

**HUDSON BOARD OF SELECTMEN**

**Minutes of the December 22, 1998 Meeting**

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:30 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/Recorder; Frank Carpentino, Fire Chief; Rich Pauley, Superintendent of Fire Prevention; John Drabinowicz; Coleman Kelly; Howard Dilworth; Charlene Provencal; Nancy Regan; Tim, SUN Correspondent

4. **PUBLIC INPUT**

Coleman Kelly, 9 Rena, was dismayed that last week NHDOT cut down the large, 100-year old maple tree that was on the southeast corner of Wason and Lowell Roads. About a year ago, when he asked the State about that tree, they indicated that the work they were going to do was on the west side of Lowell Road and the north side of Wason Road. He considered the beautiful, stately tree an example of a rural atmosphere, and seriously regrets the loss of it. If DOT changed their plans, they should have had the courtesy to notify the Selectmen. Chairman Madison asked the Administrator to look into the matter.

5. **CORRESPONDENCE RECEIVED**

A. From: Recreation Department

Re: Donation from Flash Photo

Refer To: New Business

B. From: Sewer Utility

Re: Various

Refer To: New Business

C. From: Donna Staffier, Sewer Utility Clerk

Re: Abatement Request

Refer To: New Business

. D. From: Jim Michaud, Assessor

Re: Various Assessing Items

Refer To: New Business

E. From: Frank Carpentino, Fire Chief

Re: Amending the Code

Refer To: New Business

Motion by Selectman Stewart, seconded by Selectman Seabury, to receive the Correspondence, Items A-E, with appropriate referral carried unanimously.

## **6. OLD BUSINESS**

### **Nominations and Appointments**

#### **A. Building Board of Appeals** (2 Members, terms to expire 12/31/01)

There were no applicants.

#### **B. Conservation Commission** (3 Members & 1 Alternate, terms to expire 12/31/01)

James Battis (Member Incumbent)

Michelle Champion (Member Incumbent)

Barbara Ann Hansen (Member Incumbent)

David DeGroot (Alternate Incumbent)

Motion by Selectman Seabury, seconded by Selectman Jasper, to reappoint the incumbents, terms to expire 12/31/01, carried unanimously

#### **C. Nashua Regional Planning Commission (NRPC)** (1 Member & 1 Alt, terms to expire 12/31/02)

Lenny Smith (Member Incumbent)

Denis Robinson

Motion by Selectman Seabury, seconded by Selectman Stewart, to reappoint the incumbent and appoint Denis Robinson as the Alternate, terms to expire 12/31/2002, carried unanimously.

#### **D. Planning Board** (2 Members & 1 Alternate, terms to expire 12/31/01)

Lenny Smith (Member Incumbent)

Brent McLaughlin (Alternate applying for Member position)

Charlene Provencal (Alternate Incumbent)

Jeff Rider (Withdrew name because he can't make Wednesday night meetings.)

Denis Robinson

Motion by Selectman Seabury, seconded by Selectman Stewart, to reappoint the two incumbents and to appoint Brent McLaughlin to the Membership position, terms to expire 12/31/01, and appoint Denis Robinson to the vacated Alternate position, term to expire 12/31/00, carried unanimously.

#### **E. Recreation Committee** (1 Member and 1 Alternate, terms to expire 12/31/01)

Gail Michailides (Alternate Incumbent applying for Member position)

Motion by Selectman Seabury, seconded by Selectman Stewart, to appoint Gail Michailides to the Membership position, term to expire 12/31/01, carried unanimously.

**F. Sewer Utility Committee** (2 Members, terms to expire 12/31/01; 1 Member, term to expire 12/31/99. Only one member may be a non-sewer user.)

Terry McLlarky (Member Incumbent)

Howard Dilworth (Member Incumbent)

Rhona Charbonneau

Raymond G. Morse

David Tanguay

Motion by Selectman Seabury, seconded by Selectman Stewart, to reappoint the incumbents, terms to expire 12/31/01 carried unanimously.

