

HUDSON BOARD OF SELECTMEN

Minutes of the November 10, 1998

AGENDA

At 6:30 p.m., Lisa Nute, Support Services Manager of the Police Department, gave a demonstration on mobile data terminals in the Planning/Zoning meeting room at Town Hall.

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:33 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; Richard Gendron, Chief of Police; Mike Gospodarek, Town Engineer; David Yates, Recreation Director; Lenny Smith; Nancy Regan; Audrey A'Auteuil; Howard Dilworth; John Drabinowicz; Bill Kress; Stan Searles; Len Lathrop; Jeff Rider; Mike Lawson; Coleman Kelly; Joshua, TEL; Len, HLN

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

5. **CORRESPONDENCE RECEIVED**

A. FROM: William Kress, Assistant Superintendent

RE: Purchase of State Property

REFER TO: New Business

B. FROM: Audrey D'Auteuil, The Society of New England Artist Association

RE: Use of Christmas Tree on Town Common for Charitable Purposes

REFER TO: New Business

C. FROM: Richard Gendron, Chief of Police

RE: Receipt of Donation for KNOT Program

REFER TO: New Business

D. FROM: Sewer Utility Committee

RE: Highland Woods Sewer Acceptance

REFER TO: New Business

E. FROM: Jim Michaud, Assessor

RE: Various Assessing Items

REFER TO: New Business

F. FROM: David Yates, Recreation Director

RE: Acceptance of Donations

REFER TO: New Business

G. FROM: St. Kathryn Church

RE: Request to hang Banner on Town Common

REFER TO: New Business

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

6. NOMINATIONS & APPOINTMENTS

The Selectmen felt that, since there were just one applicant per committee, they would make their appointments tonight.

A. Sewer Utility Committee (1 Member, Term to expire 12/31/99)

Jeff Rider, a civil engineer with about seven years experience working with sewer departments, was on the Sewer Committee in the town he lived in previously.

Motion by Selectman Charbonneau to appoint Jeff Rider to the Sewer Utility Committee, seconded by Selectman Stewart, carried unanimously.

B. Zoning Board of Adjustment (1 Alternate, Term to expire 12/31/98)

Mike Lawson said he didn't have much experience in this area, but as an alternate, he will learn. He's lived here about 1½ years and wants to become more involved in the community.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to appoint Mike Lawson as an Alternate to the ZBA carried unanimously.

7. OLD BUSINESS (There wasn't any.)

8. NEW BUSINESS

A. Purchase of State Property (28 Acre Strip, connecting Routes 3A and 102)

Chairman Madison recognized Assistant School Superintendent, William Kress, and School Board Member, Stanley Searles. She stated that she will Chair the meeting, but would not participate in the discussions, nor vote on this issue. Selectman Seabury said the same applied to her. Selectman Charbonneau said the County Commissioners have first refusal on this parcel, but they have to officially reject it, which they haven't done yet. If they do, the Town is next on the list.

Mr. Searles said they have worked very hard to give the Town the best buy for their money. They checked various site and thought this was the best location for their purposes. The addition of the State's strip of land would enhance the 18 acres they already have. It could be used for a library, a sports field, or whatever. It will go before the State screening Council on the 12th and then has three other committees to go through. He will attend, when necessary, to present the Town's viewpoint.

