

HUDSON BOARD OF SELECTMEN

Minutes of the May 25, 1999 Meeting

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:30 p.m.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Ann Seabury

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; Kevin Burns, Road Agent; Frank Carpentino, Fire Chief; Mike Gospodarek, Town Engineer; Police Officers Al Semple and Don Cassalia; Esther McGraw; Nancy Regan; Howard Dilworth; about 10 residents; Fidele, HLN; Josh, TEL; Bill Ivers, SUN

4. **PUBLIC INPUT**

A. **Shawn Walsh**, Playmaker Sports Bar, registered to speak regarding RAVE parties, was not present.

B. **Fidele Bernasconi** read a prepared statement (copy attached) re. blasting concerns at Thurston's Landing. He said he spoke with a seismologist representing Liberty Mutual, who didn't think the problems with Fidele's well were blasting-related because water doesn't flow uphill, to which Fidele disagreed because it *does* when it is forced by explosives. He feels sorry for the residents who live next to the site who have to suffer with noisy bulldozers, drills and other equipment. They suffer with the dust and smell from the blasting material. He suggested that the Board and staff visit the site for a day to better understand it. The Liberty Mutual inspector felt sorry for residents like Jenny Guill, who are trying to live a normal, healthy life in their homes.

Chairman Madison said they would look into the matter, then asked if anyone else wished to speak under Public Input. There was no response.

5. **CORRESPONDENCE RECEIVED**

A. FROM: Richard Gendron, Chief of Police

RE: Donation of a Motorcycle by Manchester Harley Davidson Motorcycles

REFER TO: New Business

B. FROM: Steve Malizia, Finance Director

RE: Highway Facility; FY2000 Pavement Marking Program; Townwide Paving Program

REFER TO: New Business

C. FROM: Dennis Thompson

RE: Request for Town-owned Property on Adam Drive

REFER TO: New Business

D. FROM: Bell Atlantic

RE: Petitions and Licenses for Telephone Poles on River Rd, Robinson Rd and Barretts Hill Rd

REFER TO: New Business

E. FROM: Frank Carpentino, Fire Chief

RE: ·Funds for Kirby Building; ·Fire Dept Vehicle Purchase; ·Donation of Class at Fire Academy

REFER TO: New Business

F. FROM: Jim Michaud, Assessor

RE: Yield Tax Warrant

REFER TO: New Business

G. FROM: Michael Gospodarek, Town Engineer

RE: Temporary Traffic Signals, Lowell Road and Executive Drive Intersection

REFER TO: New Business

H. FROM: Michael Reynolds, Town Planner

RE: Planning Department Interns

REFER TO: New Business

Motion by Selectman Jasper, seconded by Selectman Stewart, to receive the Correspondence, with appropriate referral, carried by unanimous voice vote.

6. OLD BUSINESS

Legal Contract

Seven bids were received, including Donahue, Tucker & Ciandella; Soule, Leslie, Kidder, Zelin, Sayward & Loughman; Upton, Sanders & Smith; Borofsky, Lewis & Amadeo-Vickery; Smith-Weiss, Shepard & Durmer; Bossie, Kelly, Hodes & Buckley; and the Law Offices of David Groff.

Motion by Selectman Charbonneau to defer to June 8 since she hadn't had time to review the proposals, was seconded by Selectman Stewart.

Selectman Jasper suggested that on the 8th, they interview the lead attorney from any firm suggested by any Selectman. Town Administrator Sharon said of the seven firms, two are not really in the municipal law business. Of the five that are, two are tied in cost (Incumbent, Donahue, Tucker & Ciandella and Borofsky, Lewis & Amadeo-Vickery). Bossie, Kelly, Hodes & Buckley list their fees as \$110 to \$175, but the proposal commits to \$110. Based on qualifications and lowest fees, those are the three firms that should be considered. However, Bossie, Kelly, Hodes & Buckley does not provide a fee for paralegal work, so all work would be at the \$110 rate. Additionally, that firm represents Litchfield, so any work that would involve Litchfield and Hudson, where the two towns might disagree, Litchfield would undoubtedly have first chair with that firm.

