

HUDSON BOARD OF SELECTMEN

October 13, 1998

7:00- 8:00 Nonpublic Session w/Labor Relations Consultant.

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 8:00 p.m.

2. **PLEDGE OF ALLEGIANCE**, led by Selectman Terry Stewart

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; Steve Malizia, Finance Director; Gary Rodgers, Deputy Fire Chief; Mike Gospodarek, Town Engineer; Coleman Kelly; Howard Dilworth; Len Lathrop; John Drabinowicz; Mr. and Mrs. Don Jackson; Fidele Bernasconi; Virginia Guill; about 20 in the audience; Len, HLN; Tim, SUN; Josh, TEL

4. **PUBLIC INPUT**

Chairman Madison said if anyone wanted to speak on the Jackson/Bush Hill/ Thurston's Landing issue, to do so now, as she would not recognize anyone outside of the Board, staff and the Jackson's later.

1. John Knowles, 51 Quail Run Drive, asked if the Town should be taking somebody's land as a result of private development. The traffic that will be there will be largely due to the housing that will be coming in. He didn't think it was right for the Jackson's to suffer because of other people making substantial money. Another issue is the road in general. He read in the papers they are redesigning the road to accept a 40-mph speed limit and didn't think the it should be that high on Bush Hill Road. Even if they straighten out that section of road, the rest of Bush Hill is not designed for that kind of speed. There was a hard turn there, with a substantial rise, and they could ease that off a bit without taking the Jackson's land. He asked the Town not to go too far and make only minimal adjustments and not take any more of Jackson's land than they absolutely have to, which shouldn't be too much.

2. Fidele Bernasconi, 122 Bush Hill Road asked whether or not the Town is going to take the recommendations made by the State in their April 8, 1998 letter and, if not, why not.

3. Joseph Field, 22 Spear Road, agreed with the first speaker. He hoped his tax dollars wouldn't be spent to fix the barn, which isn't a historic site, but a storage site for a company no longer in existence. He felt they should take down the barn and put the road through there instead of bothering the Jackson's. He didn't know how they could live, with the Town holding this over their heads. The Town and the contractors have money to pump to lawyers to take care of the problem. He asked how the Town intends to maintain the barn. Chairman Madison said the barn belongs to the state.

4. Theresa Wilson, Bush Hill Road, said she's lived on Bush Hill Road for 27 years. Cars going by her house travels at least 35 mph. If the speed limit is raised to 40 mph, people will be going 60. For the past year, she has felt unsafe to walk on her street with her grandchildren. She didn't think anyone has given any thought to the people who walk and bike on Bush Hill Road. She'd like an answer to the tissue paper that the State sent. It's wrong for a builder to take someone's property, saying there must be collusion going on. The property has been in the Jackson family for 200 years and they have been maintaining it and paying taxes on it. They shouldn't think more of a crummy barn than someone's house. The barn, an eyesore that should have been taken down years ago, is just waiting for the kids in

the new development to go in there and have a good time. If they get hurt, they will sue the Town. Her friend Bob Moore used the barn for storage for the past five years. Wetlands on Bush Hill Road are being filled in. She asked who was overseeing this and what happened to the EPA laws. If it smells like a rat and looks like a rat, it probably is a rat, and they are being over-run.

5. Esther McGraw, Kimball Hill Road, said Wason, Burns Hill, Kimball Hill, Sullivan and Bush Hill Roads were on the State's bicycle route map. Bush Hill Road should be made better, but not by taking the Jackson property. They can push it toward the other side by the barn. The builder has knocked down fences that were in good condition along Benson's and she has the pictures to prove it.

6. Dottie Vitiello, who lives about a mile off Bush Hill Road, said she just met Mr. Jackson tonight and she was appalled by this situation, calling it under-handed. The big development will mean more children, more schools, more teachers, more buses and additional use of the utilities. Hudson is a rural town and shouldn't be an extension of Nashua. It's terrible to take part of Mr. Jackson's land. The barn is an eyesore and should be burned down. She thinks the developer is calling the shots, not the townspeople. Mr. Jackson has a right to say no, and everyone is standing by him.

7. Howard Dilworth, Old Derry Road, thought enough has been said on how people feel. He asked the Selectmen to explain the process, so people know what is involved. When people don't know the rules, they get frustrated because they didn't realize they have an avenue to express themselves.