Mr. Kress said they were before the Selectmen for information sharing purposes. He said there was no doubt about the overcrowded conditions of the schools. The School Board has been attempting to resolve that for a few years. Last year, the voters did not pass the warrant article for a new school. Much of the discussion at the deliberative session centered around not having a proper site for the school and that is why they started investigating possible sites in early Spring. They settled on what used to be the old Mansfield property, which abuts the Alvirne property. In the early 70's, the State purchased a narrow strip of land through the middle of the property, which has some frontage on Route 102, for the proposed Circumferential Highway. Since then, the location has moved further north. This tract of land attracted the School District because of the geographic location. It opens up the opportunity for sharing of recreation facilities, parking, access to the Alvirne fields, etc. The Mansfield property was purchased by a group in Town, called the Hudson Five. The five owners were elderly and, during the course of their investigation, two of them passed away. The property ended up being in the hands of the State and banks and they couldn't even get an answer on whether or not the land was for sale. Eventually, they were told the land was for sale. They subsequently did an evaluation to get an idea of what the land was worth. In late Spring, Mr. Kress said he and Stan Searles went to Concord and met with Carol Murray, the Assistant Commissioner, and Nancy Mayville, a Project Manager, who explained the process from the State's prospective. The land was eventually deemed to be in excess and became available. Parallel to talking with the State, they were also negotiating with the Hudson Five. Their problems compounded when they tried to figure out how much to pay for what they wanted. They would have liked to have bought the whole parcel, but it was too expensive. The 18 acres they decided on is well above the State standard for an elementary school and it was the best acreage. The other land contains wetlands and other associated problems they didn't want to inherit. They signed a Purchase and Sales agreement at the end of September for that 18 acres. During the summer, they were referred to the Bureau of Right Aways by Carol Murray, and their new contact person was Bob Pratt. In August, Mr. Pratt, who was due to retire, assured Mr. Kress that Hudson would be on their September agenda. However, they weren't, and it ended up costing them a couple of months. They are now on the November 12th agenda, and the latest contact person is Mark Richardson. As Selectman Charbonneau already pointed out, it goes State, County and Town. There was even some talk about locating the library on that parcel, creating an educational complex. With frontage on 102, it would also give them better access to the school. They do not need the land to build the school; the 18 acres they have is sufficient, but they would be able to enhance the site with the additional acreage. They wanted some feedback from the Selectmen.

Selectman Jasper said the School's first step was to go to the Planning Board for a subdivision. Mr. Kress said he's already spoken with Mike Reynolds, and they are in the process of getting it subdivided or annexed to the Alvirne property. Selectman Jasper was puzzled that the Hudson Five didn't want to sell the entire parcel, since it is now landlocked. Mr. Kress said the Hudson Five owns a lot on Alvirne Drive, so they do have access. Selectman Jasper said if the County wasn't interested in this piece of land, the Planning staff should look at it as a possible connector street from 102 to Webster Street and, at the same time, look at the school's traffic problem. Paul said the Planning staff has already looked at it in those terms. Even though that doesn't appear as a project on the TIP, the Town Planner said connecting 102 and 3A is something he would want to see done. If something else goes there, that would essentially close that connection forever. Selectman Charbonneau said before they make any commitments, they should consider the possibility of creating a connector road.

(Start Tape 2, Second Side)

Motion by Selectman Jasper, seconded by Selectman Stewart, that the Selectmen notify the Department of Transportation that the Town is interested in obtaining the State-owned land between Webster Street and Route 102, if the County of Hillsborough is not interested, carried

3-0. Selectmen Madison and Seabury abstained because they work for the School Department.

Mr. Kress asked if the Town and School could work together on this. Selectman Jasper said absolutely. Chairman Madison said that even if the Town wants to use it for a connector road, there is more than enough land, especially access off Route 102, to share. Selectman Jasper said he didn't want to include or preclude anything at this time, but they should work together on this and that he didn't think the Town had any need for any additional land there. Mr. Kress said if the land is sold for educational use, it will cost less, and he didn't know if including a road would allow them to qualify. Selectman Charbonneau said land sold by the State comes with certain restrictions, but they do need a connector road.

B. Use of Christmas Tree on Town Common for Charitable Purposes

Chairman Madison recognized Audrey D'Auteuil, President and Founder of The Society of New England Artist Association. Ms. D'Auteuil said she would answer questions because everyone had her letter. She said they planned to do only 25 ornaments this year because other companies have taken some of the names. The plastic ornaments would contain the child's name, age and a number for cross-reference purposes. She also requested that she be able to put up a board type sign in the gazebo or by the nativity scene to advertise the ornaments. She'd like to put the ornaments on the bottom half of the big blue spruce tree. The Library has authorized use of their facility for people to drop off the gifts. She hoped the Board would grant her request.

Selectman Seabury said the 250th Committee has donated a tree to be put in the gazebo, so she didn't think that a sign should go in there, too. Selectman Jasper said if the Board approves the request, it might be a good idea if she works through the Road Agent regarding the placement of the sign.