Amendment by Selectman Jasper, seconded by Selectman Stewart, that the Board requests to meet on June 8 with the lead attorney from Donahue, Tucker & Ciandella; Borofsky, Lewis & Amadeo-Vickery; and Bossie, Kelly, Hodes & Buckley carried unanimously.

Vote on the motion, as amended, to postpone acting on this item until June 8th, at which time the three firms mentioned will be interviewed, carried unanimously.

7. NEW BUSINESS

A. Public Hearing/Board Action on receipt of Donation for use of a Harley-Davidson Motorcycle

Chairman Madison opened the public hearing at 7:45 p.m. to accept the use of a Harley-Davidson motorcycle, carrying a value in excess of \$2,000. No one wished to speak, so she closed the hearing.

Selectman Charbonneau asked about the motorcycles in the department. Sgt. Semple said the department bought one in 1996. Like last year, this motorcycle will go back in September.

Motion by Selectman Jasper, seconded by Selectman Stewart, to accept the donation, with thanks, carried unanimously.

B. Highway Department Facility

Road Agent Kevin Burns said bids were received from Jewett, North Branch and Aho. He recommended accepting Aho's proposal for the construction of a masonry block building and a salt shed, adding that the apparent low bidders really aren't when the offerings are equaled out.

Motion by Selectman Jasper, seconded by Selectman Stewart, to award the bid to Aho Construction, in the amount of \$833,000, as recommended by staff, carried unanimously.

C. FY-2000 Pavement Marking Program

Motion by Selectman Stewart, seconded by Selectman Jasper, to award the bids to L & D Safety Marking, at an amount not to exceed \$16,035, as recommended by staff, carried unanimously.

D. Townwide Paving Project

Motion by Selectman Stewart, seconded by Selectman Jasper, to award the bid to Brox Industries, as recommended by staff, in an amount not to exceed \$300,000 carried unanimously.

E. Temporary Traffic Signals, Lowell Road and Executive Drive Intersection

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to accept the Electric Light Company proposal to install the traffic signals in an amount NTE \$43,000, as recommended by staff.

Selectman Jasper said they've already got a full project under design. This is the first he's heard about the temporary design, and wondered how much it would add, since there is a limited budget for the whole project. Town Engineer Gospodarek said most of the parts will be reused. Selectman Jasper asked what the impact would be to the total amount for labor and parts that won't be reused. Town Administrator Sharon said it is one of the most needed projects in Town and, if anything, it will enhance the larger project. Selectman Jasper asked when they were expecting to do the five-lane cross-section that has been under design for quite some time. Mr. Sharon said, according to Nancy Mayville, the State is going forward with their schedule, looking at a letting of the project that extends south to Wason Road right after July 1, 2000. They also have to assess historical properties, which would have meant a Spring letting, anyway.

Selectman Stewart said the funds for the signalization project are coming out of the contributions made by the businesses on that road, some of whom have been pressuring the Planning Board to do something. She asked what the time table was. Mr. Gospodarek said Electric Light indicated they could have it installed by September, provided the Planning Board approves the money. Selectman Charbonneau approved of this project for safety considerations.

Vote: Motion carried unanimously.

F. Planning Department Interns

Chairman Madison said the Planning Department was requesting two summer interns, one funded by the budget, and the other by insurance coverage, each at \$6 per hour, not to exceed \$2,000.

Motion by Selectman Seabury, seconded by Selectman Stewart, to authorize the Town Planner to advertise for two Summer interns carried unanimously.

G. Request for Town-owned Property on Adam Drive

Chairman Madison said this request was circulated for staff input. The Town Planner's recommendation is not to sell this parcel, in accordance with the Master Park Plan, to "leave as is."

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to deny the request.

Selectman Jasper said this is land under PSNH power lines and he couldn't imagine building anything there. Selectman Seabury said this land was dedicated to the Town.

(Start Tape 1, Second Side)

Selectman Jasper said he was out there during the perambulation and it is unattractive. If the Town doesn't have any plans for that land, and it's an eyesore, they might be able to work out some accommodation for that parcel to be maintained. Selectman Seabury said she'd rather have the Highway Department maintain it rather than have someone build on it. Selectman Jasper argued that it can't be built on because it's under the power lines. Selectman Seabury said she's seen unbelievable things happen and Lion's Hall was built underneath the power lines. Selectman Jasper said he wasn't talking about selling it, and no one can build directly under power lines. Mr. Sharon said some time ago, the Town granted a water easement across that property, although it has not been recorded.

