

HUDSON BOARD OF SELECTMEN**Minutes of the April 13, 1999 Meeting**

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:34 p.m.

2. **PLEDGE OF ALLEGIANCE**, 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; Kevin Burns, Road Agent; Richard Gendron, Police Chief; Capt. Ray Mello; Lisa Nute; Earl Sweeney; Lt. Bill Pease; Sgt. Mike Smith; Sgt. Bob Tousignant; Officers John McGregor, Al Semple, Jim Stys, Chuck Dyak, Dan Dolan, Tom Browne, Don Cassalia and Marc Beaudoin; Frank Carpentino, Fire Chief; the Junior Women's Club; Esther McGraw; Walter Abucewicz; Howard Dilworth; Nancy Regan; Jack Minch, SUN; Josh Trudell, TEL

4. **Presentation of Level 1 Accreditation Certification to the Hudson Police Department by Earl Sweeney, Director of Police Standards and Training Council in Concord, NH**

Chairman Madison recognized Chief Gendron, who said the accreditation process involved a lot of teamwork, singling out Lt. William Pease, who headed it up, and Lisa Nute, and then recognized all of the police officers who were in attendance, who were instrumental in pulling this together. He then introduced the presenter of the Level 1 Accreditation, Earl Sweeney, Director of NH Police Standards and Training Council, calling him the "father of law enforcement in the State of New Hampshire."

Mr. Sweeney said it was a pleasure to make the presentation. Hudson is the 10th police department out of 262 New Hampshire departments to go through this process, which involves a great deal of work. All of the department's policies have to be scrutinized. When people ask why a department would want to go through all of this, it is put into perspective when they are asked if they'd rather go to an accredited or non-accredited hospital or send their children to a school that's accredited or one that's not. The department has made changes to bring their policies and procedures up to national standards. There is professional consistency in the department, whether a call is taken at 3 p.m. or 3 a.m. The policies have passed scrutiny and represent the best practices nationally. Insurance carriers are delighted when a department is accredited because the policies will stand up in court. He congratulated the department, saying he knows the Chief intends to progress through all the levels. This is a free service provided by the State and is designed in four levels so the departments can take a step at a time. He's sure Hudson will progress rapidly.

Mr. Sweeney, said he has been in law enforcement since 1957, and has seen tremendous progress in the Hudson Police Department under Chief Gendron. He's proud of the Hudson police officers he sees in training programs at the Academy. He asked the NHMA-PLIT and CFNH Risk Managers to name the three most professional police departments in the State and the first one they mentioned was Hudson, a credit to Chief Gendron and his people. With congratulations, he presented the Certificate of Accreditation.

Chairman Madison thanked the Director and Chief Gendron, saying he's done a wonderful job and the Board is very proud of the Police Department.

5. **PUBLIC INPUT**

Selectman Jasper said, as a matter of practice, the Chairman should announce during this segment that if someone in the audience has something to say to the Board, they may do so at this time without having

previously signed up. Chairman Madison thought that was a valid suggestion and asked if anyone wished to speak to the Board. There was no response.

6. CORRESPONDENCE RECEIVED

A. From: Lorraine Falcone, GFWC Hudson Junior Women's Club

Re: Beautification Project--Lion's Hall

Refer to: New Business

B. From: Richard Gendron, Chief of Police

Re: Donation from American Legion Post 48

Kirby Building

Refer to: New Business

C. From: Lt. David Morin, Fire Department

Re: Donation from American Legion Post 48

Refer to: Public Hearing/New Business

D. From: Assessing Department

Liaison Assignments

Refer to: New Re: Various Assessing Items

Refer to: New Business

E. From: Thomas Barrett, Knights of Columbus

Re: Tootsie Roll Fund Drive

Refer to: New Business

F. From: E. Lorraine Madison, BOS Chairman

Re: Business

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to receive the Correspondence, with appropriate referral, carried unanimously.

