

**HUDSON BOARD OF SELECTMEN**

**Minutes of the August 25, 1998 Meeting**

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

2. **PLEDGE OF ALLEGIANCE**, led by Selectman Shawn N. Jasper

3. **ATTENDANCE**

**Selectmen:** E. Lorraine Madison, Rhona Charbonneau, Shawn N. Jasper & Ann Seabury.

(Terry Stewart was absent.)

**Staff/Others:** Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Richard Gendron, Chief of Police; Capt. Ray Mello; Frank Carpentino, Fire Chief; Cable Committee Members: Coleman Kelly, Harry Schibanoff, Michael O'Keefe and Steve Boucher; Donna Lolos, Library Director; Library Trustees: Lisa Riley, Arlene Creeden, and Diane Callahan; Mike Reynolds, Town Planner; Nancy Minicucci, Associate Planner; Planning Board Members: George Hall and Lenny Smith; Nomination and Appointment candidates: Charles Dunn and Melissa Larose; Len, HLN; Tim, SUN; Josh, TEL.

4. **PUBLIC INPUT**

**A. Presentation of Awards by Chairman Madison to the following Police Department Personnel:**

**Medal of Honor to Sgt. Michael Smith** for his bravery in an incident in the 7-Eleven parking lot on Chase Street on May 27, involving runaway teens, one of whom fired point blank at Sgt. Smith when he stopped to check on their well being and safety.

**Life Saving with Valor Medals to Officers Kevin DiNapoli and Michael Niven** for their bravery in rescuing a distraught individual, after he jumped off of Veterans Memorial Bridge into the moving waters of the Merrimack River at 3:00 a.m. on July 20.

**Commendation for Academics Medal to Officer Tad Dionne** in acknowledgment of his receiving the highest academic standing while attending the 115th NH Police Academy.

**B. Howard Dilworth, Old Derry Road -- "Selectmen's Comments re Newspaper Article on Selectmen's Comments on School Proposal"**

Mr. Dilworth read a prepared statement (copy attached).

**5. CORRESPONDENCE RECEIVED**

A. From: George Hall, Chairman, Planning Board

Re: Thurston's Landing

Refer to: Old Business

B. From: Richard Gendron, Chief of Police

Re: 1) Police Department Awards

2) Acceptance of Donation of Ballistic  
Panel-carried Vests

Refer to: Public Input and New Business

D. From: Leon Kenison, Commissioner, NH DOT

Re: Roadway Improvements, Dracut Road to Executive Drive

Refer To: Old Business

C. From: Jim Michaud, Assessor

Re: Assessing Items

Refer To: New Business

E. From: Attorney Andrea Sennott

Re: Donation of Land for Library

Refer to: New Business

F From: Coleman Kelly, Chairman, Cable Committee

Re: Town Hall Video Broadcasting

Refer To: New Business

G. From: Mike Reynolds, Town Planner

Re: Christmas Trees and Plan Review (Revision of Hawker-Peddler Procedure)

Refer To: New Business

H. From: Sewer Utility Committee

Re: Applications requesting Sewer Connection Waivers

Refer to: New Business

*Motion by Selectman Charbonneau, seconded by Selectman Jasper, to accept the Correspondence, Items A-H, with appropriate referral carried unanimously.*

## **6. NOMINATIONS & APPOINTMENTS**

### **Planning Board** (Alternate's Position, term to expire 12/31/99)

**A. Charles Dunn** said he was considered for this Board a few months ago. He and his wife just built a home on Griffin Road and he feels strongly that you have to give back to the community in which you live. As a software consultant, his strong suit is technology. Selectman Seabury asked if he would have difficulty making night meetings. Mr. Dunn said no, he's a highly-paid consultant and they don't send him anywhere. She asked him if he has had any experience in the Planning field. Mr. Dunn said no, other than going through the process of building a home.

**B. Melissa Larose** said she's lived in Hudson for about 17 years, going through the school system here. She has worked at State and Federal level, and now has a strong interest in learning more about the Town activities. She did some volunteer work with the Conservation Commission in Newport and Epsom, NH. Her education touched on Planning and she is somewhat familiar with subdivisions and wetlands. Selectman Seabury asked if she'd have

trouble making the Wednesday night meetings. Melissa said she wouldn't.

C. Randall S. Rossetti was not present.

D. Thomas Stewart, whose application was on file, did not respond back on whether or not he wanted to be considered for this opening.