8. Don Jackson, Bush Hill Road, thanked everyone for their support, saying he wanted to discuss the letter from the State, in which they present their proposal to the Town, that even the Selectmen don't know about. He wants to work with the Town to improve the curves of the road, but he'd like it to be more equally applied. Right now, it's discriminatory. Most of the super elevation is on his property and he takes the brunt of the whole thing. He suspects there may be litigation against the Town if the Town decides to take the developer's land instead of his. Because of that, the Selectmen have been afraid to back him and his concern that too much wetland is being taken. He is under pressure to capitulate to the Town and come up with his own road design, or his land will be taken by eminent domain. He didn't think taking private property should be the first option; it should be the developer's land or State property. Private property is just that; private. He should not be pressured or forced to give up his property. He should be able to keep his land as is and no one should be able to do anything about it; that's what a Republic is. You can't gang up on someone and vote their rights away. He was concerned that no one seemed to have heard about the letter from the State, in which they made some interesting recommendations. He talked to NH DOT and was told they could impact the barn from 10 to 12 feet, which would swoop the curve away from his property and be closer to the barn, but it would mean taking the developer's corner. He would be in agreement with that and didn't understand why the Town sticks to saying they gotta have his property. The Town came up with three different designs to try to make him happy, but it never changed. He said it's like stealing your wallet and giving you \$2 back. The Town has doggedly stuck with one concept, refusing to move closer to the barn, refusing to take more of the corner that belongs to the developer. He wanted to know why. With the new, improved roadway design, all the Town did was cut a little bit off his curve, but hasn't touched the rest of it. He wanted to know why he was impacted, but nobody else was. Before anything is decided, he wants to see what the DOT proposes. He wondered why no one has seen that plan. He understands they sent some overlays to the Town Engineer and asked where they were. In order to make a decision, they need all the cards on the table.

Paul explained that the letter in question was a 'Nancy-to-Mike' letter, which included a

tissue overlay, an informal transmittal of a design, suggesting another alignment and it wasn't necessarily expected of the Town Engineer to share that information with the Board. Mr. Jackson asked if the Town Engineer incorporated any of the suggested approaches into the Town's latest proposal. Chairman Madison said this would be discussed later in the agenda.

CIP Presentation

Selectman Jasper reviewed the rankings of the projects and the recommendations of the CIP, adding there will be a more formal presentation in the future. This hasn't been formally adopted by the Planning Board yet, so it's preliminary, but the Budget Committee will receive it Thursday night.

5. CORRESPONDENCE RECEIVED

A. FROM: Frank Carpentino, Fire Chief

RE: Sale of Fire Apparatus

REFER TO: New Business

B. FROM: Michael Gospodarek, Town Engineer

RE: Lowell Road Land Acquisition

REFER TO: New Business

C. FROM: Fidele Bernasconi, Chamber of Commerce

RE: Requests for Waiver of Fee for use of Lion's Hall

REFER TO: New Business

D. FROM: Sewer Utility Committee

RE: Abatement Requests and Sewer Connection Waivers

REFER TO: New Business

E. FROM: Ron Rodier, Hudson Trading Post

RE: Second-Hand Dealer/Pawnbroker License

REFER TO: New Business

F. FROM: W. Robert Anderson, Commander, AMVETS Post #8

RE: Poppy Drive Fundraiser

REFER TO: New Business

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

6. NOMINATIONS AND APPOINTMENTS

Conservation Commission (1 Alternate, term to expire 12/31/98)

David W. DeGroot (not present)

Barbara Ann Hansen said she just started grad school at Franklin Pierce and has been assigned to environmental law, so this would be a perfect match for her and for the Town. She has wants to give back to the community in which she has lived for over 10 years, and thought this would be a perfect avenue. Selectman Seabury asked if she would be able to make the monthly Monday night meetings. Ms. Hansen said yes, if she knows the schedule ahead of time in order to make necessary arrangements.

Sewer Utility Committee (1 Member, term to expire 12/31/99)

Motion to re-advertise the vacancy by Selectman Jasper, seconded by Selectman Charbonneau, carried unanimously.

7. OLD BUSINESS

A. Procedure for Hawker-Peddler Christmas Tree Sales

Chairman Madison recognized Town Administrator Paul Sharon, who said the memo that Susan Snide and Mike Reynolds put together laid out a streamlined procedure for handling Hawker-Peddler permits for Christmas tree sales. It is incumbent on the Zoning Administrator to determine if the Zoning ordinance allows sales at a particular site, or if it created any parking or display problems. If she found it in order, she would make a recommendation and it would be handled internally. This procedure eliminates some of the hassles for everyone and he recommended adoption.

