

HUDSON BOARD OF SELECTMEN

Minutes of the March 8, 1999 Meeting

1. CALL TO ORDER by Chairman E. Lorraine Madison at 7:00 p.m.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to enter Nonpublic Session under RSA 91-A:3 II (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, likely would benefit a party or parties whose interests are adverse to those of the general community carried 5-0 by roll call vote.

Nonpublic Session was entered into at 7:05 p.m. and was terminated at 7:35 p.m.

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

2. PLEDGE OF ALLEGIANCE was led by Selectman Rhona Charbonneau

3. ATTENDANCE

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

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant/Recorder; Kevin Burns, Road Agent; Jim Michaud, Assessor; Frank Carpentino, Fire Chief; Rich Pauley, Superintendent of Fire Prevention; Richard Gendron, Chief of Police; Lisa Nute, Information Manager; John Beike, HPD Data Processing; Nancy Regan; Pierre Comtois, SUN

4. PUBLIC INPUT

Chairman Madison announced that Ed Badger would be present to take random photographs during the meeting for Hudson's Web site. He and John Beike are in charge of the Town's Web page, and Hudson has been named as one of the top three in New Hampshire. There will be a ceremony on March 24 from 5:30 - 7:30 at the Stark Mill in Manchester, if Ed and John would like to attend.

5. CORRESPONDENCE RECEIVED

A. FROM: Jim Michaud, Assessor
RE: Various Assessing Items
REFER TO: New Business

B. FROM: Police Chief Richard Gendron
RE: 1) Police Computer Software

2) Donation from NH Village People

REFER TO: New Business

C. FROM: Steve Malizia, Finance Director
RE: Purchase Order Signature Limits
REFER TO: New Business

D. FROM: David Yates, Recreation Director
RE: Donation from Sports Photography
REFER TO: New Business

E. FROM: Mike Gospodarek, Town Engineer
RE: Thurston's Drive Street Acceptance
REFER TO: Public Hearing/New Business

F. FROM: Sewer Utility Committee
RE: Abatement Requests
REFER TO: New Business

G. FROM: Bell Atlantic
RE: Phone Pole Petitions and Licenses
REFER TO: New Business

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

6. OLD BUSINESS

Schoolhouse #9 (Jasper Corp.) Discretionary Easement

Selectman Jasper stepped down from the table and joined Assessor Jim Michaud at the guest table. Jim said he and Shawn worked from a draft discretionary easement deed that Attorney Ratigan had worked up. He tried to strike a balance between what Shawn wanted and to preserve the rights of the community to get a public benefit out of Schoolhouse #9, but there were some items that the Board needed to decide. One of those items was the term, and he suggested 25 years, saying there is no maximum, but it can't be for a period less than 10 years. The Board members agreed to a 25-year term.

Jim said the next item the Board needed to decide was the value at which to assess the property. Emory Nadeau owns the property around the schoolhouse. If this land was part of his, it would be 100% current use, so it's not inconsistent to go with the full current use value. He suggested 100% because that's what the land surrounding the schoolhouse was.

Selectman Charbonneau hoped they weren't doing anything to set a precedent. Selectman Jasper said you can use historical value as precedent. It's the only original schoolhouse.

Jim said the third item was expiration penalty, if any. During the first half of the easement, there would be a 20% penalty; in the second half, the last 12½ years, the burden is 15%. Current use penalty is normally 10%. There is a buy-out provision in this contract, but it is only for extreme personal hardship. Selectman Seabury asked what other people have to pay. Jim said this is the first discretionary easement the Town has had under the new statute but most towns stay in the 10% range. In 25 years, the Board can choose to enter into another discretionary easement.

Paul asked if there was a way of arriving at a middle figure. Jim said one way is to test the public benefit and the second is to take into account what the applicant is seeking and why they are seeking it. Shawn said in the beginning, they wanted to give the development rights to the Town, but that became very complicated. They would be willing to discuss donating the schoolhouse to the Town, but they didn't feel that was in the best interest of the Town of Hudson because maintaining it would cause an expense to the taxpayer. Since they live right across from it, he thinks they are the best custodians of that building. They are glad to maintain the building and keep it open, but they can't do it with the taxes the Town is imposing. It's important that it be assessed at current use because that really is the only way it is feasible for them.