Vote: Motion carried 4-1. Selectman Jasper voted in the negative.

H. Petitions/Licenses for Telephone Poles on River Road, Robinson Road and Barretts Hill Road

Motion by Selectman Stewart, seconded by Selectman Seabury, to license the poles on River Road, Robinson Road and Barretts Hill Road, as recommended by staff, carried unanimously.

I. Assessing -- Yield Tax Warrant

(Map 004/Lot 006 Steel Farm, LLC; Map 021/Lot 001 Horizon Realty Trust; Map 035/Lot 067-045 John Jacobs)

Motion by Selectman Stewart, seconded by Selectman Seabury, to sign, as recommended by the Assessor, carried unanimously.

J. Fire Department Vehicle Purchase

Chief Carpentino said this was approved at Town Meeting. As of July 1, he will have \$6,500 available for the first year of a four year lease purchase. He requested authorization to purchase a 1999 Ford Explorer XL, which allows them a 4-door, 5-passenger, all-season, second command vehicle, through Granite State Ford at \$23,735, considerably less than Grappone's State bid price of \$24,855. They also considered a Blazer and Crown Vic, at \$20,000. Selectman Charbonneau said the Sheriff's Department bought five Explorer's last year and they get only eight miles per gallon, plus they are tipsy, do not hold five passengers and have little leg room in the rear, so he's going with Crown Vics this year.

Chairman Madison said when the Board approved the Bronco, it was to be used for equipment. Chief Carpentino said the Bronco, purchased prior to his arrival, is used for a command vehicle. Chairman Madison asked what was used before they had the Bronco. Chief Carpentino said they would use the Deputy's old red Caprice and stand there with two portable radios. Now they have a vehicle with a

command board and two radios, in addition to a portable. Chairman Madison asked why someone would be at a command vehicle instead of fighting the fire. Chief Carpentino said the vehicle is positioned at the fire, and allows someone at a central location access to a lot of data and to know where the crews are, where the water sources are, etc. They didn't have that before.

Selectman Seabury asked Selectman Charbonneau for her recommendation. Selectman Charbonneau favored a Crown Vic. Chairman Madison asked what the budget request was. Chief Carpentino said the request was for a staff vehicle, at \$6,500 per year for a four-year lease. Since there was no motion on the floor, Chairman Madison suggested the Chief rethink this and come back at the next meeting.

K. Budgeted Funds for the Kirby Building

Chief Carpentino said they had budgeted \$58,000 for work to be done to the Kirby Building, but since then, they have moved into the Ferry Street location, which needs some work done on it. The heating system needs to be looked at and there isn't any type of ventilation system for the summer. That work is estimated to cost \$10,000. Some windows need to be replaced at a cost of \$6,800. It is estimated to cost \$3,500 to make it handicapped accessible on the Ferry Street side. The roof needs to be repaired at an estimated cost of \$2,000, and they estimate it will cost about \$1,000 to put a sign outside the building. They are requesting authorization to use \$23,300 from the funds budgeted for the Kirby Building. After all of the work is done, it will match the Fire Station.

Chairman Madison hoped this would be done properly because there have been complaints about how Town buildings look, in spite of the fact that a lot of money has been spent on them. Some of the money in that account will need to be used for the Kirby Building itself. She asked about space allocation in the Fire Station since Administration moved out. Chief Carpentino said the Deputy moved into his old office, EMS moved into Torrey's old office, the Deputy's old office is being turned into a bedroom, the Fire Prevention area will become the Captains' office, the Lieutenants will move into the Captains' old office, and that area will be a storage area again.

Motion by Selectman Stewart, seconded by Selectman Seabury, to authorize the Fire Chief to use \$23,300 out of the funds that were set aside for the Kirby Building on or about the first of July carried 4-0. Selectman Jasper abstained.

L. Acceptance of Donation of Class at the Massachusetts Fire Academy

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to accept the donation, valued at \$450, with thanks, carried 4-0. Selectman Jasper abstained.