Chairman Madison announced that the appointment would be made at the next Selectmen's meeting, September 15.

## **7. OLD BUSINESS**

### **A. Thurston's Landing**

Chairman Madison recognized Planning Board Chairman, George Hall, who said this is a project that has been underway for some time. The Planning Board is concerned with the status of the proposal that they made with the developer to construct a portion with Bush Hill Road. The Planning Board reached an agreement with the developer that was done in lieu of accepting CAP fees. They are through with one phase, which has been recorded. Some of the work has already been done on Bush Hill Road. They understand there may be a problem with the remaining portion of work that was proposed. The Town Engineer submitted a plan, which was approved by the Planning Board to define the scope of work the developer was to do, which involved some land taking. There are two more phases that will need to be recorded and they would like to have some idea of the Selectmen's position. "We are concerned that if we continue on our path and approve, record and sign the next two phases and that land acquisition never takes place, we will not get the full scope of work that we agreed on and we'll be losing some CAP fees, money that we could have collected. We'd like to have some guidance as to where we might go. If we just ignore it, we'll lose out on some of those monies we could recoup for that roadwork. We need some direction from the Board as to where we stand with that project."

Selectman Jasper said the last time they discussed this project, it was left that the engineers were going to come back with proposals for different road layouts. Selectman Seabury said they did. Selectman Jasper said he's never seen anything on it. Selectman Seabury said it's not

a different layout, but the State gave as much property as they could by the barn. The Town Engineer still can't take out the sharp corner without taking some land. Selectman Jasper said the landowners were willing to talk to the Town about a portion of that, if they saw some movement the other way. He didn't recall seeing anything come back. There wasn't any direction from the Board of Selectmen that that was to be done without any land taking on the other side. They were waiting for an engineering plan, adding that he spoke with Paul about this within the last couple of months.

Selectman Charbonneau asked if that was the land they were going to take by eminent domain. Selectman Seabury said it was some wetlands. The Board of Selectmen decided not to do it because there was such a bru-ha-ha about it. They went back and tried to get some more land and the State moved over another two or three feet, but it won't cover what they need, estimated to be 1/10<sup>th</sup> of an acre. Selectman Jasper said Selectman Seabury knows more about it than the rest of them; they haven't seen any alternative plan. Chairman Madison said they were supposed to come back to the Selectmen. They were going to look into moving the curve to the other side of the barn, and they haven't heard a word since then.

George Hall said the Planning Board has no control over it; they are just making the Selectmen aware of it, but if they continue to do nothing, the chances are they will lose the opportunity to get any work done. The Town Engineer is trying to do what he can to reduce the impact, but he isn't going to be able to eliminate it--and land will still need to be taken. They can go on for a long time, changing plans, and the land owner can ask for changes, the developer can refuse, the State may not cooperate, and they can take forever. If they do nothing, the Town will lose out. He feels that the Town is at fault for not continuing, as they made a good faith deal with the developer, who has done as much work as he can. If they don't take the land, the Planning Board can't refuse to sign the plans and let him continue to build. They may not be able to collect the CAP fees if they continue to wait, which presents another problem. There may be an argument as to the percentage of work that has actually been done. If they wait, at some point, they will start to lose money, with no way to recoup it.

Selectman Seabury said Thurston's Landing is three phases, each one separate, with separate CAP fees. In lieu of CAP fees, they asked the developer to build the road. He was moving along at a pretty good pace until he ran into the snag of the grandfather's farm. They need to have a serious talk with the Jacksons and tell them they must have the land, adding that she didn't realize they had to pay for eminent domain. They have to do that or tell the Planning Board that they have to stop the road, re-evaluate the process and renegotiate with the developer. They cannot get occupancy permits for the 150 houses until they know where the road is going. The engineer said if Mr. Jackson vehemently refuses to give his land up, they could put up signs saying "Sharp Curve," or "Road Narrowing."

Selectman Jasper disagreed that that's the point they are at. They need to get the Town Engineer in to talk about the plans they had asked for. He didn't think anyone said to do a plan without some taking of the Jackson's land, but they haven't seen anything.