Selectman Charbonneau asked if the Town would get first dibs on the schoolhouse if Jasper Corporation no longer wants it. Shawn thought so, saying the Historical Society can barely maintain the building they

have and the schoolhouse isn't a burden the Society can take on. Long term, that's something he'd like to see. If the next generation doesn't want to keep it, he will see to it that it will either go to the Historical Society or to the Town.

Chairman Madison said if the Board didn't have any problem with 100% current use, they could move on to the expiration penalty. Selectman Seabury felt that 10% was fair. Shawn said it can be zero to 10% but it can't be more than 10%. Jim said the normal current use values were at 10% and there is no incentive to make it any different.

Selectman Jasper said he had the trees cut to make the building more visible. The brush has grown up. At some point, he wants to stump it off. They dump their leaves there for mulching, and that type of material is allowed. They mow the lawn and nothing they do will be any different than what they've ever done.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to approve the discretionary easement application carried 4-0.

Mr. Jasper thanked everyone, then resumed his seat as Selectman.

7. NEW BUSINESS

A. Various Assessing Items

1) Veteran's Tax Credit Applications

(Christopher Steed, 7 Manny Court; Lester Naro, 1 Cummings Street; Donald Colby, 23 Windham Road)

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

2) Elderly Exemption Applications

(Ruth Ives, Dorothy Campbell, Barbara Curran, Joseph Racy)

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

3) Elderly Exemption Applications and Abatements for Tax Year 1998

(Martha Naro, Rita Barton, Eaton Jefferson, Wilfred Nadeau)

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

4) Abatement Applications

(McDonald's Corporation, 72 Derry Rd; Golden Arch Limited Partnership, 251 Lowell Rd)

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to sign the Notice of Default, carried unanimously.

5) Disabled Tax Deferral Application

(Cheryl Katsohis, 7 Alpha Street)

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

B. Donation from NH Village People

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to receive the \$250 donation, with thanks, carried unanimously.

C. Purchase Order Signature Limits

Purchase Orders less than \$500 will be handled by a department head's signature; PO's from \$500-\$1,000 will require department head and Finance Director signatures; PO's from \$1,000 to \$10,000 will require department head, Finance Director and Selectmen Chairman signatures; anything over \$10,000 requires department head, Finance Director and a majority of the Board of Selectmen.

Motion by Selectman Jasper, seconded by Selectman Stewart, to adopt the revised schedule.

Selectman Jasper said this came out of a request he had after having a meeting with the Fire Chief. He couldn't even spend \$300 without someone else's signature, so he asked Steve to look at the whole thing and come up with something that was more workable. The Selectmen approve the budget and they have to give a little more trust to the staff to spend it the way it's intended.

Vote: Motion carried unanimously.

D. Donation to the Recreation Department from Sports Photography

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to accept the \$264 donation, with thanks, carried unanimously.

E. Thurston's Drive Street Acceptance

Chairman Madison opened the Public Hearing at 8:05 p.m. and asked if anyone wished to speak.

Maureen Granger, 10 Thurston's Drive, representing the residents on her street, hoped the Board would accept the street. However, they didn't know what criteria was used to determine acceptability.

Chairman Madison said there are several things and after they hear from the Road Agent, she was going to ask for a motion to defer this until after the extensive punch list is completed.

Road Agent Kevin Burns said it's wrong for a developer to request street acceptance when there are so many items remaining that need to be corrected. It's time to send a strong message that streets won't be accepted until the work is finished. The Highway Department, who is not in the development-finishing business, has had to finish up jobs because the developers go away and leave the work undone. The residents suffer because they have to

look at the mess until the developer finally fixes it. Once a street is accepted, the developer's incentive is gone. This developer asked to meet with Kevin out on the site to go over the checklist, but he never showed up and Kevin hasn't heard from him since.

Ms. Granger appreciated the Road Agent's remarks because they all had concerns that if this was passed, the developer would never complete the job.

There being no further comments from the public, Chairman Madison closed the hearing at 8:10 p.m.