(Start Tape 1, Second Side)

Selectman Seabury moved to approve the procedure, seconded by Selectman Stewart. Selectman Jasper said this was originally changed because of site plan problems, and the Zoning Administrator wanted to ensure everyone was in compliance. His concern was that they were putting Christmas trees in a class all by themselves. If someone wanted to sell Beanie Babies in a parking lot on the same site at a different time of the year, it probably wouldn't be allowed. Paul agreed that this procedure would not apply in that instance. Selectman Jasper didn't think it was legal to put Christmas trees in a class by themselves and say the zoning laws don't apply. He would like legal guidance on what is being suggested. Paul said this is the time of year these requests start coming in. The last action taken was to put this back into the Planning Board's court, who are now saying they don't want to deal with it.

Selectman Jasper reminded them that Coffee on the Run was denied a permit because it was stationary. They should apply the rules fairly and consistently and Christmas trees are not exempt. The Board adopted the current policy, proposed by Town staff, on March 11, 1997, which amended the Code. It's not right to say that everything but Christmas trees have to follow the site plan. Paul said the Zoning Administrator is still proposing to do site plan review. The Attorney was brought into the process two years ago. The solution at that time was to make it so that the permits would lapse on December 31--and that didn't work. Christmas trees are different than oriental rugs or lobster. Selectman Jasper didn't think a judge would agree that selling Christmas trees for a week was any different than selling lobsters for a week. Selectman Charbonneau said this whole thing came about because the Boy Scouts and other non-profits all came in crying. Selectman Jasper said the procedures were adopted in the spring so they would have a whole year to get their site approved, to work with the Planning Board. Everyone had plenty of time to make it work.

Chairman Madison said if the procedures are part of the Code, the Planning Board will just have to deal with it. Paul said last year, it was suggested that the Boy Scouts needed a

certified site plan, stamped by a professional engineer, with setbacks and everything else, which defeats the purpose of 'charitable.' Selectman Jasper thought the Planning Board was unreasonable by doing that because a full blown site plan is not needed for everything that comes in. Many changes have been made to site plans by correspondence and by the applicant drawing to scale on a piece of paper. If the Planning Board isn't cooperating, there is not much the Selectmen can do about it. Part of the reason they amended the Code, as he recalls, is because members of the Planning Board were complaining about sales that were going on and then the Zoning Administrator came to the Selectmen. He thinks it is ridiculous to go back to doing something different just because the Planning Board doesn't like it.

Paul said the procedure is not working. Selectman Jasper said it's because people don't want to make it work. Helping out the Boy Scouts should be simple. They come in with their site outlined on paper, showing an area for parking, the roads, an entrance, the address, and the Planning Board ok's it. That shouldn't take more than 10 minutes. If they can't make that work, they have serious problems. Paul said they do have some serious problems, if you look at their agendas and the length of their meetings.

Selectman Stewart said twice last year, the Planning Board accepted basic drawings and they are not being bullies, but it ties up the evenings. Selectman Jasper said just because they don't want to be there late, doesn't mean they can disregard the law. Something is wrong when a government that says something is going to take too long. Selectman Stewart said often Christmas tree issues are at the end of the agendas, after an engineer spends long, drawn out hours debating a site plan. Chairman Madison said perhaps the Christmas trees could be put first on the agendas.

Selectman Jasper challenged the motion on the floor as being improper. The only way to change the Code is to hold a public hearing first. If adopted, the vote will not chance the Code anyway. Chairman Madison and the Town Administrator agreed with that reasoning. Chairman Madison said unless there is an amendment to the Code, the current procedure stands.

B. Bush Hill Road Re-alignment

Chairman Madison recognized the Town Administrator. Paul said the letter from Nancy Mayville to Town Engineer Mike Gospodarek was not transmitted as a formal proposal. He asked Mike to explain some of the engineering technology, such as super elevation, the difference between edge of right-of-way and edge of pavement and how Bush Hill Road got to be a collector street. Chairman Madison asked for an explanation of how the procedure works.

