

HUDSON BOARD OF SELECTMEN

Minutes of the January 12, 1999 Meeting

1. **CALL TO ORDER** by Chairman E. Lorraine Madison

2. **PLEDGE OF ALLEGIANCE**, led by Selectman Rhona Charbonneau

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; John Powers, Superintendent; Bill Kress, Assistant Superintendent; Jim Sullivan, School Board; Elaine Brody, School Building Committee; Jim Michaud, Assessor; Frank Carpentino, Fire Chief; Gary Rodgers, Deputy Fire Chief; Rich Pauley, Superintendent of Fire Prevention; Neil Carter, Firefighter; Dick Exline; John Beike; Nancy Regan; Coleman Kelly; Donna O'Hanian; Howard Dilworth; Fidele, HLN; Josh and Tayley, TEL

4. **PUBLIC INPUT**

Presentation by the Elementary School Building Committee

John Powers and Elaine Brody presented their reasons why they felt a new school was justified. They hoped the Selectmen and the Budget Committee would reconsider their votes in order for this to go before the voters. The presentation and subsequent discussion lasted about an hour. Chairman Madison reminded the Board that on December 8, 1998 they voted 3-2 to instruct their representative to the Budget Committee to vote "no" on the proposed new elementary school. She asked if a member of the prevailing side was willing to bring back that vote for reconsideration. There was no response.

5. **CORRESPONDENCE RECEIVED**

A. FROM: Elementary School Building Committee

RE: Proposed New Elementary School

REFER TO: Public Input and New Business

B. FROM: Jim Michaud, Assessor

RE: Various Assessing Items

REFER TO: New Business

C. FROM: Mike Gospodarek, Town Engineer

RE: Street Acceptances

REFER TO: Public Hearing/New Business

D. FROM: Frank Carpentino, Fire Chief

RE: Fire Prevention Code Updates and New Ambulance Status

REFER TO: Old Business & New Business

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to receive the

correspondence, with appropriate referral, carried unanimously.

6. OLD BUSINESS

A. Warrant Article to Establish Land Use Change Tax Fund

Motion to forward article to the Warrant by Selectman Jasper, seconded by Selectman Stewart, carried unanimously.

B. Fire Prevention Code Update (Tabled from 12/22/98)

Chairman Madison recognized Chief Carpentino and Superintendent Pauley, who clarified the changes they made in the proposed ordinance that will go before Town Meeting:

·210-18 A 1 now says, "up to *an including* four stories."

·Regarding non-residential units not being serviced by Town water, the following language is included under 210-18 B: "This article shall not apply to new or existing multi-unit nonresidential structures that are not located on a public or private municipal water system as follows: (1) Any building which is less than 10,000 square feet in total aggregate floor area, unless an approved automatic sprinkler system is otherwise required by the Town Building Code, State Fire Code, or any other applicable code, ordinance, etc., of the Town of Hudson."

Motion by Selectman Stewart, seconded by Selectman Seabury, to send the Fire Prevention Code to the Warrant carried unanimously.

7. NEW BUSINESS

A. New Ambulance Status

Chief Carpentino said the new ambulance should arrive here in about two weeks.

B. Assessing Items

1) BTLA 15346-94PT & 17233-96PT, Lockheed Sanders Property Tax Abatements

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

2) Current Use Penalty Partial Line Release--Map 23, Lot 17, Lexington Place

Chairman Madison recognized Paul Sharon, who said Selectman Jasper proposed an article establishing a land use change tax fund. If it is approved at Town Meeting, and they hold off acting on this until after that vote, it would mean starting off the land bank with \$42,000. Selectman Jasper asked if there'd be any negative effect to the property owner. Jim Michaud said no, but they wouldn't be able to sell any condos before April 1.

Motion by Selectman Jasper, seconded by Selectman Stewart, to defer this item until March 23, 1999 carried unanimously.