Motion by Selectman Seabury, seconded by Selectman Stewart, to place the remaining three names in nomination. Selectmen Jasper, Seabury, Madison and Stewart voted for Charbonneau; Charbonneau abstained; Charbonneau was declared the appointee by a vote of 4-0, with a term expiration of 12/31/99.

**G. Solid Waste Study Committee** (1 Member, term to expire 12/31/01)

There were no applicants.

**H. Zoning Board of Adjustment** (1 Member & 2 Alternates, terms to expire 12/31/01)

Frank Carr (Member Incumbent)

Richard Callahan (Alternate Incumbent)

Jeff Rider

Denis Robinson (Appointed to Planning Board and NRPC)

Motion by Selectman Seabury, seconded by Selectman Stewart, to reappoint the incumbents and to appoint Jeff Rider as an Alternate, terms to expire 12/31/01 carried unanimously.

## **7. NEW BUSINESS**

### **A. Acceptance of Donation for Rec Dept. from Flash Photo**

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

### **B. Sewer Items**

#### **1) Town of Hudson (Panko) Abatement Requests**

Chairman Madison announced that they Board does not need to act on this one, as the situation no longer exists.

**2) Abatement Ref. No. S-99-6**

*Motion by Selectman Charbonneau, seconded by Selectman Seabury, to grant, as recommended by the Sewer Utility, carried unanimously.*

**3) Abatement Ref. No. S-99-7**

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

**4) Abatement Ref. No. S-99-8**

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

**5) Sewer Acceptance--Lexington Place**

*Motion by Selectman Seabury, seconded by Selectman Stewart, to accept the sewer, as recommended by the Sewer Utility and Town Engineer, carried unanimously.*

**C. Assessing Items**

**1) Abatement of Property Tax Bill/Supplemental Property Tax Bill, 43 Mobile Drive, Tracy R. Paquette**

*Motion by Selectman Charbonneau, seconded by Selectman Jasper, to grant the abatement and sign the tax bill supplement, as recommended by the Assessor, carried unanimously.*

**2) Supplemental Property Tax Bill, 6 Mobile Drive, Joseph & Eleanor Young**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to sign the supplemental tax bill, as recommended by the Assessor, carried unanimously.*

**3) Veteran's Tax Credit Application, 22 Gowing Road, Map 9/Lot 17, Leo Hudson**

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

**4) Tax Abatement, Leo Hudson, 22 Gowing Road, Map 9/Lot 17**

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

**5) Yield Tax Warrant, Map 6/Lot 4, Carl & Marlene Harmon, 49 Ledge Road**

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

**D. Amendments to the Code re Fire Prevention**

Chairman Madison recognized Chief Carpentino and Superintendent of Fire Prevention, Rich Pauley. Chief Carpentino said Rich has been on board about six months now, and has been

updating the Fire Prevention chapter of the Code. Rich said some RSA references have been repealed and updated. He reviewed his memo to the Board, "Proposed Update of Town Fire Prevention Code," as follows:

No changes to §210-1 Permit Required and §210-2 Violations and Penalties.

§210-2.2 Adoption of Fire Prevention Code should be amended to indicate the 1996 BOCA Code

§210-2.3 Repealer language has been updated.

§210-2.4 Amendments to Code. F-113.1 Application for Appeal. The current Code references a Board of Appeals, but Hudson does not have one. It's amended to state appeals can be made to the State Fire Marshal.

§F-202.0 General Definitions, states that the Fire Chief/his designee is the enforcer of the Town's Fire Prevention Code.

§F-3103.5 Sale of Fireworks. Language cleaned up to reference RSA 160-B:10. The intent is to prevent the sale, manufacture or storage of fireworks in Hudson.

§210-2.5 Establishment of Limits includes language to establish geographical boundaries to control the storage of explosives, ammunition and blasting agents.

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§210-2.6 Effect on Impending Proceedings is a disclaimer. If any provision of the Code is ruled illegal, the remaining portions of the Code are still in effect.