Mike said in the time frame of about 1987-88, the developer went to the Planning Board with a site plan for Thurston's Landing, with three phases: South, East and West. The East phase is under active construction, which can be seen from Bush Hill Road. As the plan went through the approval process, the Planning Board felt that, because the Circumferential Highway wasn't going to be constructed, there would be more stress on Bush Hill Road. The Zoning Ordinance defines Bush Hill Road as a collector street which, means that the Town will put as much traffic as possible on it. Subdivisions like Thurston's Landing is what a collector street is for. During the negotiation process, the Planning Board decided to waive the CAP fees, which is money put towards the three corridors, 102, 3-A and 111, and put the monies towards improvements on Bush Hill Road. The Planning Board negotiated with Thurston's Landing to bring it past Mr. Jackson's property, approximately another 700'-800' beyond. The Planning Board also negotiated with Shepard's Hill developer to continue that project all the to Pelham Road and to upgrade Wason Road. The Planning Board has received major funding from developers to improve Bush Hill Road from Kimball Hill, through part of Wason Road.

When Thurston's Landing came back to the Planning Board four, five years ago, they had discussed putting bike paths on the Benson property, down to Kimball Hill towards 111, but the developer thought that was excessive, so the Planning Board backed down on that requirement. When the Planning Board approved the plan, there was an item that said the Town of Hudson would acquire land, which happened to be the Jackson's property, to straighten the curve out to provide better sight distance for the development. They also felt that the curve was dangerous and this is how the project started.

He explained the maps that were on display. Mr. Jackson and the Selectmen received a copy of the drawings. The developer's impact proposal has 17,877 sq. ft. of impact. Once the developer put it together, he stepped out of the process entirely. The Town's design has 10,791 sq. ft. of impact. Selectman Jasper said that the drawings looked different than what was in General Read. Chairman Madison said the drawing on the table in the Selectmen's Office had been there for a couple of weeks. Mike said during the process, they had a public hearing. (Selectman Jasper asked the Recorder for a copy of the map he was referring to.) Mike said he moved the roadway next to the property line and brought the edge of the right of way next to the barn, which encroaches on State property by about 15 feet and sent that to Nancy Mayville. She came back with a tissue design, which came in at a 300 ft. radius, resulting in a 7.8 super elevation. If you were to stop on that road in the wintertime on ice, you would slide down to the other side of the road. Super elevation is an adjustment in the crown of a roadway. He didn't think it was appropriate to put that high of an elevation on a collector roadway.

Chairman Madison asked how much of a right of way there would be from the edge of the pavement to the 10' from the barn. Mike said the edge of pavement would be 25 feet from the barn and the edge of the right of way would be about 10 feet.

(Start Tape 2, Side A)

Mike said his drawing is a 30 mph design because he wants to stay away from super elevations. Paul said super elevations create safety, but it makes people want to go faster. Mike said he had asked the State to review the plan, with a 40 mph concept. Recently, he had the property staked out, but he hasn't met with the Jackson's and Nancy Mayville yet. He's still waiting for a call back from Nancy. Mike and Selectman Jasper had a discussion on the map Selectman Jasper had in front of him. (Mike's design.) Selectman Jasper said that out of the total land taking from Jackson's, only a small portion would be actually paved. Chairman Madison said it sounds like there is nothing the Board can do at this point. The Engineer is still waiting for a meeting with the Jackson's, the attorney and the State. The Town Engineer said the State doesn't have any say in this matter. Chairman Madison asked why he was waiting for a meeting with them. Mike said Mr. Jackson indicated he wanted Nancy Mayville to be involved and she may have some concerns with the barn. Chairman Madison asked Mr. Jackson if he was waiting for the meeting. Mr. Jackson said yes.

Mike said if they go with the State's plan, they will take 8,124 sq. ft; with Mike's plan, 10,793; with the developer's plan, 17,877. Selectman Jasper asked how much of the trees would be impacted. Mike showed him a photograph and pointed out where the stakes were. Chairman Madison asked when Mike anticipated the proposed meeting would take place. Mike said they tried real hard last week. Chairman Madison said this matter should be deferred until after the meeting, because there was nothing they could do now. Mike said his assumption was that they would move forward with the project. Chairman Madison asked what the Board's wishes were. Mike said there's always the zero option. If they leave it the way it is now, the Highway Safety Committee could post different speed limit signs and the developer could tear up what's out there and make it a uniform cross section. It would solve the developer's sight distance problem, but it won't stop people from going 30 mph.