3) Veteran's Tax Application, David Berry, 48 Glasgow Circle, Map 24, Lot 39-63

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

C. Public Hearing/Street Acceptances

- 1) Campbello Street** (accepted)
- 2) Gambia Street** (deferred to January 26, 1999)
- 3) Robin Drive** (accepted)
- 4) Friars Drive** (deferred to January 26, 1999)

Chairman Madison opened the Public Hearing at 8:50 p.m. and asked if anyone wished to speak.

Dick Exline said Friars Drive is the best looking street in Town.

Howard Dilworth asked if Campbello and Gambia Streets were up to Town standards because, if not, they had to go to Town Meeting. Chairman Madison and Paul noted that Town staff recommended acceptance and signed off on them.

Selectman Jasper didn't think Gambia, a dead end street with no turn around, was up to Town standards. Deputy Chief Rodgers said Gambia is just over 300', the allowable distance for backing up. Selectman Jasper said the plan on Gambia shows lots of 240', 120', 120', 120' which is a lot more than 300'. He asked that this street be deferred until the Road Agent can come before them.

There being no further speakers, Chairman Madison closed the hearing at 8:53 p.m.

(Start Tape 2, Second Side)

Motion by Selectman Stewart, seconded by Selectman Seabury, to approve Friar's Drive.

Selectman Jasper said Friars Drive may be beautiful, but it's a dead end street. Selectman Seabury thought a T turn-around was there. Paul said an extension off the cul-de-sac allows for turning. Selectman Charbonneau said when she recently drove her car down there, she had a hard time turning around and didn't think a snowplow would be able to. Chairman Madison said perhaps they should have the Road Agent and Town Engineer present. Paul hadn't thought it was necessary for them to be present tonight, adding that these streets may be affected by plowing operations. Friars Drive has been constructed according to the direction of the Planning Board and Town Engineer.

Vote: Motion failed by a vote of 2-3. In favor were Selectmen Stewart and Seabury; Selectmen Madison, Charbonneau and Jasper were opposed.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to defer Friars Drive to January 26, 1999 and ask the Road Agent and Town Engineer to attend carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to accept Campbello Street carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to defer Gambia Street to January 26, 1999, carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to accept Robin Drive

carried unanimously.

D. Petitioned Warrant Articles

Chairman Madison said a question has been raised whether or not ratification of the contracts automatically moves them to the Warrant.

Motion by Selectman Jasper, seconded by Selectman Stewart, to send all ratified contracts to the Warrant and, if the Firefighters Union has not ratified their contract by the close of the Public Hearing, the Article will be pulled from the Warrant carried unanimously.

·Establishment of a Capital Reserve Fund for an Animal Shelter

Motion by Selectman Jasper to send to the Warrant, Not Recommended by the Selectmen, was seconded by Selectman Stewart.

Selectman Jasper said the Town has been debating this issue for years. He met with personnel from the Nashua Humane Society, who said it would not be economically feasible for Hudson to operate an animal shelter, which would cost about \$100,000 a year. He reviewed the billings from Pelham and Hudson's average annual cost is \$600-\$900. He can't justify spending \$100,000 a year for an animal shelter. Chairman Madison agreed, saying if the Town does not establish a reserve fund, the \$60,000 will revert back to the General Fund at the end of the year.

Vote: Motion carried 4-0. (Selectman Charbonneau was out of the room.)

·Administrative Review of Amendments to Existing Site Plans

Selectman Jasper thinks this is a good idea; Paul hoped the Board would recommend it.

Motion by Selectman Jasper, seconded by Selectman Stewart, to send to the Warrant Recommended by the Board of Selectmen carried unanimously.