7. OLD BUSINESS

CFNH vs NHMA/PLIT Insurance Coverage (Deferred from March 23, 1999)

Chairman Madison recognized Paul Sharon, who said the Trust had asked each Town to take a position and voice their concern about the two groups entering into head to head competition and to encourage them to try to resolve their differences. Since the Selectmen's last meeting, the two boards have decided to do that and are meeting on the 28th, so there is no further action necessary by this Board. Selectman

Charbonneau heard they are still pretty far apart and that CFNH's offerings represent big savings. Paul said it's a long story, dealing with personalities and different objectives. A lot of people feel the two groups should merge.

8. NEW BUSINESS

A. Hudson Junior Women's Club Beautification Project--Lions Hall

Chairman Madison recognized Lorraine Falcone, who said the Jr. Women's Club selected Lions Hall for their beautification project and have already had a fundraiser. Before they start, they'd like to know what the Town's plans are for improving or maintaining the building. Chairman Madison said the heating system needs to be replaced, including new duct work, the ceiling lowered, and then the hall will be painted. It would be a waste of time to do the painting now because, with the other work that has to be done, it would be ruined and would have to be re-done. The outside needs some work.

Ms. Falcone asked what the Town's target dates were for completion of the inside projects. Paul said they're in the process of trying to get proposals from heating and ventilating contractors, but it probably won't be until Fall. It was anticipated that the Department of Corrections would do the painting, but the Town has learned that there is not enough supervisory personnel to watch them.

Ms. Falcone said they can do a quick clean-up of the grounds in June, picking up the trash, glass and debris. They'll plant flowers, put flower pots out front and add barrels and benches. It won't cost a lot and can be done rather quickly. The holes in the floor need to be repaired because it is dangerous and impedes the Seniors' ability to line dance, but things like that will have to wait until after the maintenance work is done.

Chairman Madison thought the project was wonderful. Ms. Falcone asked if there was a contact person that could authorize them to do things, or if the Board preferred they come before them. Paul suggested three contact people: him, Kevin Burns and Richard Young. Chairman Madison said if the Juniors want to do a major project, it should come before the full Board. Ms. Falcone agreed and said they would proceed with the outside cleanup and would wait until the heating system is installed before they continue with anything else.

B. Donation of \$316.33 by the America Legion Post 48 to the Police Department to purchase flashlights to be distributed at the Safety Issues for Women seminar.

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

C. Discussion of Kirby Building

Chairman Madison recognized Chief Gendron, who said he recently met with Chairman Madison and Paul to discuss possible uses of the Kirby building. With the pending sale of the land, there will be no room for future growth of the police facility or parking lot. Looking to the future, he doesn't think the building should be sold; it should be kept. He suggested moving their fitness center into the Kirby building, which could be used by *all* Town employees, turning the current fitness center into offices. Long term, he would like to move Records into the community room, converting the Records area into office space, using the Kirby building for a community room or for training. The land next to the Kirby building is a K-9 training area. Since the Kirby building is already heated and ventilated, and until it's decided what it will be used for, it can be used as a fitness center and community room.

Selectman Jasper thought the Chief made some excellent points. There might be short-term

gain in selling the building, but they would be sorry in the long term, since the Town is growing rapidly. He thought the Fire and Police fitness areas could be combined. Chief Carpentino didn't think that was feasible because one or two members currently use the fitness room when time allows. If the fitness area is moved across Town, they would have to send an apparatus out there and the crews would be split; the union contract specifies they work out while on the job. Selectman Jasper said he was thinking more of the off-duty firemen. Chief Gendron said Kevin has a few guys that work out regularly, and they will be just down the street. Selectman Jasper said the best way to keep the building from further deterioration is to get people in there on a regular basis and keep it maintained and cleaned. Chief Gendron said steam cleaning the carpets and some fresh paint would help. Dan has been maintaining the ventilation system. If there is movement in the building, it will help out. Right now, it is stagnating.