Selectman Jasper asked why they weren't straightening out the curve more, going in towards Benson Ridge Road. Mike said to do that, they'd have to get the developer back in because he has an approved sub-division, which would result in his losing two or three of his lots. Secondly, they may end up dealing with the State Historical Society because the barn is historic. Selectman Jasper asked if they could go within 10 feet of the barn. Mike said if Nancy was able to do that, she would have probably done it when she came back with her design, because that's what he originally requested. Chairman Madison confirmed that the barn is historically important because when they discussed Benson's with Nancy, the State insisted that the barn be kept. Selectman Charbonneau said the barn is the only one in New Hampshire that is built in that manner. Chairman Madison said the problem is that once it is turned over to the Town, the Town will have to pay for it and take care of it.

Chairman Madison asked for a motion to defer this matter until after the meeting takes place between the State, Mike, the attorney and the Jackson's. Paul asked if the Board wanted to attach some parameters. If there is no meeting of the minds, they will probably come back with the same thing. Selectman Seabury asked for the procedure to be explained. Paul said there would be a series of public hearings, an appraisal of the property to fix a fair market value, they would have to authorize an offer of an amount of money to the people whose land is being taken and, if that is unacceptable, they would have to vote to go through the legal avenues.

Mrs. Jackson said they put up a sign on the curve, but the sign is put in the opposite direction of the curve. She said it should be put up properly.

Selectman Jasper requested that the Town Engineer explore moving a little closer to the barn. It looks like there is only one house lot that will be affected on the side. The developer is out of the picture; he's still going to build all of his houses, so it's not for the benefit of the developer. The Town will be talking eminent domain, one way or the other. They need to see if they can move it that way, if there's enough square footage there to do what they need to do. That may be a viable alternative. If they take the whole lot, it will be a lot more money. Chairman Madison said she went out there with Fidele Bernasconi this morning. One house lot has been sold and there were bulldozers and a ton of new access roads. Mike said they're putting in a sewer and water line easement, plus tree cutting and filling of roadways for the next section. Many different things are happening on that site.

Chairman Madison recognized Mr. Jackson, who asked if he could address some of the points. He felt it was strange that the developer didn't use his own land first, or the State's, or the Town's, but his. The first road alignment went from corner to corner, a big chunk of land, almost $\frac{1}{2}$ an acre, adding that 10,000 square feet is $\frac{1}{4}$ of an acre. Mr. Gospodarek had said that 'wasn't much,' but if he (Mr. Jackson) dug up that much of Mr. Gospodarek's land, he would see that it was. Chairman Madison cautioned Mr. Jackson not to make it personal; it's not the Town Engineer's fault.

Mr. Jackson said Mr. Gospodarek had stated that 7% elevation is a race track, but it isn't. Chairman Madison said that was an example to explain super elevation. Mr. Jackson said Mr. Gospodarek's plan calls for 25 feet from the barn, but the State's plan is 10-12. He questioned the discrepancy. Chairman Madison said the right-of-way may account for that. Mr. Jackson said that included the right-of-way. He said the State recommends 30 mph and a tighter radii to lighten the impact to his property and the barn, but Mike wanted 40 mph. Chairman Madison said the Town Engineer wanted a 30 mph road, with a maximum of 33.5 with no super elevation because it would increase the speed. Mr. Jackson said the HLN reported that Mr. Gospodarek indicated a desired design speed of 40, but the State did not, per Federal criteria. Paul interjected that Mike did say earlier that he had originally asked the State for a 40 mph design.

(Start Tape 2, Second Side)

Paul said Mike was looking at it from an engineering standpoint, and did not recommend the extreme super elevation that the State's design would have required because it was a shorter radius and would result in sharper turns. Mr. Jackson said the State's engineers opposed what Mr. Gospodarek was saying. Chairman Madison asked Mr. Jackson to sum up because they were getting into a debate. Mr. Jackson said Mr. Gospodarek was given plenty of time, and he wanted the same. Chairman Madison said the time would be granted, but she didn't want it to turn into a debate.

Mr. Jackson reiterated that the State said sharper radii are required. He also reiterated that State, Town and developer property should be used before using someone's private land. Negotiations are already in progress for the road to become Town property. Selectman Jasper said it's not at the moment, so it can't be called Town property. Mr. Jackson said 100% of his 1,600-1,800 foot frontage is affected by the road. He asked why Mr. Gospodarek didn't answer the question why the Town isn't taking more land from the developer's corner, because Mr. Gospodarek certainly knew a lot about his (Mr. Jackson's). Mike asked Chairman Madison if he should respond. She said no, not at this point.