No changes to Article III.

Article IV, Permits for Class B and Class C Fireworks references the correct RSA.

§210-5 Violations and Penalties are spelled out in detail in RSA 160-B.

Article V, Fire Protective Signaling Systems, §210-6 Purpose and §210-7 Scope stay the same.

§210-8 Definitions are updated to reflect 1996 edition.

§210-9 Requirements. A, B & C stay the same. Item D indicates that the Fire Chief has the authority to waive the provisions of this article and they the waiver capability.

§210-10 Applicability, 11 Severability, 12 Repealer, and 13 Conflicting Provisions stay the same.

Article VI Sprinkler Systems, §210-16 Scope. The current Code refers two NFPA standards: 13 D, the standard for the installation of sprinkler systems in one or two family dwellings, and 13 R, the installation of sprinkler systems in residential structures four stories in height or less. The existing language in §210-18 A 1 requires installation of a 13 D or R system for new multi-family structures of three or more units, (not covered by any other Code to install any other sprinkler system). The problem with that is that they would be potentially allowing a three-family building to install a 13 D system, which is unacceptable and poses some liability on the Town for allowing that type of system. 13 D pipe size and type, the water supply, etc. all reflect a smaller building with a limited amount of fire hazard. Putting in a 13 D system instead of a 13 R system is not in accordance with nationally recognized standards. Selectman

Charbonneau asked if this applied just to new construction. Rich said it applies to new *or altered* structures, ie, changing a two-family dwelling to a three-family dwelling.

Chairman Madison said the phrase "up to four stories" in §210-15 should say, "up to and including four stories." Rich said that actual wording is from the NFPA. Selectman Seabury said four stories aren't allowed in Hudson. Therefore, it was considered a moot point.

§210-18 A 2 refers to multi-units. The current Town Code calls for a 13 R system, but the problem with that is that they are approving residential sprinkler systems in commercial-type buildings. Chief Carpentino said several structures within the community have systems that are inappropriate, according to the standard. They have discussed this with the Fire Marshal and asked him to provide applicable waivers, but have yet to receive responses back. If there is a heavy fire loss or a fire-related death, the Town is liable for allowing the wrong type system to be installed.

§210-18 A 3 states that existing structures, undergoing alternation or expansion that increases the number of individual residential units to three or more, shall be provided with an approved sprinkler system in accordance with NFPA 13R, 1996 edition. Existing structures undergoing alteration or expansion, that changes its original use and/or increases the number of nonresidential units to more than one, shall be provided with an approved sprinkler system in accordance with NFPA 13 D.

Continuing, Rich said they did eliminate one provision under §210-18 B existing in the current Code. If a structure requires a sprinkler system, water *must be provided for the system*, such as by a tank and pump system. Some rural communities are under the false impression that if a building isn't serviced by municipal water, a sprinkler system is not required. That is not so. With this amendment, the Town Code would parallel that philosophy. Selectman Jasper said that would cause some hardship, and the Board is very interested in promoting commercial expansion. He asked how much a system like that would add to the cost. Chief Carpentino said it would depend on a number of factors. When they require a sprinkler system, they're also helping to maintain the tax base by keeping business in business. If there are two businesses in one building, and one has a fire, the sprinkler system will extinguish the fire or keep it in check until the Fire Department arrives. One business will be out of commission for a couple of days versus two being out of business permanently.

Selectman Jasper asked how many surrounding communities have a similar requirement. Rich said under Nashua's fire code, any building more than 10,000 square feet in area, with the exception of one and two family dwellings, requires a sprinkler. In discussions with fire officials around the state, towns, such as Raymond, Londonderry, Dover and Laconia have these types of ordinances in place. They are taking the minimum requirements of the State fire code and adjusting them to local abilities of fire departments, fire suppression capabilities, economies and preservation of the tax base.

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§210-19 A updates the wording to reflect the 1996 edition.

§210-19B stays the same.

§210-19C says, "This article or any part thereof shall not supersede any other more stringent law, ordinance, code regulations, etc."