·Repeal of Article 43 of 1998 Town Meeting, Adoption of State Fire Code

Fire Chief Carpentino spoke at length in opposition to repealing the Fire Code. He said sound fire prevention practices and safety are the department's main objectives and they routinely follow the State Fire Code. He referenced RSA 154:2, Public Safety and Welfare, Powers, saying that the Fire Chief has the authority to enforce any local or state laws or rules pertaining to the control of combustible and/or hazardous materials, the design of exits, and any other fire safety measures including the State Fire Code enacted pursuant to RSA 153:5. Selectman Jasper said it doesn't matter whether this article is passed or not because the Fire Chief *has* the authority. The current Fire Chief wants to enforce the State Fire Code, but another chief may say that since the Town hasn't adopted by-laws, he doesn't *have* to follow the State Fire Code. Chief Carpentino said according to the RSA's, the Town cannot enact any law or life safety measure less stringent than the State Fire Code, unless approved by the State Fire Marshal. Selectman Jasper said if the Town didn't adopt anything, it would be solely up to the Chief as to what he would enforce. Adoption of the State Fire Code gives the Chief the backing of the Town. Even if it's repealed, it won't change the way the current Chief operates; the State Fire Code will still be enforced.

Motion by Selectman Jasper, seconded by Selectman Stewart, to send to the Warrant Not Recommended by the Board of Selectmen carried unanimously.

·Animal Shelter

Chairman Madison said last year she spoke on this at Town Meeting and said if it passed, the Selectmen would support it, but it didn't pass, so that should have ended it.

Motion by Selectman Jasper, seconded by Selectman Stewart, to send to the Warrant, Not Recommended by the Selectmen carried unanimously.

Fireworks for Old Home Days

Motion by Selectman Seabury, seconded by Selectman Stewart, to send to the Warrant, Recommended by the Selectmen, carried 4-0. (Selectman Jasper recused himself and stepped away from the table.)

8. OTHER BUSINESS

Selectman Stewart asked about the issue that Fidele raised. Chairman Madison said Fidele said Performance Materials was interested in expanding and wondered if the Town land was for sale. She spoke to Paul, who said if they send a letter to the Board of Selectmen, it would be put on an agenda for action. When the letter comes in, they can act on it.

9. LICENSES AND PERMITS

A. License request by Glenn Smeltzer to sell flowers for The Blushing Rose at True Value

Motion by Selectman Jasper, seconded by Selectman Stewart, to grant the license carried 4-1.
Selectman Charbonneau was opposed.

B. License request by Joseph Kubit, Jr. to operate a mobile catering unit, Joe's Catering

Motion by Selectman Seabury, seconded by Selectman Jasper, to grant the permit carried 3-2.
(Selectmen Charbonneau and Stewart were opposed.)

10. ACCEPTANCE OF MINUTES

A. Minutes of the December 22, 1998 Meeting

B. Minutes of the January 4, 1999 Meeting

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

11. COMMITTEE ANNOUNCEMENTS

1/13 7:00 Planning Board in P/Z Mtg. Rm.

1/13 7:30 Budget Cmt. in BOS Mtg. Rm.

1/14 7:30 ZBA in P/Z Mtg. Rm.

1/18 6:30 Public Hearing on Bond Issue at Library Street School

1/18 7:00 Budget Hearing at Library Street School

1/20 First Day for Candidates to sign up (29th is last day)

1/21 7:30 Sewer Utility Committee in P/Z Mtg. Rm.

1/25 7:30 Conservation Commission in P/Z Mtg. Rm.

There were no changes to the listing.

12. REMARKS BY THE SELECTMEN

13. NONPUBLIC SESSIONS

Motion by Selectman Stewart, seconded by Selectman Jasper, 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; (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 5-0 by roll call vote.

Nonpublic Session was entered into at 9:35 p.m. and was terminated at 11:00 p.m.

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

Motion by Selectman Jasper, seconded by Selectman Stewart, to authorize the expenditure of \$150,000 for the purchase of the property located at 39 Ferry Street, the Parodi building, in accordance with the Purchase and Sales agreement, as prepared by Atty. Ratigan of Donahue, Tucker & Ciandella carried unanimously.

14. ADJOURNMENT

Motion by Selectman Seabury, seconded by Selectman Jasper, to adjourn at 11:05 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