(Start Tape 1, Second Side)

Paul Sharon asked if he was talking about the Town Engineer or the developer's engineer. Selectman Jasper said they were led to believe it was Mr. Maynard. Mr. Hall said if he is, he's doing it on a volunteer basis. The developer that Mr. Maynard worked for created a plan in accordance with the Town Engineer's criteria. Mr. Gospodarek is the Engineer working on this; Mr. Maynard is only brought in to see if it will or will not work. The Town Engineer and the State are working together to try to reach an agreement that minimizes the impact to Mr. Jackson's land and takes more of the State land, but they are also trying to save the barn. There's a lot of alternatives, but the people involved don't really know the goal the Selectmen are trying to achieve. He didn't think Mr. Maynard was obligated to do any more design work. The Town Engineer and Mr. Maynard came up with a plan that the Planning Board accepted. "The Town Engineer should have had a procedure in place that he couldn't go and agree to some concept without approval from the Selectmen." The Planning Board thought that was what the Town wanted. They can't go back to the developer and tell him to develop another plan without telling him what he's trying to achieve. He didn't think that was fair, and he didn't think that was Mr. Maynard's problem. Selectman Jasper didn't either, other than the fact he was saying he was "working for." Paul thought it was clear that the Board of Selectmen wanted some alternative presented that would impact the Jackson's less than what had been proposed. He thought Mr. Maynard was taking a lead role to work with the Town Engineer to come up an alternate plan. Mr. Hall said that needs to be clarified; something's missing.

Chairman Madison said they have to clarify who's working on this, and then make sure they get back to the Selectmen. Paul said the original layout was Dick Maynard's. George said that was correct, agreed to by the Town Engineer. It was then sent to the Planning Board. The goal was to have a design that met some standard that the Town Engineer could accept, that also achieved the goal of spending an estimated amount of money they had agreed on that would be in lieu of CAP fees, plus a significant amount of money, around \$100,000 plus CAP fees, that was supposed to be spent to achieve the road improvement. The Town Engineer and developer's engineer needed to come up with a plan that spent that much money and they did that. The confusion concerning Dick Maynard may have arisen because the Town agreed to be the applicant for all the permits, and for it to become a Town project because utility poles would be moved at no expense. With the Town as the applicant, it also facilitated wetland permits and approvals. In that respect, Mr. Maynard was representing the Town for the application of those permits. Basically, Mr. Maynard was doing the paperwork for the Town. As to where they are now, something needs to be clarified, and soon.

Selectman Jasper said it would be appropriate to ask the Town Engineer to come back to the Board of Selectmen with the alternative plans on September 15. Selectman Seabury said he's already got it because he's already talked to the State. Selectman Jasper asked if she wanted a motion. Chairman Madison said no, the Town Administrator could handle it. Selectman Charbonneau said the State will never give up that land for this project. Selectman Jasper said there should be a plan out there that's middle ground. Chairman Madison said this would be on the September 15th meeting, at which time they will move forward.

## **B. Roadway Improvements, Dracut Road to Executive Drive**

Chairman Madison recognized Paul Sharon, who referred to the letter from Commissioner Leon Kenison, and talked about the result of a meeting by Rhona, Lenny Smith, Mike Reynolds and Mike Gospodarek with the Commissioner and his staff to talk about Lowell Road improvements to see what could be done as an off-shoot of the Sagamore Bridge project to carry the State improvement north of Wason Road. Remarkably, the State has offered to take a major load off the Town by offering to pick up the bottleneck project and to continue that as a State/Federal project, and they are offering to commit an 80-20 cost sharing on the road widening from Wason to Executive Drive. They need to correspond back to Commissioner Kenison, thanking him for the offer, and committing to moving it forward. Chairman Madison said they could just direct Paul to respond to the State.

Selectman Jasper said they really need to get going on acquiring the right-of-way between Presentation of Mary and Wason Road. They really need to get the ball rolling. Paul said this will push them to fast track the project. Selectman Charbonneau said they got a hell of a deal that saved the taxpayers a *lot* of money. Selectman Jasper said it gives them the ability to use more of the corridor money because the 80 counts as the Town share, so they can access more of the money.

Chairman Madison asked for a motion for Paul to respond back to the State. Selectman Jasper said it should be under the Chairman's signature.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, that the Selectmen respond in a positive manner to the letter from Commissioner Kenison, with thanks and appreciation, and indicate a willingness to move forward as quickly as possible, carried unanimously.*

### **C. Public Hearing and Board Action on Ordinance 098-04 "Display and Distribution of Campaign Materials at Polling Place"**

Chairman Madison opened the Public Hearing at 8:20 p.m. and asked if anyone wished to speak.