Chairman Madison asked if they were all in agreement they should keep the building. She asked if anyone wanted to make a motion. Selectman Jasper didn't know that any specific action was needed. If the Chief has a floor plan, that might need to be approved, but he didn't have any problem with the concept. Chairman Madison didn't, either, and thought they should hang onto it, whether it is used by the Police Department or someone else. Selectman Charbonneau said they can't keep up with what they already have. The Kirby building is just one more building that has deteriorated over the years and they haven't done a thing about it. Now that they have the opportunity to be able to rent it, someone comes up with another idea. She asked what the cost of the upkeep will be, saying it looks like hell. She is thankful the Juniors are going to help by cleaning up Lions Hall. She asked how much money they were going to put into the Kirby building and how much it was going to cost to maintain it. Chairman Madison said they inherited the problems with the Lions Hall. Selectman Charbonneau said they did with the Kirby building, too. Chairman Madison said it has sat vacant for several years, but agreed with Selectman Jasper that they may find a use for it down the road. It would make a wonderful community room.

Chief Gendron didn't know who was going to be buying the land out there, but it's not a good idea to be surrounded by industry that has hazardous materials. At least the Kirby building is a buffer. He thinks it is in the Town's best interest to keep the building. Some day someone will be glad they did. Selectman Jasper said they will have to maintain it better than they have been doing. Chief Carpentino said the building has potential. It could be used to store evidence or small parts. He didn't know what the future will bring but, if there are no immediate plans, the building can be used for something now.

There were no further comments.

(Start Tape 1, Second Side)

D. Public Hearing/Board Action on donation of three Flag Poles by the American Legion Post 48 to the Fire Department for the proposed Firefighters Memorial

At 8:05 p.m., Chairman Madison opened the public hearing and asked if anyone wished to speak. There was no response, so she closed the hearing.

Selectman Seabury asked if there were going to be three flag poles at the memorial. Chairman Madison said the artist's rendering showed *five* flag poles. Selectman Jasper said there would probably be only three. Chief Carpentino said this donation was for the US flag, the department flag and the State flag. The union and the association will put up flag poles at their own expense, if they want their flags displayed. Selectman Seabury envisioned that it would be very colorful. Selectman Jasper thought they would be graduated heights.

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept with thanks carried

unanimously.

E. Assessing Items

1) Current Use Application, Richard H. & Robert Frost, Map 018, Lots 005, 005-001, 002, 003

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

2) Elderly Exemption Application and Abatement Application, 1998, 37 Musquash Road, Map 011, Lot 050

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

3) Application for Blind Exemption, Walter O'Neal, Map 51, Lot 48

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

4) Veteran's Tax Credit Application, Robert E. Robertson, Map 029, Lot 037-004

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

F. Request by the Knights of Columbus to collect funds for their Tootsie Roll Fund Drive on April 23, 24 & 25, 1999 at Market Basket and Wal-Mart, proceeds of which will go to benefit the mentally retarded.

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the request carried unanimously.

G. Request by Hudson Unit 48 American Legion Auxiliary to hold their annual Poppy Days Drive from May 13 through May 15.

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the request carried unanimously.

H. Selectmen Liaison Assignments

Chairman Madison read the following assignments:

Benson's, Madison/Charbonneau; Budget Committee (Seabury, Member and Jasper, Alternate); Cable Committee, Jasper; CIP, Seabury; Chamber of Commerce, Jasper; HazMat, Charbonneau; HEDCorp, Jasper; LEPC, Charbonneau; NRPC, Seabury; Nominations & Appointments, BOS Chairman; Planning Bd. (Stewart, Member and Charbonneau, Alternate); Sewer Utility Committee, Charbonneau; Solid Waste Study Committee, Stewart; Emergency Preparedness, BOS Chairman; Conservation Commission, Seabury; Public Works, Jasper; Planning, Seabury; Engineering, Seabury; Town Clerk/Tax Collector, Charbonneau; Police, Stewart; Zoning, Jasper; Assessing, Jasper, Library, Stewart; Fire, Charbonneau; Finance,

Charbonneau; Recreation, Stewart.

9. OTHER BUSINESS

A. Junk Mobile Home

Selectman Stewart asked about the junk mobile home. Paul said it's a mess--it looks like a dumpster with windows. The Building Inspector had gone out to look at it initially, but went to the wrong area. Paul hasn't gotten a report back from him yet since he has seen it.

