

HUDSON BOARD OF SELECTMEN

Minutes of the November 24, 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, Shawn N. Jasper (arrived 7:32), Ann Seabury and Terry Stewart. (Rhona Charbonneau was absent.)

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Lt. Don Breault, Police Department; David Yates, Recreation Director; John Drabinowicz; Howard Dilworth, Jr; Nancy Regan; Coleman Kelly; Ron Rodier; Len, HLN

4. **PUBLIC INPUT** (There wasn't any.)

5. **CORRESPONDENCE RECEIVED**

A. From: David Yates, Recreation Director

Re: Fees

Refer to: New Business

B. From: Richard Gendron, Chief of Police

Re: Acceptance of Donation

Refer to: New Business

C. From: Jim Michaud, Assessor

Re: Various Assessing Items

Refer to: New Business

D. From: Susan Snide, Zoning Administrator

Re: Second Hand Dealer's License Revocation

Refer to: New Business

E. From: Hudson Sewer Committee

Re: Various Items

Refer to: New Business

F. From: Yung Chien Tsai

Re: Zoning Petition

Refer to: Planning Department

Motion by Selectman Stewart, seconded by Selectman Seabury, to receive the Correspondence, Items A-F, with appropriate referral, and that all subsequent zoning petitions be referred to the Planning Department, with a copy to the Board, carried 3-0. Selectman Jasper abstained, having just arrived.

6. OLD BUSINESS -- Ratification of Collective Bargaining Agreements

Motion by Selectman Jasper, seconded by Selectman Stewart, to ratify the Highway Department's two-year contract for period 7/1/99 - 6/30/01, in the amount of \$57,504 carried 4-0.

Motion by Selectman Stewart, seconded by Selectman Seabury, to ratify the Fire Department's three-year contract for period 7/1/99 - 6/30/02, in the amount of \$113,015 carried 3-0. Selectman Jasper abstained because it was a Fire Department issue.

7. NEW BUSINESS

A. Public Hearing and Board Action Recreation Department Fees

The request by the Recreation Department was to increase the Invitational Basketball fee from \$100 to \$125 and to include a fee of \$3.00 for teen dances. Chairman Madison opened the Hearing at 7:34 p.m. and asked if anyone wished to speak. There being no response, she closed the hearing.

Motion by Selectman Stewart, seconded by Selectman Jasper, to approve the fees carried 4-0.

B. Acceptance of \$125 Donation by the Kiwanis to the KNOT Program

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept the donation carried 4-0.

C. Assessing Issues

1) Current Use Lien Release, Map 19, Lot 12-1

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

2) Veteran's Tax Credit Application

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

3) 1998 Abatement Application, 44 Robinson Pond Road, Map 35, Lot 125

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

4) Current Use Application, Gerard & Lorette LeBoeuf, Map 04, Lot 07

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

D. Second Hand Dealer's License Revocation Hearing

Chairman Madison opened the revocation hearing and recognized the Town Administrator, who said in October the Board issued a conditional Second Hand Dealer's License to Ron Rodier for a business at 29 Lowell Road, Hudson Trading Post. The Zoning Administrator's

condition was to come into compliance with the Zoning Ordinance. Mr. Rodier had, in existence at the time, several zoning violations, including a boat for sale in the parking lot and firewood displayed in front. Some of the things have been brought into compliance, but others have not. Mr. Rodier was told some time ago by the Zoning Administrator that a revocation would be considered by the Board of Selectmen and he was noticed as to this hearing. Susan also wrote to him, reiterating that he remains in violation on a couple of counts, giving him ten days to bring that into compliance. The Board can revoke the license or they can continue the hearing until the next Board meeting to see if he complies with the Zoning Administrator's directives. Even if the license was revoked, the Zoning violations would remain as violations and would still be pursued. He may bring things into compliance at that point.

Motion by Selectman Seabury, seconded by Selectman Stewart, to revoke the license.

Selectman Jasper asked if they knew the status as of today. On Sunday, he drove by and saw a trailer with a jet ski on it. Paul read aloud Susan's letter, dated today, outlining her findings of site violations.

Chairman Madison said Mr. Rodier still has to come into compliance with these issues and then he can reapply for his permit.

Vote: Motion carried unanimously.