Mr. Jackson said he keeps hearing that they have to preserve the barn, but a barn is not more important than people. Chairman Madison said that barn has been recognized by the State as a structure that has historical value, and it's beyond their control at this point. Mr. Jackson said whether or not the barn has historical value, it shouldn't be considered more valuable than people. He said someone suggested moving the barn.

Selectman Jasper said Mr. Jackson said 100% of his frontage is affected and he wanted to point out that quite a bit of that is a positive impact. The area that is negatively affected is further down the road. While he doesn't like to see property taken, the Town has worked to lessen the negative impact. There are a lot of trees and foliage in front of the house, so the former concern of wiping out all of the trees has been resolved. There is only a net difference in the Town swap of something less than 1,700 square feet and it gives an opportunity to put in more trees near the Jackson's to create more of a buffer. He'd like to see the road moved closer to the barn, but it is not possible to move the barn. The roadway from every measurable area would actually be further away from the Jackson's house than it is now. He didn't think there was a terrible negative impact on the quality of life for the Jackson's, if the Town traded their current right-of-way and gave the Jackson's that.

Joseph Field called for a point of order and asked how a citizen could address a mis-statement by a Selectman. Chairman Madison said he could address it now. Mr. Field challenged Selectman Jasper's statement about it not being possible to move the barn. He wanted to know why. Selectman Jasper said it wasn't practical to move it. Mr. Field said that if Mr. Jackson's residence can be altered, then it's the duty of every citizen in Town to help pay for moving the barn in order to not disturb the Jackson's. The cheapest way should be the deciding factor. He said the barn *is* movable, but at a cost.

Motion to defer until November 24, 1998 by Selectman Stewart, seconded by Selectman Seabury, carried unanimously.

8. NEW BUSINESS

A. Sale of Fire Apparatus

Chairman Madison recognized Deputy Chief Rodgers, who said they received only one response to the letters they sent out regarding the sale of Engine 3. The Town asked \$10,000

and the offer was \$7,500. If they don't sell the truck before winter, it will deteriorate by sitting outside and be less than \$5,000. The company buying it is out of Canada and they plan to ship it to Honduras. They will also pay half of FIRETEC's commission, bringing the price to \$7,875.

Motion to accept the offer of \$7,875 for the truck, to be sold As Is, with no warranty with the understanding the vehicle does not comply with current NFPA and that part of the money is half of the 10% commission by Selectman Stewart, seconded by Selectman Charbonneau, carried 4-0. Selectman Jasper abstained because it was a Fire Department issue.

B. Lowell Road Land Acquisition

Chairman Madison announced that the press packets do not include the dollar values because they are still in negotiations and it should not be discussed publicly. She recognized Town Engineer, Mike Gospodarek. Selectman Seabury said everyone seemed to have agreed to the land taking, with the exception of Market Basket. Mike said he's met with them a couple of times and has asked them where they go from here, but hasn't heard back from them.

Chairman Madison asked if he was requesting broker assistance. He said yes. Everyone can understand the project moving forward, but they want fair market value. Parallel to that, they need to consider eminent domain takings, which would involve the Town Attorney. Paul said Mike already has access to an attorney. Selectman Jasper said they *maybe* at that point already because eminent domain will take time. They ought to be talking with an attorney right now to see if they should be starting that procedure. Regarding land value, they need to get somebody on board with experience. He didn't think it would be equitable to pay the differential that's being proposed unless there is a real difference in the land. Chairman Madison said it needs to be appraised. Paul asked what the amount of land involved with Market Basket was. Mike said a little over an acre, about 44,000 square feet. Mike said the east side of Lowell Road is Residential R-2 and the other side is Industrial. There is a zoning petition coming in to change it to Commercial. Selectman Jasper said the land between the store and Hardy Road sold for \$100,000 an acre in the 80's. Chairman Madison said they need to reach a fair price on this. Mike hoped to set up a standardized procedure, a legal document, involving the Town Attorney and whomever else on the team, to review, similar to the Nash-Tamposi letter in the packet. He hoped that by November, they would agree on an appraiser so everyone would know what the values are. There is only \$500,000 in their CAP fees, and that doesn't include land. Bob Barry isn't telling him whether the appraisal process of land taking is part of the 80-20. He may need more money. PMA alone will use \$90,000. They'll be ok if they're covered with the 80-20 because a \$2 million project is only \$400,000 for land. Selectman Jasper thought the letter said the State would do everything else if the Town got the land. Mike said the 80-20 grant may qualify as part of the project.