M. RAVE Parties

Chairman Madison recognized Selectman Jasper, who talked about the RAVE parties at Playmaker's that operate from 2:00- 8:00 a.m. on weekends. He didn't think that was the type of thing they wanted to have going on in Town. People were transported to the hospital for using an over-the-counter type drug and others were seen urinating on the building. Most of the people are supposed to be under 21, but the two that were transported were over 21 and from out of Town. The Board needs to take some aggressive steps because, as this becomes more widely known, they will have the problem Nashua has with the Bahama Beach Club. Chief Gendron drafted a proposed ordinance, which may be a start. Perhaps this isn't something they can ban, but it can be banned from certain zones, and may be worth having a special Town Meeting. He didn't want to wait until next March to address this issue.

Chairman Madison agreed, as did Selectman Stewart, who was surprised that just by taking out some furniture, they went from an occupancy of 122 to 244. Chief Carpentino said 244 is less than what is allowed by the Life Safety Code. With tables and chairs, it's 15 sq. ft. per person; when it becomes a

dance floor, it's 7 sq. ft. per person. They didn't allow them to go to 7 sq. ft. per person because of environment and control issues.

Chairman Madison agreed that waiting until next March is too long. She didn't know what they were going to do, short of loading the place with police and firefighters. Selectman Jasper said a Special Town Meeting doesn't court approval because it is non-monetary. While he agrees they should have as many enforcement personnel in there as possible, it still brings in an element they don't want, and most of the police and firefighters don't want to have to be up all night. He didn't want to spend the rest of the year getting up at 5:00 a.m. every Sunday. With kids coming and going all night, he didn't think there are enough police to monitor them. These parties started when (the owner) lost his liquor license. Mr. Sharon said that unless something is put into place, it's going to seem very attractive to other bar owners in Town to run the same kind of thing because it's a major money-maker.

(Start Tape 2, Side A)

Selectman Jasper said the establishment owner was charging \$15 to get in, ran out of fives, upped it to \$20 and they were still coming in. Bottled water sold for \$3. He thought a legal opinion was needed to see how the Selectman can tighten up the hours. There may be something that would allow them to go to set a curfew immediately, like 2:00 a.m., since the kids are under 21.

Motion by Selectman Jasper, seconded by Selectman Stewart, to forward this to the attorney for a response ASAP and for solutions for establishments that don't have liquor licenses, carried unanimously.

8. OTHER BUSINESS

A. Late Hours of Planning Board Meetings

Selectman Seabury said Planning Board meetings are getting out of control, going to 1 a.m., and the volunteers are not showing up. People cannot function at 1:00 a.m. They are not supposed to take up new business after 10:30, but they do. She asked what the Selectmen could do about it. Selectman Jasper said they simply tell staff to go home at 11:00. When he was on the Planning Board as a Selectmen's rep in 1984, they voted to take up no new business after 11:00 because none of them function well after that hour. If the Planning Board wants to continue without staff present, there's nothing the Selectmen can do about that, but they owe it to staff to get them out at a reasonable hour.

Selectman Stewart said the packet for tomorrow night's meeting is very thick and asked why staff was overloading the agenda with a dozen issues when each issue takes from 40 minutes to two hours. By 9:00 p.m., they've only addressed one issue. Selectman Seabury said a new RSA states that when a new application comes in, it must be on an agenda within 30 days. The cases are more difficult and, when not addressed in a timely manner, create a backlog. Selectman Charbonneau said when she was on the Planning Board, certain people talk for hours, and they repeat themselves. Other communities allow speakers a certain length of time before moving on. People can't work all day long and then sit in a meeting all night long and listen to all of this. It's too heavy a load.

Motion by Selectman Seabury, seconded by Selectman Jasper, that after June 1, Town staff is directed to leave Planning Board meetings at 11:00 p.m. carried unanimously.

B. Planning Board/Town Engineer

Selectman Seabury said the Planning Board wanted the Town Engineer to go before them to answer some questions about Thurston's Landing performance surety, but he needs permission first from the Selectmen, according to the Town Planner. Selectman Jasper said the Selectmen need to be cautious if that's the Town Engineer's understanding, as it may become too easy to request the Engineer at every meeting. Chairman Madison said they'd leave it in the hands of the Town Administrator, who will schedule, as appropriate.