E. Sewer Items

1) Sewer Abatement Applications, S-99-5A

Motion by Selectman Seabury, seconded by Selectman Stewart, to grant, as recommended by Sewer Utility was withdrawn because the Panko properties were deeded back to them. Selectman Jasper didn't think that the residents should get a \$100 break just because for a short period of time it was the Town's. The residents used the water.

a) S-UTL-99-10 Town of Hudson (Panko) 41 School Street

Motion by Selectman Jasper, seconded by Selectman Stewart, to deny carried 4-0.

b) S-UTL-99-11 Town of Hudson (Pank) 43 School Street

Motion by Selectman Stewart, seconded by Selectman Seabury, to deny carried 4-0.

c) S-UTL-99-12 Henry Valenti, 335 Fox Run

Motion by Selectman Stewart, seconded by Selectman Jasper, to grant, as recommended by the Sewer Utility Committee, carried 4-0.

2) Application for Sewer Connection Waiver, ENF-99-08

Motion to grant, as property is serviced from another street, by Selectman Jasper, seconded by Selectman Stewart, carried unanimously.

3) Application for Sewer Connection Waiver, ENF-99-09

Motion to grant, as distance to sewer line exceeds 100', by Selectman Jasper, seconded by Selectman Stewart, carried unanimously.

F. Water Company Issues

Motion by Selectman Stewart, seconded by Selectman Jasper, to defer until December 8, 1998 because Attorney Ratigan is unable to be present tonight carried unanimously.

8. OTHER BUSINESS

A. Replacement for Building Inspector

Selectman Jasper said Ed Madigan, the Building Inspector, is retiring at the end of the year they should get going on the process for his replacement to avoid loss of coverage in that department. Paul said Susan will be at the Selectmen's meeting on December 8 to share her thoughts with the Board.

B. Lights needed at Benson's

Selectman Jasper asked Paul if he had a chance to touch base with Nancy Mayville. Chief Carpentino had suggested it might be a good idea to get some yard lights into the Benson compound. If the State doesn't want to do it, maybe the Town can because it's awfully dark back there.

C. Raffle Permit by Anne's Country Florals

Motion by Selectman Stewart, seconded by Selectman Seabury, to approve the raffle permit by Anne's Country Florals to raffle off "Halo," a Beanie Baby, with proceeds going to benefit Presentation of Mary, carried unanimously.

9. LICENSES AND PERMITS

Request by the Knights of Columbus to hold a raffle at St. John's church on January 6, 1999

Motion by Selectman Stewart, seconded by Selectman Seabury, to approve carried unanimously.

10. ACCEPTANCE OF MINUTES

Minutes of the November 10, 1998 BOS Meeting

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

11. COMMITTEE ANNOUNCEMENTS

11/30 7:30 Budget Cmt in P/Z Mtg Rm

12/01 7:30 Budget Cmt in P/Z Mtg Rm

12/02 7:00 Planning Bd Wkshp in P/Z Mtg Rm

12/03 7:30 Budget Cmt in BOS Mtg Rm

12/03 7:30 ZBA in P/Z Mtg Rm

12/06 11:30 Pearl Harbor Annual Wreath Ceremony at Veterans Memorial Bridge

12/07 7:30 Rec Cmt at Rec Center

12/07 7:30 Budget Cmt in P/Z Mtg Rm

12/08 7:30 BOS in BOS Mtg Rm

12. LIAISON REPORTS (There weren't any.)

13. REMARKS BY THE SELECTMEN

Terry Stewart said the Town Green and the gazebo look wonderful, thanks to Kevin Burns and his crew.

Ann Seabury wished everyone Happy Thanksgiving.

Shawn N. Jasper said the barn fire at Benson's was a beautiful, but sad sight. The fire had been going for a long time before they got there. They assumed it was arson and it's hard to believe there are people who enjoy doing that sort of thing. It is a sad passing of a landmark.

E. Lorraine Madison wished everyone a happy holiday.

14. NONPUBLIC SESSIONS

Motion by Selectman Stewart, seconded by Selectman Seabury, to enter Nonpublic Session under RSA 91-A:3 II (b) The hiring of any person as a public employee carried 4-0 by roll call vote.

Nonpublic Session was entered into at 7:51 and was terminated at 8:05 p.m.

Motion by Selectman Jasper, seconded by Selectman Seabury, to hire three full-time Dispatchers: Tina Cooper, Cynthia Cleary & Brian DePloey, contingent on their passing the psychological exam, effective December 6, 1998 @ \$11.52 an hour for six months and thereafter, according to the collective bargaining agreement salary schedule carried unanimously.

Motion by Selectman Stewart, seconded by Selectman Jasper, to hire three part-time Dispatchers: Gladys MacDonald, Debra Graham & Geraldine Scurrah, contingent on their passing the psychological exam, effective December 6, 1998 @ \$10.76 an hour carried unanimously.

