannot 'work out the details.'

Chairman Madison asked if TV-13 should work it out directly with the Cable Company. Coleman said yes; it's not the Town's problem to solve. Chairman Madison thought the Board gave TV-13 a favorable recommendation. Selectman Jasper said it is the Town's problem, and the problem of the surrounding communities, when they lose a TV station that provides a public forum that gets replaced with another home shopping channel. The Town has a channel now that they are not using. He had a conversation late last week with Carolyn Choate, and she said she had said she had a long conversation with the Feds that,

in fact, there was no problem with the Town allowing them to use it on a commercial basis. All they're looking for is to use it through Christmas, at which time they hoped to have a solution. He didn't think the Town was going to be doing anything substantial between now and then. He'd really like to see the Town help out TV-13.

Coleman said the agreement right now is between Harron and Merrimack for the use of Channel 23, 24 and 25. Those three channels are seen in all nine towns that Harron serves in this area. The agreement is that those channels are Merrimack's and not the other towns. If Hudson were to appeal to Harron for the use of that channel, it would be at the sufferance of the town of Merrimack. Chairman Madison asked why they were all Merrimack's. Coleman said because that was the agreement struck between Harron and Merrimack last year when Harron was negotiating the purchase of Americable's properties.

Chairman Madison thought that Hudson should also have some access channels to work with. Coleman said that is the long-range plan. Selectman Jasper asked if all three channels belong to Merrimack. Coleman said as currently engineered, that was correct. If and when Harron carves out 23, 24 and 25 for the exclusive use of Merrimack within the town of Merrimack, that would free up for the duplicate use of 23, 24 and 25 in other towns. He's hoping the first use of that will be on this side of the river for Litchfield and Hudson because the way the system is engineered, they can make a break at 3 Jennifer Drive for the westbound cable and eastbound cable.

Chairman Madison thought possibly the people from TV-13 could contact Harron. Selectman Jasper knows they have been working with Merrimack, but it sounds like Hudson doesn't have much say in it if they don't even have a cable channel. He asked if Town Meeting was broadcast with the permission of Merrimack. Coleman said when that was broadcast, they did not need it, but since then the agreement has been signed—last January. The agreement is in place and, today, they would require the permission of Merrimack. He returned a phone to Carolyn Choate, but ended up speaking with Gordon Jackson. They do not feel it is a good idea to pursue this, partially due to Merrimack having strenuously objected to any use of the channel capacity by Channel 13. Chairman Madison said, at this point, the Selectmen's hands are tied. Selectman Jasper said unless there is further information from TV-13, there's really nothing for the Selectmen to do.

E. Cable Consortium Activities

Chairman Madison recognized Coleman Kelly again, who said the 12-town consortium, which runs from Francestown and Wilton in the west to Atkinson, Danville and Newton in the east, have been engaged in conducting public hearings, to question the principals of Adelpia and Harron on the transfer. They have had strategy meetings to discuss the issues and, out of that, a draft transfer agreement has been structured. The agreement has been sent to Adelpia and the agreement between attorneys is that Adelpia is to sign the transfer agreement first, and then return it to the several towns for execution by the respective Boards of Selectmen. All of this must be accomplished prior to September 3 because, on that date, if the respective franchising authorities do not sign the transfer, then by default, it is approved. If Adelpia does not return the draft transfer by the 3rd, or objects to any of the conditions, the recommendation is to deny the transfer. Selectman Jasper said the 3rd is a Friday, so the Board has to do something tonight.

(Start Tape 1, second side)

Motion by Selectman Jasper, seconded by Selectman Stewart, that if Adelpia has returned an approved and signed transfer agreement by September 3, 1999, the Board of Selectmen, as statutory franchising authority under RSA 53-C:1 (IV) approve the transfer of the cable television franchise from Harron Communications to Adelpia Communications Company; however, if Adelpia rejects the agreement, or has not returned a signed agreement by September 3, 1999 the transfer shall be deemed to be automatically denied by the Board carried unanimously.

F. Phone Pole Licensing (Bokes Road and Glasgow Circle)

Chairman Madison said they have a legal opinion saying that the Board of Selectmen does not have licensing authority on private roads. The Town Engineer had pointed out that Glasgow Circle is a private road, so the request for placing poles on Glasgow Circle will be referred back to Bell Atlantic.

Motion by Selectman Stewart, seconded by Selectman Seabury, to approve the licensing of one pole on Bockes Road carried unanimously.

7. OTHER BUSINESS

A. Congratulating Chief Gendron re FBI Academy

Chairman Madison congratulated Chief Gendron, who will be attending the FBI Academy in October. Being selected is an honor, and the Board is proud that he will be participating in this program, which they understand is very rigorous. On behalf of the Board, she wished him the best, saying she is sure he will do Hudson proud.