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the request of The Society of New England Artist Association, as outlined in their letter of October 22, 1998 and further that placement of the sign be coordinated with the Road Agent.

Chairman Madison asked when the ornaments would go up and how long they would be on the tree. Ms. D'Auteuil said she'd like to put them up next Thursday and, if there were any left, she'd take them down the 19th. Chairman Madison said, although it is wonderful idea, she thinks there may be problems, especially if there is a heavy snowstorm, with people, including small children, trying to get in and out of the small common with a lot of traffic going by on all sides. She didn't think the Town Common was the appropriate place for this type of activity.

Selectman Stewart asked if the names were Hudson children. Ms. D'Auteuil said no, she didn't think so. Selectman Stewart said another organization she is associated with works with the churches in Hudson, and they always have an overabundance of needy children. Ms. D'Auteuil's husband said he understood the concern about the snow, but they were only talking about 25 kids. He didn't think the foot traffic was that big a concern and that the ornaments would probably go early.

Selectman Seabury said they certainly want to help the needy and they support charitable causes, but they've already gotten one complaint about the sign that had been put up on the Common. She didn't think the Town Common was the appropriate place to put up signs, banners, etc. They want it to look pretty for the holidays, but it could end up pretty tacky if they're not careful.

Vote: Motion failed 1-4. Selectman Jasper voted in favor of the request.

Chairman Madison said the Board approve the concept, but not the location. Ms. D'Auteuil said before she begins the process of planning a 1999 art show for the Town Common, she wanted to know if the Board would have a problem with that, too. Chairman Madison said they might want to stay for the discussion of Item 8-G, regarding the installation of banners/signs on the Town Common. Selectman Jasper moved to change the order of the day to take up 8-G. Chairman Madison pointed out that the D'Auteuils were leaving.

C. Acceptance of Donation to the KNOT Program by Alexander's Shop & Save

Chairman Madison said Alexander's Shop and Save have volunteered to donate the proceeds from a fundraiser in the amount of \$275.50 to the Kids Night out of Trouble program.

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

D. Highland Woods Sewer Acceptance

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept, as recommended by the Town Engineer and the Sewer Utility Committee carried unanimously.

E. Various Assessing Items:

1) Abatement Application 1998, Jessica Lane, Map 42, Lot 18-7

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

2) Disabled Tax Deferral App, Giuditta Bourgeois, 8 Sunland Drive, Map 28, Lot 28

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

3) Veterans Tax Credit Applications: Ronald Stillens, 34 David Dr; David Harvey, 945 Fox Hollow Dr; Ronald Cloutier, 225 Abbott Farm Ln; Thomas Schulte, 163 Old Derry Rd

Motion by Selectman Stewart, seconded by Selectman Jasper, to approve the \$100 tax credit, as recommended by the Assessor, carried unanimously.

4) Abatement Applications: David Harvey, 945 Fox Hollow Drive; Ronald Cloutier, 225 Abbott Farm Lane; Thomas W. Schulte, 163 Old Derry Road

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

5) Abatement Application, 11 Gordon Street, Map 53, Lot 68

6) Abatement Application 1998, 176 Webster Street, Map 23, Lot 5

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

F. Acceptance of Donations to the Rec Department by Flash Photo & Sports Photography

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to accept with thanks the donations of \$500 and \$200 respectively carried unanimously.

G. Request to hang Banner on Town Common

Chairman Madison said they have a request from the organizers of the Penny Sale and Bazaar at St. Kathryn's church to hang a banner on the Town Common. They also had a memo from the Road Agent, stating that he thinks other areas in Town would be more suitable on which to locate banners. One of them was at the intersection of Lowell Road and Central Street and the other one by Veterans Bridge. Ever since the Selectman authorized the location of a banner on the Town Common, they have had several other requests come before them. She does not think they look very good located on the Town Common. Selectman Charbonneau agreed, saying they should not clutter up the park. It looks very nice as it is and there are other places in Town to locate banners.

Motion by Selectman Jasper, seconded by Selectman Stewart, to grant permission to St. Kathryn's to place a banner at either the intersection of Lowell Road and Central or in the area of Veterans Bridge carried unanimously.