Discussion with Ron Rodier, Hudson Trading Post

Chairman Madison noticed Mr. Rodier in the audience and informed him that the Board revoked his Second Hand Dealer's license, but he will still have to bring the site into compliance. Mr. Rodier said he didn't know what the problem was, that he never received anything in writing, and he didn't even know he was on the agenda tonight until someone gave him a copy of it. He said he's never been informed of any zoning violation. Chairman Madison's understanding was the Zoning Administrator has informed him of the violations and the Building Inspector made a site visit. Mr. Rodier said the boat for sale has been taken care of. Chairman Madison said a letter went out to him today and, once everything is cleared up, he can reapply for the permit. Mr. Rodier said he doesn't know what that is. Chairman Madison said he should call the Zoning Administrator and she would inform him exactly what is going on. Mr. Rodier reiterated that he has never been notified in writing of any violation on his property.

Paul said the permit was issued, contingent on certain things. Mr. Rodier said those things were taken care of and he was present because he didn't understand what was going on. Chairman Madison said the Board has already acted on this, so now he must contact the Zoning Administrator. Mr. Rodier asked if one of the issues was the kindling wood in front of his store for sale. Chairman Madison said yes. Mr. Rodier asked how his license could get revoked before he got the letter. Selectman Seabury said he received a

letter on October 5th. Mr. Rodier said he never received it. Chairman Madison said it was pointless to debate the issue since the Board has already ruled on the issue and again suggested Mr. Rodier contact the Zoning Administrator.

Selectman Jasper said although the Board has already acted on this, Mr. Rodier was present now, saying he never received a letter. Since the Board isn't meeting for another two weeks, he thought Mr. Rodier might be willing to bring his site into compliance by tomorrow. Paul said he didn't hear Mr. Rodier say he'd do that. Mr. Rodier said he felt that he *was* in compliance, and that it is no different than 7-Eleven selling bundles of wood, adding that his building has been there for 74 years and it's grandfathered for selling out front. He was before the Selectmen because he knows he won't get anywhere with the Zoning Administrator. Chairman Madison reiterated he'd have to go through the Zoning Administrator. Mr. Rodier questioned how his license could be revoked without being notified of a violation.

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Paul said the license was granted, contingent on certain things, and that places a responsibility on Mr. Rodier to ensure that those things are abated and it should have been up to him to have found out what it is that's necessary to abate them--and those conditions were not met. Mr. Rodier said if it's the kindling wood that's in question, he wondered why every other variety store in Town can sell things in front of their stores and he can't. Paul said the argument that everybody does it is not a valid argument and that Mr. Rodier has due process to follow. Mr. Rodier said that building was a variety store for 74 years and used to have gas pumps in front. Paul said proper procedures have to be followed. Mr. Rodier wanted to see it in writing. Paul said he must talk to the Zoning Administrator. Mr. Rodier asked why he hasn't been given anything in writing. Selectman Stewart gave him a copy of the Zoning Administrator's letter that was mailed to Mr. Rodier today. Mr. Rodier said he couldn't understand how his license could be revoked before he was notified of the violation. Chairman Madison suggested he read the regulations, bring his site into compliance and then reapply for his permit, which could all happen before noon tomorrow. Mr. Rodier questioned 'reapply.' Chairman Madison said the Board has revoked his permit and he needs to talk with the Zoning Administrator. Mr. Rodier said o.k. and left the room.

Selectman Jasper said a lot of stores have similar outside displays and the Board just had a conversation with someone who complained about spot zoning, and this might be one of those cases. He didn't have a problem going after this individual for a violation, but 7-Eleven, Cumberland Farms and Mobil Mart shouldn't get away with it. Paul thought part of the issue was storage on the public right of way. Selectman Jasper said the wood has been on the wide cement step or against the building. Paul said they can also engage in senseless kinds of arguments like, "Why do you tell our Building Inspector to go to hell when he says you should move the boat?" Selectman Jasper said he's not defending any violations and the site should be brought into compliance, but Mr. Rodier makes a valid point in that the Town should be enforcing zoning equally.

Selectman Seabury said the building was empty for months, so Mr. Rodier's business is new. Chairman Madison said she wants to ensure the Zoning Administrator is treating everyone the same way. Paul said the Zoning Administrator can't be everywhere at once. She often responds to complaints and if someone is found in violation of a specific section of the Zoning Ordinance, she deals with that individual. She can't be expected to go all over Town and find all of the other ones that have violated that same exact section. Selectman Jasper said he wasn't defending the violations, he was defending equally. Some of the places, and maybe it's on their site plan, constantly have this type of stuff out there. They have to apply zoning regulations consistently to everyone. Chairman Madison agreed.

15. ADJOURNMENT

Motion by Selectman Stewart, seconded by Selectman Seabury, to adjourn carried 3-1. Selectman Jasper voted in opposition.

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