B. Poper Remodeling

Chairman Madison said the contractor who is doing the remodeling has asked for a cash advance of \$5,000 in order to purchase more materials. Selectman Jasper so moved, seconded by Selectman Stewart, carried unanimously.

C. Inquiry and Complaint Screen

Chairman Madison said she's been working with Town staff on implementing an inquiry and complaint screen which will be inserted into the computers. This won't be a system to track calls like the Police Department does, but a lot of times someone calls Town Hall, for instance, five times, and they get someone different every time, and no one knows that. This wouldn't be for routine calls, such as someone asking what time a meeting starts. This way, they might get a better handle on the service to the community. The Finance Director is working on setting it up and she thinks it is something that needs to be done.

D. Telephone System

Chairman Madison said the Town's system is being handled by Statewide, through the Finance Director and Town Administrator. The Finance Director is developing a telephone request form, such as a Request for Legal Services form.

E. Sewer Issues on Lowell Road

Several people were in the audience, who expected an answer to some concerns they had brought forward at the meeting on the 10th. This item was inadvertently omitted from the agenda, but the Board opted to address it at this time. Selectman Jasper said the Board essentially handled this matter at their meeting on the 17th. Chairman Madison said on the 17th, the Board voted to impose a 90-day moratorium on sewer hookups because of capacity issues, and the people who were present, she believed, fell within that category. Selectman Jasper said they had discussed that the long-term ramifications was going to be that the sewer system was not going to be expanded beyond its present boundaries. The Selectmen are not going to be able to tell them more than that and in all likelihood the system will not be expanded. They are waiting for a Master Plan update, which will be accomplished in the next 90 days, and then they are going to be looking at a more comprehensive ordinance dealing with the whole sewer situation. Chairman Madison said that announcement was published in last week's HLN and they would be looking at this again after 90 days, and after input from the Sewer Consultant. She asked if anyone in the audience had any questions at this time.

Mr. Burgess said he wanted to address two points. One was over-committing the sewer system. On the other hand, it would be a mistake not to put a pipe under the road. After the moratorium, within five years, the sewer will have to be extended. If the pipe isn't laid during the road construction, the tax payers will pay unnecessarily for having the road dug up again. Selectman Jasper said the sad reality is it's unlikely there is going to be any extension to the sewer line any place. The situation that these people are in, although regrettable, will have to be dealt with when the State comes to take more property for the widening of the road. What the State is doing to their property will make it less saleable and less likely that leach fields are going to be able to be built because it does not appear that, in the foreseeable future, the Town will be able to extend the sewer line. The capacity just isn't there. When the treatment plant was put in Nashua in the 70's, the Federal Government paid for 75% of the system; the State paid 20% and the Town paid 5% of its 12½ %. Today it would be very unlikely that they would even let us build a system but, if they did, the funding that would be available would be miniscule compared to the 95% that was available then, so in order to expand the system, and build their own plant, everyone's sewer rates would go up at least four times. In all reality, that's not going to happen. No one would be willing to pay four times more for someone else to develop their property. There really isn't any good solution and he didn't see any way out of it.

Mr. Burgess said without sewer being available, they are in a situation of being trapped in their property. Selectman Jasper assumed his was one of the properties the State was going to look at taking, so that's something he would have to convince the State of. If the property becomes unsaleable, the State then has an obligation to buy the whole property. That may well be the situation. He knows the State has often been more than reasonable on how they dealt with condemnations of late.

Coleman Kelly said that area is all within the catchment of Limit Brook, and with the continuing reliance on septic systems, without a good subsurface geologic study being done on the impact of proliferation of septic systems in that area, the question of what is happening to the ground water has to be factored into the equation. Chairman Madison was sure the Sewer Consultant will.

F. Cutting Trees/Protecting Stone Walls

Selectman Jasper saw the memo from Counsel regarding the trees, and although he understands, he wasn't pleased. He'd like to see a little further research to determine who has title to that road. Possibly, that land may have been deeded at one time. At the other end of Robinson Road, there was a deed on that section of road, and they allowed a house to go in because there was a deed exception. That deed went back into the 1800's, or late 1700's. The other question he had for the attorneys, which was not answered that has to do with the whole parcel, is about the stone walls. There are statutes on stone walls, and the removal thereof.

Chairman Madison asked if the walls had been removed. Selectman Jasper said not at this point, but once the trees go, that's the next step and that could well be a Saturday operation, as well. He said the Board has 30 days in which to grant the Intent to Cut, and he'd like to see them hold off until the 30 days are up. He's assuming it will be on the Planning Board agenda this week, and they may have some other things to do.