B. Combined Dispatch

Selectman Stewart asked for an update on the status of combined dispatch. Paul said the Chiefs are working on the RFP.

C. Flower Barrels

Selectman Stewart asked when they can expect the barrels of flowers to appear on the islands. Several people said it was way too early, probably not until the end of May.

D. Blasting Operations on Thurston's Landing

Selectman Charbonneau said she has received calls relative to the blasting at Thurston's Landing, along with complaints about dumping, filling in some of the wetlands at Thurston's Jump. A remark was made to one of the residents that they should go to their insurance company. She didn't think that was right. She checked out the area and was surprised to see the tremendous amount of blasting being done up there, causing houses to shake, which is not supposed to happen. People are having big problems in that area and she wondered if the Fire Department was monitoring it carefully enough.

Chief Carpentino said all of the complaints received by the Fire Department are turned over to the blasting company. Several weeks ago, they developed a form letter that they send out as a follow-up. There are no violations and there is nothing the Fire Department can do to shut them down. If they cut their loads in half, they will have to double the blasting. The other day they had a 13,000 lb. blast and they did not get one phone call. When they do a 1,000 lb. blast, they get phone calls. It all depends on where the ledge runs. The blasting company is regulated by the State. He can't just arbitrarily shut them down. The Planning Board will have to make some restrictions on what the developers can and can't do. He sends his trucks up there to stand by every time they do a blast. The crews put glasses of water on the ground, and the water doesn't even move. Selectman Charbonneau said it shatters underground, not on top. Chief Carpentino said a blast can affect the air by percussion or underground, as it travels along the fault, doing damage in different ways. It depends on how it is loaded and how the ground takes it. They keep the Administrator apprised and let him know what complaints are received. On the other side, people have gone out to visit the homes and they are not allowed inside. The company doesn't even get phone calls from people who have filed complaints and that makes it difficult for them to track it down. He said the land was sold, plans were submitted and approved without restriction, and development occurred, and then the Fire Department is put in the position of being a watch dog. He doesn't have the enforcement authority that people think he does, and he doesn't want to get embroiled in the courts. The blasting company is licensed by the State, not by the Town. The Town allows them to blast via a permit.

Selectman Jasper asked if the Town can develop more stringent regulations. Chief Carpentino said the blasters have been given copies of the Code, and they are in compliance. Selectman Jasper asked if the Town can make the requirements more stringent. Someone blasted last

week, and every building on his property shook. The whole Town is being shaken constantly so somebody else can make money, and that's just not right. Chief Carpentino said the Town can develop whatever requirements they want. They have to be as stringent or greater than the State's. The State's requirements are the minimum guidelines. He said the blasting is going to get worse because property is being sold. It's property no one wanted to begin with, all ledge, but they have the right to develop the land, and the Planning Board authorized them to build. He sympathizes, but his hands are tied. If they comply with the State requirements, there's not a whole lot the Town can do.

Selectman Jasper asked the Chief for suggestions on what the Town can do to tighten things up. Maybe the blasters should be told that when they get to the level of shaking everyone's homes, they have to go down further. If they can't blast without shaking people's homes, then they shouldn't be allowed to blast. Chief Carpentino said that's a legal question. Selectman Charbonneau said houses are not supposed to shake during blasting operations. There is so much ledge in the development she doesn't know how people can buy homes there. They won't be able to put in any grass. There is something radically wrong with what the blasters are doing.

Chairman Madison noticed some people in the audience with their hands raised and asked if any of the Board members objected to letting them speak. There were no objections.

Walter Abucewicz, 63 Kimball Hill Road, agreed with the Chief, saying the Planning Board has allowed this developer to rape and pillage the land. He wanted to know who was going to take responsibility for all of this. It's not his imagination when his house is shaking. If it hits a fault line or piece of bedrock, it doesn't matter if it's a 1,000 lb. blast or a 13,000 lb. It's happening. He didn't want someone from a blasting company to come into his home and tell him his house is settling. He has been there for six months and now he has cracks in his cellar floor, and it's not from settling. He wasn't asking to shut them down, but somebody should be held accountable. Someone else is making a buck, and it's becoming his problem.