C. Building Inspections

Selectman Seabury said she had a disturbing phone call from someone who was at a meeting in Concord and overheard a conversation by people who were complaining about how hard it was to get something through in other communities, but it was easy in Hudson--electricity, in particular. If the Town is understaffed in this area, and with the tremendous amount of building taking place, maybe they should hire more people, at the expense of the developer. The caller thought the Selectmen should know that builders and developers are chuckling about how easy Hudson is.

D. Thurston's Landing

Selectman Seabury asked if the Town Attorney was consulted on whether they can take money from the blaster or developer. She got a phone call from someone who told her how the Town can legally assess these people, put it into a fund, pay off any damages that are done, and when that fund reaches a certain level, they can be assessed again to bring the fund back up. The Town Administrator asked who the caller was, saying that would put the Town in the position of being an insurance company. Selectman Seabury said Mr. Fauvel and, if it puts the Town in that position, so be it. She suggested putting an ad in the paper for people to call the Town to report damages. Even though it puts a burden on staff, they should go out and document the damage. They can also hire a geologist or someone who knows what is going on underneath the ground to assess the buildings. At their last meeting, the Planning Board denied the bond. She doesn't know whether they can do that legally or not, but Mr. Maynard said not releasing the bond was holding them hostage. Before the bond is released, they have to do something because too many people are being injured by this. Mr. Sharon said he gave the name of a geotechnical consultant to the Fire Chief that, presumably, will be pursued. Chairman Madison asked the Fire Chief if he has contacted the consultant yet. Chief Carpentino said the NH DOT is supposed to be sending someone down to talk with the Town. He has also dealt with the Attorney's office and with Maine Drilling and Blasting. Their insurance company has hired a geological consultant to come in and do a third party assessment.

Selectman Jasper believes the Code is very comprehensive, an opinion that was confirmed by the Attorney, but it is not being pushed in terms of survey. If blasting is going to continue, they need to do comprehensive checks beforehand, even if it is expensive for the developers. The Code, *Denial, Revocation or Suspension of Permit*, states that the Fire Chief can determine that blasting operations pose a hazard to the health or property of any person or have or will cause an unnecessary nuisance to any person--and this is causing an unnecessary nuisance. Mr. Sharon said the Fire Chief has drafted regs, which carries the Code provisions a step or two further. Selectman Seabury asked if the blasters will stop until this is settled. Selectman Jasper said the Selectmen can't do anything about it; it's up to the Chief. Chief Carpentino said he doesn't have a lot of ground to stand on. He has talked to the Attorney about it and he's done a total re-write of it.

Chairman Madison said they have to stop this, but she didn't know how. Selectman Seabury asked what the lawyer said. Mr. Sharon said he guided Chief Carpentino to draft what he drafted. Selectman Seabury asked if the blaster could be stopped. Chief Carpentino said not unless the provision they are violating is a State or Town law. Chairman Madison asked the Town Administrator how they could stop this. Mr. Sharon said they can stop it immediately, but there may be liability issues. Chairman Madison suggested he ask the Attorney tomorrow where this will leave the Town, and then they'll see where they're at. They may have to take a risk on this.

Selectman Jasper said sometimes when they are trying to do the right thing for the residents, and following the Code, you say too bad at what the exposure is. It appears the Chief could probably order 10 seismographs to be set up all around. If there are still complaints, he can order the blaster to lower the charges. Chairman Madison read, "If the blaster or blasting company does not fully cooperate and resolve any complaint, the Hudson Fire Chief may direct suspension or termination of all blasting operations." Chief Carpentino said that's the way he rewrote the chapter, but Attorney Ratigan said they couldn't implement it because it has to be voted on at Town Meeting. Mr. Sharon said the checklist can be put into

effect, and that's what the Chairman was reading from. Chief Carpentino said they had an informational meeting with the blasters and the only issue that wasn't being complied with was noticing in the newspapers. Chairman Madison thought that was justification to terminate their blasting. Chief Carpentino said the blasters have been told that, but the Attorney said they can't be made to go back and post for blasting that has already occurred. They will have to advertise for the next phase. This is a complicated issue and there's no easy fix.