Motion for authorization to hire an appraiser by Selectman Stewart, seconded by Selectman Charbonneau, carried unanimously.

Chairman Madison said Mike was all set, and he has access to the Town Attorney. He can do his form and he can talk to Paul about the appraiser. Mike said he'd talk to the Town Attorney, as well, to see who else he'd like to bring in and what he recommends.

C. Requests for Waiver of Fee for use of Lion's Hall

Chairman Madison said these requests were from Fidele Bernasconi. Last year, Paul waived the fee for Lions Hall for Santa's visit, which he has the right to do. The other request is to use Lions Hall on February 13, 1999 for the Chamber's Annual Dinner.

Motion to approve the use of Lions Hall and to waive the fee for Santa's Visit on 11/27/98 and

the Chamber banquet on 2/13/99 by Selectman Stewart, seconded by Selectman Jasper.

Selectman Charbonneau asked why they would waive the Chamber dinner. Chairman Madison said the funds from the Chamber dinner are distributed to various functions in the Town. Selectman Stewart said another special interest group uses the hall for free all year long. Chairman Madison said the Senior paid for part of the hall; it's their's. Selectman Jasper said the taxpayers did.

(Start Tape 3, Side A)

Motion carried unanimously.

D. Sewer Utility Items

1) Abatement Requests, S-99-3

(SUTL 99-05, Gordon Rhyner-Peter Noury, 3 Frenette Drive, Acct 5365, \$23.93;
SUTL 99-06, Peter Noury-Gordon Rhyner, 28 Frenette Drive, Acct 5366, \$23.93;
SUTL 99-08 Gordon Rhyner, 3 Frenette Drive, Acct 5241, \$23.93)

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

2) Sewer Connection Waivers, 99-04 - 00-07

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to disapprove Waiver 99-04, Alfred, Lorraine & Robert Beaudry, 103 Belknap Road, Map 17, Lot 6, as recommended by the Sewer Utility Committee, because the property is 76.6' from the sewer line carried unanimously.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to approve Waiver 99-05, Ralph Chaput Revoc. Trust, 201 Lowell Road, Map 10, Lot 9, as recommended by the Sewer Utility Committee, because the property is over 100' from the sewer line carried unanimously.

Motion by Selectman Stewart, seconded by Selectman Seabury, to disapprove Waiver 99-06, Louis Michaud Rev. Trust, Noella Michaud Rev. Trust, 228 Webster Street, Map 23, Lot 11, as recommended by the Sewer Utility Committee, because the property is 64' from the sewer lateral carried unanimously.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to grant a temporary waiver for Waiver 99-07, Anthony and Evelyn Nesky, 18 Third Street, as recommended by the Sewer Utility Committee, as they are waiting for the sewer line carried unanimously.

Selectman Jasper asked what was being done about the people who are not responding to the letters. Paul said most of them have responded, but Tom Sommers is keeping a list and he can check next week for a status. There were only ten or twelve total.

E. Second-Hand Dealer/Pawnbroker License

Request by Ron Rodier for a license for Hudson Trading Post at 29 Lowell Road. Paul Sharon said there is a Zoning issue on this site that hasn't been resolved regarding some boats in the right of way. If this license is approved, it should be contingent upon Mr. Rodier bringing that

into compliance.

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the licence, with the stipulation that the site be brought into compliance and, if it is not, the permit will be revoked carried 3-2. In favor were Selectmen Madison, Jasper and Stewart; Selectmen Charbonneau and Seabury were opposed.

F. Poppy Drive Fundraiser

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to approve the request for a Poppy Drive Fundraiser by the AMVETS Post #8 on November 7 & 8, 1998 at Market Basket, Sam's Club and Wal-Mart carried unanimously.

G. Setting Budget Review Schedule

Chairman Madison recognized the Town Administrator who said he and the Finance Director calculated the dates, trying to arrive at a reasonable schedule. Last year, they were so rushed, the committee chairs and department heads were unable to meet with him or the Finance Director. The Selectmen managed to do their review on a Friday night and Saturday and that was the suggested plan for this year: Friday and Saturday, November 13 and 14, with a spill-over date of Tuesday, November 17. The budget would go to the printer the next morning, and then go to the Budget Committee as soon as it comes back from the printer. The Board did not object to the schedule

Selectman Jasper said the Budget Committee determines when the Selectmen will provide the budget to the Budget Committee. Paul said he has not heard from John, but Selectman Seabury related that the Budget Committee was talking about receiving the budget by the third Thursday in November. John Drabinowicz, Budget Committee Chair, interjected that he meant to send a letter, but hadn't. Paul said they tried to schedule a time when the Selectmen were available, and to give the department heads a reasonable amount of time to prepare their budgets. He asked John if the proposed schedule was acceptable, reiterating that the outside date the budget will get to the Budget Committee is November 25, the Wednesday before Thanksgiving. Mr. Drabinowicz didn't see a problem with that.