Esther McGraw said in February she brought into Town Hall a bottle of rocks that she got out of her toilet tank. Those rocks shut down her water, her furnace and everything else in her house, which she had to pay to get it cleared. She feels the blaster is responsible for this. She doesn't call Town Hall *every* time her house shakes because now Deputy Rogers just sort of laughs at her and tells her to submit a claim to her Homeowners insurance. The other night there was a big blast after 5:00 p.m. and her house bounced. The lady who lives across from her is 94 years old and she has to bail water into her washing machine now. She said this isn't right and doesn't think it should be a Homeowners problem. She thinks the blaster should have come out and looked the place over. When she invited them in, they refused, saying their shoes were dirty. She said he could have been up to his neck in mud and she wouldn't have minded because she wanted him to see what she was talking about.

Chairman Madison asked who keeps tabs on the blasters, suggesting that maybe a State inspector should come down. Chief Carpentino doesn't know who is keeping tabs on them, but if he calls DOT, they'll probably tell him they are understaffed and they do the best they can do because that's what the other State agencies say. They leave it up to the local authorities. Unfortunately, the Town is stuck with the rules that the State generates and there is really no enforcement authority at the local level. The reason they recommend the residents contact their Homeowners insurance is to ensure they get a complete settlement. The Fire Department does the best they can. He doesn't make any apologies, and he makes no profit from the blasters that come in. There is a tremendous amount of land that has been sold, waiting to be developed and it has a lot of ledge in it. The blasting is going to get worse, not better.

Selectman Seabury suggested getting ahold of the Town Attorney, telling the people to submit their bills, then take them to court. Mrs. McGraw said there are a lot more people on the hill that feel the same way, but they don't want to come in and complain. They have cracked walls, cracked ceilings, stuff that has fallen off walls and shelves and broken. They are elderly people and they don't want to rattle cages--but she has had it. She used to call every time her house shook because of a blast, but she gave up because she's told to call her own insurance company. Selectman Seabury said the Town should take the developers or the blasters to court. Chairman Madison asked her if she wanted to put that in the form of a motion. Selectman Seabury moved to contact John Ratigan, then asked how they were going to notify all of the people who had problems because of the blasting.

Selectman Jasper thought it would be a waste of time to contact the Attorney at this point because the Code covers everything fairly well. There is a requirement that there be notice in the local paper prior to blasting and a pre-blast survey should be conducted. Selectman Jasper said they should go in and physically look at the houses before they start blasting. Paul said they are doing that, but not necessarily in all the right places. Selectman Jasper said the extent of the pre-blast survey may be determined by the blasting company, but that it could also be done by the Fire Chief, and the Fire Chief could delineate the area to be surveyed before there is any more blasting occurring. They could tighten up what they are doing substantially. He went on to say complainant shall receive written instructions outlining the procedures to follow in order to seek compensation for possible damages. He thinks they need to review the procedures outlined in the Code to see if there is anything that isn't being done that could be done, and if there are additional things they think ought to be done, they should get that written up and work with the Chief, then bring John into it. The Code is more comprehensive than he thought. Perhaps it would behoove them to publish the Code in the HLN, so everyone will know what it says, what the procedure are and what they are supposed to be doing.

Chairman Madison thinks they need to find out exactly how much damage has been done, including damage to the people's homes who have not already complained. Selectman Jasper said if you don't go in and look at things on a regular basis, you don't know if something has been cracked for 30 years. It's important to do a very comprehensive pre-blast survey--and they may have to widen that scope. At this point, there should be enough data to reasonably conclude a certain charge will go a certain distance. If someone applies for a permit to blast, they should be told that a survey will have to be done first, with notices sent out offering a pre-blast survey, to be done before blasting is started. If people don't want someone to come in to do the survey, then that's their choice. If there is data to indicate people a half mile around a blast site are feeling the blast, then they should tell the developer that if he wants to blast, he will have to conduct a survey to include every house within a half mile. He thinks it's about time they started doing that. They need to do something and he thinks they can work within the Code as it is now.