Selectman Seabury recommended the developer not be allowed to go forward with the next phase and, if they cause any more disturbance, they are going to be stopping on Phases I and II, as well. Mr. Sharon said the Town is blasting, too, on a totally different magnitude, but it is still blasting. They are following the same regulations that Maine Drilling and Blasting is following, but nobody complains about the ones that Kevin has to do, which is blasting for road, sewer and water work. Chairman Madison said obviously those aren't as strong. Mr. Sharon said they aren't, but it complicates things. Selectman Seabury said they don't receive complaints about Kevin; they're getting complaints on the others. Chairman Madison said if they are following the rules and regulations, there's no problem.

Selectman Jasper thinks it has to do with the charges. They are blasting so much. Nobody should have to put up with having their house shaken. (Applause from the audience.)

(Tape 2, Second Side)

If nobody feels the effect of a blast, who cares? They need to send a message to the Chief that the Board is behind him. Maybe they will come after the Town of Hudson as being unreasonable, but he'd rather hear a judge say the Town has to let them put in a large charge rather than sit here and *think* they have to let the blasters put in a large charge. The Code, right now, allows them to say, "Hey, you're bothering people. Lower the charge." Chief Carpentino said he'd like the record to show that he requests the Town hire someone to take care of this, and he's already discussed it with Paul. The Fire Department does not have the knowledge, expertise or ability to do this. He has no idea how low to bring the charges down and he does not have the manpower to watch every blast.

Selectman Stewart asked if the State has looked into the wetlands issue. Mr. Sharon said yes, and Margaret Foss has promised to submit a written report to Susan Snide.

Selectman Jasper said they should give the Chief the authority to hire someone to give him the information he needs. Chapter 202-22, *Seismographic Monitoring*, says the Fire Chief may, at his discretion, require seismographic monitoring be conducted by the blaster for any and all blasts initiated. The seismographs can be put where they've had complaints, and if the ground is moving and people are complaining, then it would seem that the charge has to get lowered, and they go from there. He may need some expert help, and they ought to give him that.

Motion by Selectman Jasper, seconded by Selectman Stewart, to authorize the Fire Chief to hire an expert immediately to handle this matter and address all of the concerns raised this evening.

Selectman Seabury didn't think the Town should have to pay for it, but Chairman Madison said they will. Selectman Jasper said that while this is going on, they should get more seismographs out there. Chairman Madison said that's something the consultant and the Chief will talk about at 8:00 am tomorrow. Selectman Jasper didn't think someone could be hired that soon, but if a resident is complaining that their house is moving every time there is a blast, there ought to be a seismograph there for each and every blast. Chairman Madison said that will be done, in accordance with the motion. Selectman Jasper said the motion is to hire someone. In the meantime, they can gather the data to help that person by making sure there are seismographs in those locations tomorrow for every blast, at the blaster's expense. The Code allows for that. Chairman Madison said that's something the Chief can take up with whomever he hires. Selectman Jasper said they don't need the expert to do that. Chairman Madison said the Fire Chief has said he needs to be busy with Fire Department operations and does not have time to be tracking blasts. The person they hire can do that. Selectman Jasper said if someone calls in 30 times, that keeps the Fire

Department pretty busy. They can call the blaster tomorrow and say, "Here are 10 locations I've had constant complaints with. Put the seismographs there and give me the tapes." Chairman Madison said the consultant can do that, adding that there may be other locations where the expert wants to locate them. Selectman Jasper said those with continuing problems should be covered right now. Chairman Madison said he could do that in a separate motion. Selectman Jasper said that was really up to the Chief. Chairman Madison thinks the Chief has heard them, loud and clear.

Chief Carpentino said he gets complaints about other blasts, too, that even Selectman Jasper called to complain about Brox. Chairman Madison said as long as they are hiring the expert for one, he might as well look at the other. It has to be solved.

Vote: Motion carried unanimously.

Motion by Selectman Seabury, seconded by Selectman Stewart, to send a written memo to the Planning Board that no further work should be done on Thurston's Phase III until the blasting problem has been solved carried 4-1. (Selectman Jasper voted in opposition.)