Howard Dilworth, 36 Old Derry Road asked what 75' was. Selectman Jasper said it's the distance from the front door of Lions Hall to the outside edge of the road. Mr. Dilworth asked if it included anything to the right or left. Selectman Jasper said when he and Paul measured it, they measured a straight line from the middle of the two doors. It clears a good area of the parking lot. Mr. Dilworth thanked the Selectmen for having finally addressed this. They had a small problem in March with an individual who didn't want to move across the street where he belonged. Local elections aren't as much of a problem as the State elections because people come in from out of Town, and they are a little more difficult to control. This ordinance will make things easier for those who work the polls.

There being no further speakers, Chairman Madison closed the Public Hearing at 8:22.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to adopt 098-04 carried unanimously.*

Selectman Jasper said probably the Town Clerk should post a copy of this at all elections, so they can just point to it.

Selectman Charbonneau hoped 098-04 would prevent anyone from having petitions inside the building. Selectman Jasper said if someone in September or November wanted to get signatures to put something on the ballot for March, this would not prevent them from doing that. They tried to get broader authority to regulate the polls, but this is all they were able to get, so unless the voters get irked by people with petitions, they can't control it. People were very skeptical about what the Selectmen were going to do.

#### **D. Discussion of Hudson Fire Department Positions (Superintendent/Fire Prevention Officer)**

Chairman Madison recognized Selectman Jasper, who had asked to have this put on the agenda. Selectman Jasper said he was pleased that the Board took action to help alleviate the situation that exists in the Fire Department relative to Fire Prevention. This year, he had a situation that took seven or eight weeks to get a permit for renovations because of the backlog. He fully recognizes there is a problem there. However, he listened to the discussion (the tapes of the August 11 meeting) relative to the frozen position and he realizes the 'bug dust' wasn't taken care of as it should have been. It is clear from the Minutes of the March 28 (1995) Selectmen's meeting that they did change that frozen position. He read the following excerpt from the 3/28/95 Minutes: "Chief Mason came in and said the job was originally funded at \$37,000 but he was proposing a \$30,000 salary, an hourly position, down-sizing the position of Superintendent of Fire Prevention to Fire Prevention Officer," and he goes on to say what the assignment would be. At that time, he himself made a motion to advertise the position of Fire Prevention Officer at a starting salary of \$30,000, duties to be those as detailed in the Hudson Fire Department Standard Operating Procedure." He didn't do what he should have done, which should have been to unfreeze and to change to, but clearly, what they did that night was change that position. Continuing to read from the 3/28/95 Minutes, he said, "Paul Sharon said there were things that probably he and Brian said, but it is important to note that Brian's proposal eliminates some higher-ranking position and assigns duties at the fire fighter level, which is a better utilization of personnel," and that was after the motion was made so, clearly, they were downsizing that position. Howard had also said, "They should consider filling the position in order to get these kind of things that are being missed taken care of," indicating that there was a problem at that time. He said it was interesting to note that, although the position was originally frozen on June 8, 1993 on February 18, 1994 Chief Mason totally eliminated the job description of Superintendent. He felt that while the position was technically frozen, this action raises ethical and moral issues.

Continuing, Selectman Jasper said he was proposing that the Selectmen, in keeping faith with



the voters who directed them to put all new positions forward, put an article on the March Warrant, requesting a position of Fire Prevention Officer. He didn't think they should seek authorization for a Superintendent because that was already granted by the appropriate legislative body, probably the Town Council. What they lack is Town authorization for Fire Prevention Officer. If they don't do this, they will probably run into problems with the Budget Committee. They run the risk of having it taken out by them or at Town Meeting. This is a clean way to do it and is consistent with what they are doing with the dispatcher's position and what they did with Engine 1 and the street sweeper. This action allows them to keep faith with the voters and it is something they can sell at Town Meeting because that is a busy office. This will also take the controversy away.

Chairman Madison said the Board voted unanimously at the last meeting to unfreeze the position of Superintendent and authorize the Chief to advertise for the position. Selectman Jasper said there wasn't a position to unfreeze; it was already used. Chairman Madison said at a Town Meeting some time back, there was an issue about a fire truck. The motion was incorrect and the Town ended up having to pay for the fire truck all at once. If there is a loophole in the tax law, they use the loophole and then correct it. There is no indication in the Minutes where the position that had been frozen was eliminated. Selectman Jasper said that argument was morally and ethically bankrupt. On March 28, 1995 the position was changed from Superintendent to Fire Prevention Officer, as recommended by the Fire Chief. Although the specific words aren't contained in the motion, the discussion reveals the intent. Every time the court looks at what a legislative body does, they look for the legislative *intent*.