Selectman Stewart, seconded by Selectman Charbonneau, moved that all future banners are to be placed in these two locations. This motion was subsequently withdrawn because the Board will still have to approve any requests for banners that come in, and it should be the stated policy that, when calls come in, these two alternate locations can be suggested. Paul asked that authorization be given to Kevin Burns to choose which location would work the best. Selectman Jasper said that when the requests come before the Board for a specific location, the Board can refer it to Kevin anyway.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, that it be the policy of the Board of Selectmen that no banners and/or signs shall be permitted to be placed on Library Park carried unanimously. Motion by Selectman Jasper, seconded by Selectman Stewart, to grant, as recommended by the Selectmen, carried unanimously.

9. OTHER BUSINESS

A. Letter to NH DOT, expressing interest in Parcel of Land between Rt. 102 & 3A

Selectman Charbonneau said the Chairman of the Board of Selectmen should send a letter to NH DOT, expressing the Town's interest in the 28-acre parcel between 102 and 3A. This should be done as soon as possible, by Thursday or Friday of this week, after the County ratifies the action by phone poll. Chairman Madison said the Board would do that.

(Start Tape 2, Side A)

B. Art Show on Town Common

Selectman Seabury said she didn't have a problem with an art show being held on the Town Common, but she didn't want any tacky signs stuck up during the holidays. Selectman Jasper said the people that had come before them earlier went away very upset. He thinks the art show would be a very nice thing to have.

Motion by Selectman Jasper, seconded by Selectman Stewart, to send them a letter, saying that Board supports the concept of the art show and would welcome their application and anticipate no problems in granting them permission.

C. Merrill Park

Selectman Seabury said a resident is very upset about the condition of Merrill Park. Although she didn't think it looked that bad, they need a shepherd for that neighborhood because it's off the beaten track. Kids beat the tar out of everything, including knocking down the heavy-duty chain link fence. She suggested removing the fence altogether. Paul's 'off the cuff' response was that if the Town has taken the responsibility of putting in a fence, they inherited a responsibility. Selectman Seabury said when Phyllis Appler was on the Conservation Commission, she got a federal grant to have this park. The fence was put in to prevent kids from running back and forth across a sewer pipe, but it didn't stop them. Even the concrete picnic tables were destroyed. That's why she was suggesting putting their heads together to come up with a solution. Chairman Madison said perhaps the Road Agent should take a look at it before they make any decision.

Selectman Jasper said the fence is destroyed by kids crossing the pipe by the development in order to get to the park. He thinks the best thing to do is take it out. Paul asked if it was protecting kids from any hazard. Selectman Jasper thinks that's why it was put up originally, but they will find a way to pull it down so they can get access to the park, and there's no way they can possibly stop that. He agreed that Kevin should look at it and make a recommendation to them. Selectman Seabury said there's nothing they can do about the neighbors dumping their leaves and brush in there and suggested maybe the Highway Department could bring in a truck and clear it out. If they post a No Dumping sign, then there is the enforcement issue. She said she didn't know what could be done about the park, except clean it up for the umpteenth time.

D. Visioning

Selectman Seabury attended the Visioning event last Friday and Saturday and, although there were some wonderful ideas, the tax rate would go up considerably if implemented. It was fun to listen to what was being said. A lot of new people coming in didn't know everything that the Town has to offer and some ideas that were presented were things that are already available, such as parks and recreational facilities. She thinks an effort should be made to get that information out to the public.

E. Contract Negotiations

Selectman Seabury said they are unhappy with the current practice of contract negotiations. The Board would like department heads to be present during the sessions. When one department head came before them, he didn't even know what was in the contract. The Board should get decide what they want before they bring Gary Wulf in. Selectman Charbonneau agreed. Selectman Seabury asked how many contracts were coming up next year. Paul thought only one. Selectman Seabury said they should try this method with that contract-and they don't like operating under the gun. The Board should decide the raises and they should start in August. This year, the raises were *very* good. They should just sit around and chit-chat about what they'd like to see done. Chairman Madison said the Board *has* told the negotiators exactly what they wanted, but when things come back to the Board, they are totally different. The reps know what the Selectmen want, so they have to start speaking up.