§210-20 Effect on Impending Proceedings stays the same.

Article VII State Fire Code -- no changes.

In order for the sentence to read more clearly, the Board asked that a comma be placed after the word "prohibited" in §210-2.5. In §210-18, Paul asked that "such" be inserted in the second sentence, after the phrase, "Existing structures undergoing."

Motion by Selectman Stewart, seconded by Selectman Seabury to forward this to Attorney Ratigan to draft the Warrant Article.

Selectman Charbonneau said this will kill business and she questioned the incentive to come into Hudson if she had to install a special water system; she'd rather go to Nashua. Hudson has a lot of land that is not on Town water. Selectman Jasper agreed, saying there should be a waiver for those not on the water main. People will put in residential units instead of structures for business use. It would be very difficult to make it feasible, particularly when you're not looking at a standard of a minimum square footage of 10,000. The types of multi-tenant buildings, such as on 102 and at the Town line, won't be built because it won't be feasible to put in small, two or three commercial unit buildings of 1,500 square feet per unit. He'd feel more comfortable saying you would have to put in a sprinkler system if it's over 10,000 square feet because there is a certain amount of return on something like that. He understands what the Chief says about keeping other people in business, but that's why there's insurance, particularly with the newer construction. Thankfully, they haven't had a lot of property loss in commercial fires, particularly in the newer construction. Sprinklers are primarily for saving property; alarms are for getting people out of buildings. He didn't believe there has been any loss of life in building fires in Town. They have to balance what they are trying to accomplish versus the risks.

Chairman Madison asked if there was a waiver currently in the Code. Selectman Jasper said there was. The qualifier in Hudson has always been you can't put too big a building up because if you're going to put up a building that big, you're probably going to need water and sewerage. If they were to say 10,000 square feet, he'd feel more comfortable.

Chief Carpentino said he could understand the concerns, but there are a lot of factors to take into consideration. Since he's been here, they've had some bad fires, and those buildings are still in existence because of the sprinkler systems. Gilchrist Meadow Fabrications would have been out of business for a long time if it wasn't for the sprinkler system. As a public safety official, he doesn't like the current statute because it provides no element of safety, neither for the occupants of the building, nor for the Town employees that go in and extinguish the fire and do search and rescue. There is nothing in that building to keep that fire in check. At the very least, there needs to be some kind of square footage limits included. Otherwise, people will build whatever they want and the Town will just hope they don't have a fire. If they do, the people who fight it will be put at great risk.

Chairman Madison asked what square footage he recommends. Chief Carpentino declined to give a figure without consulting with Rich and other communities to find out why they chose what they did. Chairman Madison asked if time allowed for that. Paul said yes because it's a non-monied article. Chairman Madison told the Chief to check it out and then bring it back for their next meeting.

Chief Carpentino said they already have a Code that's in force. NFPA 1141 says if you put up a building or an addition 20,000 square feet or greater, you shall provide a hydrant every 300 feet. Selectman Charbonneau wants the Chief to check with Londonderry, the closest to Hudson in population, because they have a lot of construction and not all of the buildings are on water. Chairman Madison said they will probably check with all the towns before coming back to the Board.

Selectman Jasper said he didn't know the Code well enough, but it speaks to "more than one,"

so he assumes there is a particular size allowed for one unit, X number of square feet and anything over that number, there must be two units. He thought maybe that should be the arbitrary square footage number. If there's one unit of 10,000 square feet wide open, versus three units in the same square footage with fire walls, there's less danger to everybody with the fire walls dividing up the 10,000 square feet. It would be more fair to say, "Here's the footprint we're concerned with," and that's the kicker on the non-water district. He thought that would be more fair and equitable.

Chairman Madison asked Selectman Jasper if there was anything else in the Code he was not comfortable with because she didn't want to go through all of this again. Selectman Jasper said no, there wasn't. Chief Carpentino said when buildings change hands, walls come down and go up. They change the configuration of the building and maybe that's something else they should take into consideration. Fire walls are even taken out of buildings. Selectman Jasper said maybe the square footage standard should depend on the overall building size, not the number of tenants. Chief Carpentino said they will look into it and have the information available by the January 12 meeting.