Chairman Madison said after the tree-cutting, she had a call from the Assessor, who said the developer did come in for an Intent to Cut before he cut the trees down. The Assessor misread the RSA's and told the developer he didn't need an Intent to Cut. Selectman Jasper understood that, but he *does* need an Intent to Cut to finish his cutting, and the Board has 30 days from the time it is filed in which to sign it. He'd like to see that go the full 30 days so that, hopefully, the plan will be before the Planning Board and no further cutting be done to that point. Priscilla stated that the Intent to Cut has already been processed. Selectman Jasper said, unfortunately, his note (that he had put on the Intent to Cut when it was in the office for signatures) wasn't as good as it should have been.

Motion by Selectman Jasper, seconded by Selectman Stewart, that the Board specifically ask the questions on stone walls that are along Town right of ways as to the ability of the abutting, or underlying landowners, to remove them.

Chairman Madison asked if they'd have to do any kind of a search on the deed. Selectman Jasper said not on that. There's a statute, but he doesn't know what it says.

Vote: Motion carried unanimously.

8. LICENSES AND PERMITS

Motion by Selectman Seabury, seconded by Selectman Jasper, to grant a raffle permit request by Presentation of Mary to hold an Octoberfest on October 2, 1999 carried unanimously.

9. ACCEPTANCE OF MINUTES

A. Minutes of the BOS Meeting of August 10, 1999

B. Minutes of the BOS Meeting of August 17, 1999

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

9. COMMITTEE ANNOUNCEMENTS

8/25 7:00 Planning Board in P/Z Mtg. Rm.

8/25 7:00 Visioning Cmt. In P/Z Mtg. Rm.

8/26 7:30 ZBA in P/Z Mtg. Rm.

8/26 7:30 SUC in P/Z Office

8/26 7:30 CIP in BOS Mtg. Rm.

8/30 7:30 Conservation Commission in P/Z Mtg. Rm.

9/01 7:00 Planning Board in P/Z Mtg. Rm.

9/06 Labor Day Holiday – Town Hall Closed

9/08 7:00 Planning Board in P/Z Mtg. Rm.

9/09 7:30 ZBA in P/Z Mtg. Rm.

9/09 7:30 SUC in BOS Mtg. Rm.

9/13 7:00 Visioning Cmt. In P/Z Mtg. Rm.

9/14 7:30 BOS in BOS Mtg. Rm.

10. LIAISON REPORTS

No reports were forthcoming.

11. REMARKS BY THE SELECTMEN

Shawn N. Jasper said, concerning Old Home Days, things went well, considering. A lot of people anticipated the rain on Saturday, so they had a large crowd Friday night. The parade was very nice and brought in a lot of people. The numbers were down, but things weren't too far off. They don't have the final numbers yet, but they

did do very well. A lot of people worked very hard. Gary Rodgers did a fantastic job coordinating the site. He took a week off, and he ended up taking a week off. Chairman Madison said the programs were wonderful. Selectman Jasper said Robin Rodgers worked on that, along with his wife. Priscilla Clegg and Robin Rodgers worked on the entertainment and they did a fantastic job. Everything went off very well. The fireworks were great, with a wonderful grand finale. They've never lost a whole Saturday before, but it was a good weekend. They'll definitely do it again next year.

He wanted everyone to know that they've started pouring cement for the footings for the new Highway Garage today, after moving an awful lot of material. It's going to be a great site.

Terry Stewart said Shawn did a phenomenal job as Chairperson for the Historical Society for Old Home Days and now they are going to gear up for Harvest Fest, which will be October 9. They are looking for a lot of community support on that. She's down to 55 days (to her wedding), and counting.

12. NONPUBLIC SESSIONS

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; RSA 91-A:3 II (b) The hiring of any person as a public employee; RSA 91-A:3 II (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 carried 4-0 by roll call vote.

Nonpublic Session was entered into at 8:33 p.m. and was terminated at 9:30 p.m.

Motion by Selectman Jasper, seconded by Selectman Stewart, to seal the Minutes, pursuant to RSA 91-A:3, III.

Chairman Madison declared a recess to discuss collective bargaining issues with the Fire Chief.

Motion by Selectman Jasper, seconded by Selectman Seabury, to hire Robert Gagnon as the Soccer Director in the Recreation Department for the 1999 season for the fee of \$1,000 carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Seabury, to post in-house the position of Chief Mechanic carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Seabury, to advertise for a Truck Driver Laborer carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Seabury, to post in-house the position of Street Division Foreman carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Seabury, to hire Catherine Hawkins as the Data Processing Manager, effective August 29, 1999 at an annual salary of \$48,000, Labor Grade N, of the Hudson Supervisor's Union carried unanimously.

13. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Stewart, to adjourn at 9:56 p.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert

Executive Assistant to the Board of Selectmen

HUDSON BOARD OF SELECTMEN

E. Lorraine Madison, Chairman

Rhona Charbonneau

Shawn N. Jasper

Ann Seabury

Terry Stewart