Selectman Stewart said she did not vote to forward this to the Selectmen and feels bad for the residents on that street. The developer is going like gang-busters, trying to get approvals for the other streets. He was in here six months ago on an illegal driveway on a cul de sac. That was a piece of land that never should have been developed. Those driveways are nightmares, some of which loop across front lawns to meet the slope requirements. This guy is bulldozing every which way up there.

Selectman Jasper said the items on the punch list are part of the Town standards for streets that the Planning Board developed. He is very upset that this is before them with a positive recommendation by the Town Engineer because the Board of Selectmen does not have the authority to accept streets that do not meet the Town standards. The Planning Board and Town Engineer shouldn't have sent this to the Selectmen, especially since the Road Agent, who is responsible for maintaining the road, recommended that it not be accepted. He didn't want to see something like this before them again.

Town Administrator Paul Sharon said this was originally requested to be put on an earlier meeting, but he took it upon himself to say that it wasn't ready and that he would talk with the Road Agent and Town Engineer before putting it on an agenda. The Town Engineer contended that he had no legal choice but to forward it, because once the developer requests it, and the Planning votes to send it, staff can't do anything to stop it from going to the Selectmen. Selectman Jasper said the Town Engineer could have said no, based on the fact that it doesn't meet the standards or he could have told the Planning Board that the Selectmen don't have the legal authority to accept streets because of the standards set by them, the Planning Board.

Paul said the Planning Board should also take a hit. Selectman Jasper said he is upset with the Planning Board, but the Selectmen have less control over them than they do over staff. Selectman Charbonneau said a letter should go to the Planning Board containing the punch list and they should be asked if they were dreaming when they forwarded this to the Board. She said the driveways on Thurston's Landing should never have happened.

Selectmen Stewart asked if staff was staying on top of things better so there wouldn't be a repeat of Thurston's Drive. Paul said they are supposed to be out there more and are supposed to be checking things earlier, like plans and elevations.

Motion by Selectman Seabury, seconded by Selectman Jasper, to deny the developer's request for a street acceptance of Thurston's Drive carried unanimously.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to send a strong letter to the Planning Board concerning the Road Agent's punch list and not having his recommendation to accept the street.

Selectman Jasper said they should remind the Planning Board of streets such as Springwood Circle. He was quite concerned about that for quite awhile and that one wasn't accepted. The developer had a bond out there and he had to do the work.

Vote: Motion carried unanimously.

F. Sewer Utility Abatement Requests

1) **S-99-11A** (Town of Hudson, 11 Gordon Street; Priscilla Gagnon, 17 Reed Street; Karen Spinney, 4 Thurston's Drive)

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to grant the abatements, as recommended by the Sewer Utility Committee, carried unanimously.

2) **S-99-11B** (Jamie McDormott, 17 Highland Street; Gary Francouer, 22 Krystal Drive)

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

G. Phone Pole Petitions and Licenses (Mt. View Drive and Wentworth Drive)

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

8. OTHER BUSINESS

A. Junk Trailer on Kimball Hill Road

Selectman Charbonneau said there is a trailer in the Kimball Hill Road mobile park that is being used to store junk and is a health and safety hazard. She wondered if the Health Officer could do anything about it. Paul said if it's the one he's thinking about, the park owner is negotiating with the Town to pay back taxes and will remove it himself. He'll check.

Chairman Madison recognized Nancy Regan, who said the mobile home, a definite hazard, is located in the park, behind the maintenance house. It has lawnmowers with gasoline in it, tires, mattresses, insulation hanging out the windows, all kinds of paper, and parts of aluminum siding. Doors and windows are off and graffiti is all over it. Chairman Madison said someone would go look at it.

B. Alvirne Student Parking across from Selectman Charbonneau's House

Selectman Stewart said Alvirne students are parking across the street from Rhona's house. Chief Gendron said if the owners don't have a problem with the kids parking there, there isn't a lot the Police Department can do, unless their parking becomes a traffic hazard. Selectman Charbonneau wanted everyone to know that she didn't complain about it. The Chief said when Selectmen Stewart called, they went out and took down license plates. Paul Balukonis spoke to the kids and, hopefully, they won't park there any more.

C. Left Turns from Central Street onto Library Street

Selectman Stewart asked if anyone has ever taken a look at this bad intersection. Chief Gendron said the Highway Safety Committee looks at accident data and if there isn't any, it's tough for them to make a recommendation to do anything about it.