9. OTHER BUSINESS

A. Fright Night

Selectman Stewart said Fright Night is October 23 at Lions Hall.

B. Approval of Police Union Contract

Motion by Selectman Stewart, seconded by Selectman Seabury, to approve the AFSCME Police Union contract, as agreed upon.

Selectman Jasper said the Police Department is fantastic, with a lot of good people. However, he regrettably cannot support the contract.

Vote: Motion carried 4-1. Selectman Jasper was opposed.

B. Approval of the Professional Management Association (PMA) Contract

Motion by Selectman Stewart, seconded by Selectman Seabury, to approve the PMA contract, as agreed upon.

Selectman Jasper said they have some fantastic people working at the Town and have been working a long time without a contract, but he cannot agree with some of the specifics of the contract. It pains him, but he cannot vote for the contract. Selectman Charbonneau said she had problems with it, but had to go along with it. Chairman Madison thinks it is a great contract, except for a couple of issues and she, along with Selectman Jasper, cannot vote for it because of those issues.

Vote: Motion carried 3-2. Selectmen Madison and Jasper voted in opposition.

10. ACCEPTANCE OF MINUTES

A. BOS-Department Head Meeting of September 21, 1998

B. BOS Meeting of September 22, 1998

Motion to accept the Minutes of 9/21 and 9/22/98, correcting 8-A on Page 4 from Officer Chuck Gilbert to Officer Chuck Dyac, by Selectman Stewart, seconded by Selectman Jasper, carried unanimously

11. COMMITTEE ANNOUNCEMENTS

10/14 7:00 Planning Board in P/Z Mtg. Rm.

10/15 7:30 Budget Committee in P/Z Mtg. Rm.

10/15 7:00 Cable Committee in Small Conf. Rm.

10/17 West Road Landfill open, 8-2

10/19 7:30 Conservation Commission in P/Z Mtg. Rm.

10/22 7:30 ZBA in P/Z Mtg. Rm.

10/23 Fright Night at Lions Hall

10/24 Curbside Pickup

10/27 7:30 BOS in BOS Mtg. Rm.

10/28 7:00 Planning Board in P/Z Mtg. Rm.

12. REMARKS BY THE SELECTMEN

Selectman Ann Seabury complimented Selectman Charbonneau for her idea to recognize Town businesses that have beautified their sites, adding that one business put it in the Real Estate Journal. She said she enjoyed Harvest Fest, wishing that the weather had been better. She hoped it would continue again next year. Lastly, she said the HLN made an erroneous statement that she wanted corrected, saying that Mr. Dilworth *was* elected as a member by the Budget Committee. The Board of Selectmen doesn't make those appointments.

Selectman Terry Stewart said the first Harvest Fest was considered a success, considering the weather. The Lions Club served over 200 people at their bean hole supper. People poured in, along with the rain. She thanked Rhona for all of her help and Continental Paving for the lights. She looks forward to next year.

Selectman Rhona Charbonneau was happy with the way the trolley weather vane for the gazebo turned out.

Chairman E. Lorraine Madison said everyone at Harvest Fest had a good time, despite the rain. If the weather was nicer, there would have been an even larger crowd.

13. NONPUBLIC SESSIONS

Motion to enter Nonpublic Session 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; and 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 10:05 p.m. and was terminated at 10:20 p.m. The following votes were taken in open session.

A. Motion to hire Richard Pauley, Jr., as Superintendent of Fire Prevention, effective November 1, 1998, at an annual salary of \$44,000 by Selectman Stewart, seconded by Selectman Charbonneau, carried 4-0. Selectman Jasper abstained because it was a Fire Department issue.

B. Motion by Selectman Stewart, seconded by Selectman Seabury, to appoint David Yates as the Basketball Director at a rate of \$2,700 for the upcoming season.

Selectman Jasper said the Director was being appointed because no one applied for the position.

Vote: Motion carried unanimously.

14. ADJOURNMENT

Motion to adjourn at 10:25 by Selectman Jasper, seconded by Selectman Charbonneau, 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