Selectman Charbonneau said the blaster has to be using some pretty heavy caps in order to break up the ledge and they use great big pads. If it's done correctly, it's not supposed to shake the houses at all. She was on the Planning Board when that plan was approved. They didn't want to approve it, but they didn't have a choice because the subdivision had been approved previously and it was grandfathered. It's a terrible piece of land, but if they didn't approve it, it would have gone to court and the Town could have lost.

Paul thought it might be a good idea to bring in John Ratigan for a meeting, along with the Fire Chief, or the Deputy, and perhaps Mrs. McGraw or one or two other home owners and ask John to explain the limitations in terms of the Town being an enforcement agency, and what can or can't be done or what ordinances should be adopted, adding that the Chief is doing what he can.

(Start Tape 2, Side A)

Selectman Jasper said any house movement is unacceptable. Their policy should be, "You're not going to disturb the people who are here." Chairman Madison said they need to find out what their limitations are, and then proceed. Selectman Seabury asked if the blasting could be stopped right now. Paul didn't think so. Selectman Jasper said they *can* be more stringent in enforcement. The Chief can tell the blaster where he wants the seismographs located. Pre-blasting conferences may be scheduled by the Fire Chief, prior to permit application. He didn't know if that had been done, but he has a feeling they haven't been required to put in any big notices or have any big meetings. He thinks they can do a lot more in the way of public education, and thinks the Planning Board can tell a developer they cannot blast in a certain area when they approve the plans. Building can occur, but no blasting.

Chief Carpentino said the seismographs are already on site. He cannot judge the blasts because they don't know how they are going to travel underground. The smallest blast may do the most damage. Selectman Jasper suggested monitoring them all. Chief Carpentino suggested bringing the blasters and citizens together for a meeting so each side can present their case. They might even include a member of the Planning Board.

Chairman Madison said, for now, the Chief should enforce the Code to the max. Chief Carpentino said they do the best they can. Chairman Madison said Paul will contact Attorney Ratigan and possibly meet with the Fire Chief and a couple of the residents to see if this can be resolved.

E. Auction of Benson's Memorabilia

Selectman Jasper said on May 1, from 8 - 4, there is going to be an auction in Upton, MA, that includes Benson memorabilia, particularly having to do with the elephants--signs, head dresses, saddles, a circus album, elephant training books, elephant parade blanket, pulling harness, etc. There may be some things the Town is interested in and it probably won't be often that this type of stuff comes up. He won't be able to attend but he knows of someone who is willing to take them down on a week night to view what's there. Chairman Madison asked what they'd be buying these things with. Selectman Jasper said with slush fund money. They'd have to decide if they think it's worth the Town's money to acquire these things. When you go to an auction, you need to know what you want and how much you will pay. Selectman Seabury said she would drive Selectman Charbonneau down on a Saturday. Chairman Madison and Selectman Stewart would like to go down on a week night.

F. Letter from the School Department re establishing a Committee to Explore School Overcrowding Issue

Chairman Madison received a letter from the School Superintendent today. At the School District Meeting on March 9, an article passed for the District to create an independent committee to explore reasonable solutions to the school overcrowding issue and report back to the voters no later than September 1, 1999. The committee is to be composed of four members of the community, as well as members and alternates from the School Board, Selectmen, Budget Committee and Planning Board. She has talked with all of the Selectmen and, while they want to work as closely with the schools and help in any way they can, she doesn't feel this comes under the Selectmen's jurisdiction. The schools and the town are autonomous. Selectmen Jasper would like to be on the committee as a resident, if the Board agrees to send a letter to explain that they really feel this is under the jurisdiction of the schools and not the Board of Selectmen.

Motion by Selectman Seabury, seconded by Selectman Stewart, to send a letter to the school to say that this does not fall within the jurisdiction of the Selectmen and to recommend that

Shawn Jasper be appointed to the committee as a citizen of the community, and not as a member of the Board of Selectmen, carried unanimously.