D. Manning the Polls Tomorrow

Selectmen Stewart and Jasper will be there all day; Chairman Madison will be there when the polls open at 7:00 and will be back after work; Selectman Seabury will be there after work; Selectman Charbonneau is a candidate for office.

E. Benson's

Chairman Madison said Lenny Smith talked with Andrew Singelakis at NRPC and they would like to develop a Benson's plan. Even though the Town doesn't own it yet, they will eventually. There will be no charge for this, except for a survey or something of that nature. The idea is to show the DOT that the Town wants to move forward as soon as possible. They will put in the wetland areas and any trails and then will bring it to the Selectmen. (The letter to NRPC will include a request for Cynthia May to work on the project.)

*Motion by
Selectman
Charbonneau,
seconded by
Selectman Stewart,
to contact NRPC
and have them start
to work on this
carried
unanimously.*

9. LICENSES AND PERMITS

Raffle permit request to benefit Joseph M. Tingley Student Ambassador Program

Chairman Madison asked for a motion to approve the permit. Selectman Charbonneau so moved, seconded by Selectman Stewart.

Selectman Stewart said she has a problem with what Selectman Charbonneau has a problem with--out-of-towners coming in. This doesn't benefit a Town student and she really has a problem with it. Chairman Madison said these have been approved in the past.

Vote: Motion failed, 2-3. Voting in favor were Selectmen Jasper and Seabury.

Chairman Madison stated that the permit has been denied.

10. ACCEPTANCE OF MINUTES

A. Minutes of the BOS meeting of February 6, 1999

B. Minutes of the BOS meeting of February 23, 1999

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

11. COMMITTEE ANNOUNCEMENTS

3/09 Voting @ Lions Hall, 7 am - 8 pm

3/10 7:00 Planning Board in P/Z Mtg Rm

3/11 7:30 ZBA in P/Z Mtg Rm

3/11 7:30 Sewer Utility in Small Conf Rm

3/15 7:30 Conservation Cmsn in P/Z Mtg Rm

3/18 7:30 Budget Cmt in P/Z Mtg Rm

3/22 6:30 Visioning Cmt in P/Z Mtg Rm

3/23 7:00 Trustees of the Trust Funds

3/23 7:30 Board of Selectmen in BOS Mtg Rm

12. REMARKS BY THE SELECTMEN

Ann Seabury said the Fifth Grade had a mock Town Meeting today and they were very professional. They had a Moderator and talked about a new development they were going to do. They had to raise their hands and stand up and give their names. She said they are future Selectmen. It was the best period of the day.

Terry Stewart said the DPW did an excellent job over the weekend. She wished Selectman Charbonneau good luck. John Bednar commented in the Lowell Sun about the "burned out politicians on the Board of Selectmen."

Shawn Jasper said if Mr. Bednar were present, he'd wish him a happy 86th birthday. He wished Rhona good luck tomorrow. He said the gentleman who was running against a fellow burn-out didn't go to a single budget hearing, School District or Town Meeting, and hasn't been to a Selectman's meeting, except for when he was reappointed to the Sewer Utility. The last time he was elected to the Board of Selectmen was 1983. "He's got a hell of a nerve."

E. Lorraine Madison wished Rhona the best tomorrow.

13. NONPUBLIC SESSIONS

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to enter Nonpublic Session under RSA 91-A:3 II (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, likely would benefit a party or parties whose interests are adverse to those of the general community. 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; 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 8:35 p.m. and was terminated at 9:35 p.m.

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

1) Motion by Selectman Charbonneau, seconded by Selectman Jasper, to hire Warren Welch as Assistant Building Inspector/Health Officer at \$15.76 per hour, Step 1, according to the Administrative and Support Contract, starting March 14, 1999 carried unanimously.

2) Motion by Selectman Jasper, seconded by Selectman Stewart, to re-deed 149 Dracut Road back to the former owner, James Manousos as the Town received a check for \$14,161.26 of which \$13,365.96 was taxes and interest and \$795.30 was administrative costs, carried unanimously.

14. ADJOURNMENT

Motion to adjourn by Selectman Charbonneau, seconded by Selectman Jasper, at 9:40 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