E. ATV's for Sale at Brook Plaza

Selectman Stewart was surprised that staff hasn't noticed the ATV's parked at Brook Plaza that are for sale

F. Used Car Lot at Nobby's

Selectman Stewart said a used car lot appears to be popping up at Nobby's on Burnham Road at Ferry. Mr. Sharon said the Zoning Administrator was on that one. Selectman Stewart said there has been one car there all winter long with a For Sale sign on it that seems to be getting friends.

G. "Free" Refrigerator behind Derry Queen

At 3:00 today, Selectman Stewart saw a refrigerator behind the DQ with a "free" sign on it, but the doors are still on and there are no chains around it to secure the doors. The Zoning Administrator was going to look into it, but when she drove by tonight, it was still there. This is a safety hazard.

H. Starter Home Signs

Selectman Charbonneau said Starter Home signs, that she talked about two weeks ago, are still up on Central Street and on Bush Hill. Another set of signs have gone up on Central and Greeley and Kimball Hill Road. She asked that the Zoning Administrator take them down.

I. Building in Town

Chairman Madison said everyone is always moaning and groaning about the amount of building that is going on in Town and they've talked about putting a moratorium on building for a lot of years. Before every bit of space in Town is built upon, she wondered if the Board wanted to consider doing something for the upcoming election in March. The buildings that are being put up are not supporting themselves and there are some pretty large projects going in. The Town will have to build new schools and enlarge the Fire and Police Departments. Selectman Seabury said they've got to have a real good reason legally, and it is only good for a year. Chairman Madison said other towns do it. She wanted to bring it up earlier enough so they can think about it and work on it. They could consider going to one-acre lots. The other Selectmen thought that was a good idea. People's taxes are going to go sky high because the houses the Town is building does not support schools and other things.

Selectman Jasper said the zoning that they passed dealing with wetlands and slopes went a long way, but

he shares Selectman Seabury's concern. An area they should look at, after talking with a land use attorney, should be condos and apartment buildings. He doesn't see any reason why apartment buildings should have less square feet of land than a single family home. Maybe they should consider each unit in town, regardless of what it is, will have to have 45,000 sq ft, except in the TR zone. He thinks that's a place to start.

Mr. Sharon asked if a duplex would require two acres. Selectman Jasper said no, 90,000 sq. ft. Chairman Madison said developers are buying up every bit of open space. Selectman Jasper said the best way to do that is to pay people so much a year for 20, 30 years. They need to start buying up the development rights to open land, but they should also look at density. Chairman Madison said since they haven't had any experience doing this, but other towns do it. Mr. Sharon said if the Selectmen decide to do that, it should be directed to the Planning Board. Chairman Madison said that would be fine, but it does need to be looked at.

Motion by Selectman Stewart, seconded by Selectman Jasper, to give direction to the Planning Board to increase the size of building lots for all types of residential units carried unanimously.

J. Non-Union Salary Increases

Chairman Madison said at the first meeting in June, she would like to do the Non-Union Salaries.

K. BOS/Staff Workshop

Chairman Madison said staff would like a workshop with the Board of Selectmen in June. In addition to discussing budgetary issues, they would like the Selectmen to get some training on how elected officials see things differently from staff. Elected officials make decisions based on what they hear; staff decisions are made by what they see. There are some good videos and training people out there who could come. Staff wants the Town Administrator to attend, but he will be out from mid-July till September for a hip operation, and September is too late. Mr. Sharon said from staff's standpoint, the kinds of budget issues they want to discuss are different approaches to putting together a budget, the Town Meeting Warrant to support that budget, what to do with vehicles, etc. For example, the speed detecting trailer that Chief Gendron had a grant for most of the cost of, neither he nor the Chief understand why that was designated as a separate item which, subsequently, got voted down. The Chief would like the Board to consider things like that for inclusion in the operating budget. Staff would also like to discuss how to approach positions, in the warrant or not, etc.

Selectman Seabury will out the first two weeks in July. June 29 at 7:00 p.m. was selected for a workshop with staff. Mr. Sharon will poll staff and the Board for agenda items they would like included.

9. LICENSES AND PERMITS

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to approve a raffle permit requested by the Hannah Dustin Quilt Guild for December 6, 1999 for a queen size bed quilt carried unanimously.