G. "School to Work" Breakfast

Chairman Madison received an invitation from Pennichuck to attend a breakfast at the Nashua Country Club at 7:30 a.m. on Wednesday, May 5. She asked if anyone on the Board wanted to attend. Selectman Stewart volunteered.

10. LICENSES AND PERMITS

A. Request for an Outdoor Gathering Permit by Sam's Club to hold a Carnival from April 29 through May 2, 1999.

Motion by Selectman Stewart, seconded by Selectman Jasper, to approve the permit carried unanimously.

B. Request for an Outdoor Gathering Permit by Wal-Mart and the Hudson Police Department Substation to hold an Open House on April 17 from 10 am to 2 pm

Motion by Selectman Stewart, seconded by Selectman Jasper, to approve the permit carried unanimously.

C. Request for a Hawker/Peddler permit by Claire Wrenn to sell flowers for Sky-Lyns Flower Garden at various locations in Hudson

Chairman Madison asked for a motion to approve. Selectman Charbonneau thought that when the grandfathered hawker-peddler who sells flowers at Tru-Value gave up selling flowers, they were not going to allow it to happen again. Chairman Madison said this item has come before them and that's why it's on the agenda. There was no response to her request for a motion to approve.

Chairman Madison asked Stephen Wrenn if he would like to address the Board. Mr. Wrenn said their intention is to sell flowers in Hudson, adding that the gentleman that sold flowers at Tru-Value is still there. They want to do whatever is required of them in order to sell flowers in Town. Chairman Madison said the person selling at Tru-Value has been there a number of years and is grandfathered. She asked again for a motion. There was no response. She said there being no motion, the Board would not be able to act on it. Mr. Wrenn thanked the Board.

D. Request for a Hawker/Peddler permit by Stephen Wrenn to sell flowers for Sky-Lyns Flower Garden at various locations in Hudson

Chairman Madison asked for a motion to approve. There was no response.

Mr. Wrenn asked why the Board didn't want to allow them to sell flowers. Chairman Madison thinks the Board feels the Town already has several flower shops, businesses that pay taxes and have been here for a long while. People selling flowers all over the Town in various locations would take business away from the permanent businesses.

Mr. Wrenn asked if it would be approved if the scope was changed to selling flowers at a private party. Selectman Jasper asked what he meant by that. Mr. Wrenn said someone would invite people into their home to buy flowers. Chairman Madison wasn't sure he'd need a Hawker-Peddler license for a Tupperware-type party. Mr. Wrenn asked if he'd be allowed to sell flowers to a business. Selectman Charbonneau said as long as it is not outside. Selectman

Seabury said the people that bought the old Kashulines farm sells garden supplies and things outside, but they are allowed to do that because it is a farm stand. Selectman Charbonneau said they pay taxes, too.

Selectman Seabury said the nitty-gritty, bottom-line is they don't want hawkers and peddlers in Town. Over time, they've slowly been able to eliminate them. When they finish up, or get kicked off a lot, that use is eliminated. They no longer have to put up with the nuisance. The Selectmen are trying to uphold the integrity of the businesses in Town, who support the community and pay taxes. Hawkers and peddlers don't do that, so they are not be interested in hawkers or peddlers. If the Wrenns want to sell flowers or plants to businesses, they don't have a problem with that, but the Selectmen don't want hawkers and peddlers on the streets.

Selectman Jasper said he didn't disagree with previous remarks, but he had a problem with the application, which says, "various locations." The Code requires specific locations and written permission from the landowner, and it calls for certification from the Zoning Administrator. It disturbs him that she signed off of the application. He knows they changed something, but it wasn't the site plan requirements. He didn't see how "various locations" could be considered being in compliance. Chairman Madison said it isn't. Selectman Jasper said hawkers and peddlers are required to give the license plate number and a full description of the vehicle, but the application just says "GMC Jimmy," so, from his point of view, the application isn't complete.

Chairman Madison asked if there was anything further. There being no response, she thanked Mr. Wrenn. He asked if he could have a copy of the Code. Chairman Madison said he could come into the Selectmen's Office and pick up a copy, and there was a cost involved.