F. Lowell Road Final Design, Contract Amendment No. 4

Lowell Road Final Design, Contract Amendment #4 from Louis Caron, SEA Consultants. Mike Gospodarek said this is the final change order to the contract, putting them into the final design stage.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to accept Amendment #4, dated 11/6/98, to the agreement for engineering and supplemental services dated 4/21/95 for

Lowell Road/ Executive Drive design carried unanimously.

G. Wooden Bench for Library Park

Selectman Charbonneau said Mr. Labbe has a wooden bench, valued at \$250, that he would like to donate to the Town for use at Library Park.

Motion by Selectman Jasper, seconded by Selectman Stewart, to accept the bench, with thanks, and that the placement be coordinated with the Road Agent carried unanimously.

10. LICENSES AND PERMITS

Requests for Hawker-Peddler Permits to sell Christmas Trees by:

A. Ron Lawton of Lawton's Highland Trees at Stevie P's, 49 Lowell Road

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

B. Boy Scouts Troop 21 at 104 Lowell Road

(Nonprofit groups are exempt, per RSA 320:3, IV)

C. William Weir of Weir Tree Farm at the Hudson Mall on Route 102

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

D. Atara Kessler at the Merrimack River Golf Club on Webster Street

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

E. Maurice Boyer at Sam's Club on Lowell Road

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

11. ACCEPTANCE OF MINUTES

Board of Selectmen Minutes of October 27, 1998

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

12. COMMITTEE ANNOUNCEMENTS

11/11 Veterans Day Holiday, Town Hall closed

11/12 7:30 p.m. ZBA in P/Z Mtg. Rm.

11/13 7:00 p.m. BOS Budget Review in BOS Mtg. Rm.

- 11/13 7:30 p.m. Library Trustees in P/Z Mtg. Rm.
- 11/14 9:00 a.m. BOS Budget Review in BOS Mtg. Rm.
- 11/16 7:30 p.m. Conservation Commission in P/Z Mtg. Rm.
- 11/16 7:30 p.m. Library Trustees in Small Conference Room
- 11/17 7:00 p.m. If needed, BOS Budget Review in BOS Mtg. Rm.
- 11/18 7:00 p.m. Planning Board in P/Z Mtg. Rm.
- 11/19 7:30 p.m. Budget Committee in BOS Mtg. Rm.
- 11/19 7:30 p.m. ZBA in P/Z Mtg. Rm.
- 11/19 7:30 p.m. Cable Committee in Small Conference Room
- 11/21 8:00 a.m.-2:00 p.m. BFI @ West Road Landfill and Curbside Pickup
- 11/24 7:30 p.m. BOS Mtg. in BOS Mtg. Rm.

Selectman Charbonneau said there was a Sewer Utility Committee meeting on Thursday at 7:30 p.m.

13. REMARKS BY THE SELECTMEN

Ann Seabury congratulated the newly engaged Selectman (Terry Stewart).

Terry Stewart said her vacation was wonderful and no, the date hasn't been set yet.

Rhona Charbonneau said she voted in opposition to the Hawker and Peddler permits was because they were all from out of Town.

Shawn N. Jasper said the untimely passing of former Chief Ray Carter should be noted in the Minutes. He served the Town for many years in many capacities. There are few people in Town who have donated as many years of their lives to service as Ray. He started in 1955 with the Fire Department and he also served on the Budget Committee for many years, as well as the Building Board of Appeals and the Sewer Utility and he will be sorely missed by all who knew him.

E. Lorraine Madison said she had nothing further to add, other than 'ditto.'

14. NONPUBLIC SESSIONS

Motion by Selectman Seabury, seconded by Selectman Charbonneau, 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. 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 8:47 p.m. and was terminated at 8:57 p.m.

Motion by Selectman Jasper, seconded by Selectman Stewart, to hire Edward Peterson for a fee of \$800 for the 1998-1999 Director of Instructional Basketball carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Stewart, to correct the salary of the Basketball Director, David Yates, from \$2,700 to the correct budgeted amount of \$3,000 carried unanimously.

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 9:00 p.m. and was terminated at 9:05 p.m.

15. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to adjourn at 9:06 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