10. ACCEPTANCE OF MINUTES

BOS Minutes of the May 11, 1999 Meeting

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

11. COMMITTEE ANNOUNCEMENTS

5/26 7:00 Planning Board in the Planning/Zoning Mtg. Rm.

5/27 7:30 ZBA in the Planning/Zoning Mtg. Rm.

5/31 2:00 American Legion Post 48 Memorial Day Parade

6/02 7:00 Planning Board Workshop in the Planning/Zoning Mtg. Rm.

6/05 8-2 Spring Cleanup at West Road Landfill

6/08 7:30 BOS Meeting in the BOS Mtg. Rm.

6/09 7:30 Public Hearing on 3A/Lowell Road Widening Project at Nottingham West School

12. LIAISON REPORTS

Selectman Stewart said she attended her first meeting as liaison to the Library, and she was not welcomed. She was not introduced to the other members, she was not given copies of Minutes, the Treasurer's Report or the Library Director's Report. She doesn't know how the Selectmen can support the Library if they don't know what they are doing. When they went into Nonpublic Session, they asked her to leave. Chairman Madison asked if the Board can direct the Library Trustees to allow their liaison to participate. Selectman Jasper said no, they are a totally separate body.

(Start Tape 3, Side A)

He thinks they should say that the Library has stated in the past they would like to have a liaison from the Board of Selectmen and that our Liaison did not feel welcomed, did not feel that her presence was appreciated, and cover the things Selectmen Stewart mentioned. While the Library Trustees have come to the Board looking for support in the past, it appears that it is a one-way street. Selectman Stewart said the Trustees Chairman, on that night, had a report on the soil of the buildings they are interested in purchasing. If the Town is going to be purchasing this property, the Selectmen should be aware of what is underground. It has always been rumored there has been asbestos. Chairman Madison thinks the Board should send them a letter. Selectman Stewart said she wants to remain as the Library's liaison.

13. REMARKS BY THE SELECTMEN

Selectman Jasper said, regarding the land near Adam Drive, he was not suggesting that they sell the land, which was tax-deeded (copy in the agenda packet), not donated. He had suggested giving an easement to the people so they can clean it up because it's an eyesore. The Highway Department shouldn't have to clean it up as they've got enough to do. They should be talking with the residents and if somebody wants to do something good with a piece of property to make it more attractive, and the Town doesn't have plans for it, it's an appropriate thing to do. He's disappointed that the Board doesn't see it that way.

Selectman Charbonneau said if the Board allows them to clean it up, and someone gets hurt on the property, the Town will be liable. Secondly, a couple of weeks ago, she was at WalMart's and the sidewalk area was filled with potted plants. She told the Manager, but nothing was done, so she contacted the Fire Department and Capt. Marshall went down there and took care of it. The Police Sub-station personnel should have taken care of that. With things all over the sidewalks, people have to walk in the street. They even had a tractor with a trailer on it and a go-cart on the sidewalk. It's full of stuff, and it is dangerous. Sidewalks are for people to walk on. It's a safety hazard and shouldn't be allowed. Even inside the building, it's so filled with stock that people have a hard time getting through the aisles. She has heard that the stock room is so full, people can't move around in there. She is not anti-business, but this is a hazard, and pretty soon, they will be putting up a tent. Lastly, she told Chief Carpentino that after next week, she'll be down to see him.

Selectman Stewart praised the Highway Department because the park and the flower barrels look wonderful. She wondered if they could turn the lot by Adam Street over to the community garden people. Chairman Madison said that was a good suggestion.

14. NONPUBLIC SESSIONS

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to enter Nonpublic Session under 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; and (c) Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting carried 4-1 by roll call vote. Selectman Jasper voted in the negative.

Nonpublic Session was entered into at 9:22 p.m. and was terminated at 11:45 p.m.

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

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to hire Pamela Bisbing as a part-time Receptionist in the Highway Department @ \$10.34 per hour, Grade VI, Step I, effective June 13, 1999 carried unanimously.

15. ADJOURNMENT

Motion by Selectman Seabury, seconded by Selectman Stewart, to adjourn at 11:50 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