Selectmen Stewart and Seabury withdrew their motion and second to forward it to Attorney Ratigan.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to table this item until the next meeting (January 12, 1999), carried unanimously.*

## **E. Warrant Articles**

Chairman Madison recognized Town Administrator Paul Sharon. He said Attorney Ratigan, who faxed over a draft copy of the Warrant Articles, strongly suggests that an article be included to clean up the language relative to the Unicorn Park property because it referred to money going into a capital reserve and then coming back out. It should be rewritten, authorizing the Board to sell the 35 acres, which may mean they can't close on the sale until after the vote. Selectman Jasper said the former article had also authorized the Board to sell the land at "public auction."

*Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the warrant articles carried unanimously.*

*Motion by Selectman Jasper, seconded by Selectman Stewart, to send to the warrant, an article requesting a 3% wage and benefit increase for the Town Clerk/Tax Collector carried unanimously.*

## **8. OTHER BUSINESS**

### **A. Public Hearing Date for Bond Issue**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to set a date for the public hearing for the bond for the Lowell Road widening issue for January 18, 1999 at 6:30 p.m. at Library Street school carried unanimously.*

### **B. Firefighters Contract**

Chairman Madison said the Firefighters failed to ratify the contract, so they would be discussing this matter under Nonpublic Session.

## **9. LICENSES AND PERMITS**



Hawker/Peddler Permit Request to operate a Canteen Truck in Hudson

Motion to approve by Selectman Seabury, seconded by Selectman Jasper, carried 41. Selectman Charbonneau was opposed.

**10. ACCEPTANCE OF MINUTES**

Minutes of the BOS Meeting of December 8, 1998

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

**11. COMMITTEE ANNOUNCEMENTS**

12/25 Christmas Holiday--Town Hall closed

01/01 New Year's Day--Town Hall closed

01/04 7:30 Budget Cmt Mtg in P/Z Mtg Rm

01/05 7:30 Budget Cmt Mtg in P/Z Mtg Rm

01/05 Last date to post Notice of Budget Hearing

01/05 Last date to post Notice of Bond Hearing

01/06 7:00 Planning Board Workshop in P/Z Mtg Rm

01/12 7:30 Board of Selectmen in BOS Mtg Rm

01/12 Last Day for Petitioned Warrant Articles

**12. LIAISON REPORTS**

Selectman Seabury has been attending a lot of Budget meetings.

**13. REMARKS BY THE SELECTMEN**

Shawn Jasper wished everyone a Merry Christmas, a Happy New Year and a hearty Bah, Humbug.

Rhona Charbonneau said the same.

Terry Stewart said ditto.

Ann Seabury apologized for not making Christmas pies, saying she is so happy to have her stove back after being without it for two weeks.

E. Lorraine Madison wished everyone a wonderful Christmas and a Happy New Year.

**14. NONPUBLIC SESSIONS**

Motion by Selectman Seabury, seconded by Selectman Stewart, to enter Nonpublic Session under RSA 91-A:3 II (a)The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; and (b) The hiring of any person as a public employee; and (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 8:50 p.m. and was terminated at 8:50 p.m.

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

Motion by Selectman Stewart, seconded by Selectman Seabury, to hire Tim Chabot as a Call Firefighter, effective immediately, at the appropriate rate carried 4-0. Selectman Jasper abstained.

**15. ADJOURNMENT**

Motion by Selectman Jasper, seconded by Selectman Stewart, to adjourn at 9:15 p.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert

Executive Assistant to the Board of Selectmen

**HUDSON BOARD OF SELECTMEN**

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**E. Lorraine Madison, Chairman**

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**Rhona Charbonneau**

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**Shawn N. Jasper**

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**Ann Seabury**

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**Terry Stewart**