Mr. Wrenn's father said it was clear that the Board just doesn't want hawkers and peddlers because they're not very nice people. Several Board members said that wasn't true. Mr. Wrenn asked why there was a provision for them if the Board didn't want them. Chairman Madison said there are hawkers and peddlers who are grandfathered. Mr. Wrenn said if the Town wasn't going to allow them to come in, they should throw it out. Selectman Charbonneau said when he (the hawker-peddler at Tru-Value) stops, there won't be another one there.

Selectman Jasper said they've been approving the lunch trucks because those provide a service that can't otherwise be provided. Mr. Wrenn Sr. said for three-quarters of the meeting they were wondering how they were going to beautify the property. Everyone was talking about flowers and when they were going to get them. Now, all of a sudden, they don't want flower service in Town.

Selectman Jasper said there is Hawker-Peddler permitting provision and would like a legal opinion to find out if the Board can just say no to people, or if they have to have a reason. On this one, the application is incomplete. Chairman Madison thinks they should be allowed to vote how they want. Selectman Jasper sometimes they can't just vote the way they want. Selectman Charbonneau said the Selectmen should be allowed to protect the businesses in Town that pay taxes. Hawkers and peddlers ticks her off because they don't pay anything anywhere. Selectman Jasper said he wants to make sure they're within their rights.

Chairman Madison said when John Ratigan comes over, he will be asked this question. Selectman Seabury said if these people are going to come in and sell flowers in a definite location on a certain lot, they've got to go before the Planning Board for a site plan review. Selectman Jasper said that's why he is so confused as to why Sue signed off on these two. Paul said it is difficult to determine if there is going to be a zoning or site plan violation with a mobile operation. He thinks Atty. Ratigan will say the Board has the right to deny them,

such as these tonight, but they have to be consistent.

11. ACCEPTANCE OF MINUTES

Minutes of the Selectmen's Meeting of March 23, 1999

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

12. COMMITTEE ANNOUNCEMENTS

3/14 7:00 Planning Board in P/Z Mtg. Rm.

3/14 1:00 Highway Safety Committee @ HPD

3/15 7:30 Budget Committee in P/Z Mtg. Rm.

3/17 8-2 Spring Cleanup at West Road Landfill

3/19 7:00 Cemetery Trustees in Small Conf. Rm.

3/19 7:30 Conservation Commission in P/Z Mtg. Rm.

3/20 7:00 Hearing on Rte. 102 widening from Highland to McDonald's in P/Z Mtg. Rm.

3/22 7:30 ZBA in P/Z Mtg. Rm.

3/27 7:30 BOS in BOS Mtg. Rm.

13. REMARKS BY THE SELECTMEN

Selectman Jasper said he was all remarked out.

Selectman Charbonneau said she is going to find out the Town around here that has an ordinance that pertains to that. It's very tight, but she's got to remember where it is.

14. NONPUBLIC SESSIONS

Motion by Selectman Charbonneau, seconded by Selectman Stewart, 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 and 91-A:3 II (b) The hiring of any person as a public employee carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:00 p.m. and was terminated at 10:30 p.m.

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

A. Motion by Selectman Seabury, seconded by Selectman Stewart, to authorize the Chief of Police to send a Hudson police officer to the State of New Hampshire Police Standards and Training Council as a staff member/cadre for 12 weeks carried unanimously.

B. Motion by Selectman Stewart, seconded by Selectman Jasper, to hire Kevin Hussey as a Truck Driver/Laborer in the Highway Department at \$11.75 per hour, Labor Grade VIII, Step Minimum, effective May 2, 1999 carried unanimously.

C. Motion by Selectman Stewart, seconded by Selectman Seabury, to hire Charlie Chalk as Fire Marshal (formerly titled 'Supervisor of Fire Prevention'), effective May 2, 1999 at \$44,000 with an increase to \$48,700 after the successful completion of the sixmonth probationary period carried 4-0. Selectman Jasper abstained.

15. ADJOURNMENT

Motion to adjourn at 10:31 p.m. by Selectman Seabury, seconded by Selectman Stewart, 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