Chairman Madison asked if he thought they were going to end up in court. Selectman Jasper said no because the Board of Selectmen has the authority to create the position in and of its own volition, but he thinks they should keep faith with the voters. They have authorization for two people in Fire Prevention; there has never been more than two funded positions in there. They changed the responsibility on one. He said her argument would say that on March 28, 1995 they created a new position and took money from someplace else. But that's not what they did. They took the money from the vacant, funded position of Superintendent. He said it was interesting to note that if he and Howard had abstained that night, it would have failed because Selectmen Charbonneau and Seabury voted against the motion. They all left the meeting knowing that they no longer had a Superintendent of Fire Prevention. He said that the argument they didn't cannot be made with a straight face. There is no reason for them to play word games. They can change titles, but to keep faith with the voters, they should not *add* more warm bodies.

(Start Tape 2, Side A)

Chairman Madison asked Selectmen Jasper if he was through. He said not entirely. Continuing, he said they should put this position on the March ballot. They should be consistent by doing what they have already done in other cases and not be stubborn and say because they did something last week, they can't recognize they haven't followed the same process. He wasn't faulting anyone for what they did because they thought there was a vacant position, but there actually wasn't because it was changed to Fire Prevention Officer. The intent is clear in the Minutes. He asked them to do the right thing.

Selectman Seabury said the Fire Prevention Officer is still a valid position. If a department is having trouble or needs something, they need some flexibility. They've got to give department heads something to hang on to. At the last Budget Committee meeting, Howard mentioned this issue. She told the Committee she couldn't say too much because it was discussed in Nonpublic, and peoples' names were bandied about. In essence, the Chief's back was against the wall. He had two employees, one of whom was working 70 hours and the other one 50 hours a week. There was a lot of overtime, but work still wasn't getting done and major complaints were coming in.

Selectman Jasper agreed with Selectman Seabury. They need three people in there; he's not arguing that. Chairman Madison cautioned Selectman Jasper that this wasn't a debate. He disagreed, saying that's part of what the Selectmen do--debate issues. He said they don't need to argue those points. If they put the money in the budget, they will fight with the Budget Committee and then fight on the floor at Town Meeting. Selectman Seabury said the Budget Committee was very positive about this and they agreed what the Board did was correct. Selectman Jasper said they didn't have all of the information, just as the Board didn't last week. On March 28, 1995 the position was downgraded, on the Chief's recommendation, so they don't have it any more. They should put this question on the March ballot, asking for authorization to hire a Fire Prevention Officer.

Selectman Charbonneau questioned if they'd get anyone to apply if they know it's only a temporary position. Selectman Jasper said he's not suggesting the Superintendent's position go on the ballot. No matter what happens in March, they'd still have the Superintendent. They might have a problem with two prevention officers, and one might have to be transferred to the line when a vacancy becomes available. The Town is hiring fire fighters all the time, and those two individuals are qualified fire fighters. He believes the Chief and the Board of Selectmen can make the case to the voters that they need that position, and it's a clean, easy way of adding one more body.

Chairman Madison said the report on the Fire Department recommends increasing personnel, so other positions are going to be asked for in the budget. She is sure they all understand what Selectman Jasper is saying, but if there is any further action, she will need a motion to reconsider their previous action. Selectman Jasper said there's nothing to reconsider. Chairman Madison said last week, they authorized the Fire Chief to go out to hire. Selectman Jasper said he didn't want that to change. He wanted them to send to the Warrant the authorization to hire a Fire Prevention Officer. He fully supports the action the Board took last week; he's having a problem with procedure. Chairman Madison said the action they took was for a Superintendent, at a higher salary. Selectman Jasper said he didn't have a problem with that. In fact, they always used to have a Superintendent. There was authorization for a Superintendent and for an Inspector, but there never was authorization for Prevention Officer. Selectman Seabury said they don't want to end up with two Fire Prevention Officers. Selectman Jasper said they've got two now and will end up with three people in that office, but there's authorization only for two, so you go back and retroactively get authorization for the other one. Chairman Madison said the frozen position is still on the books. Selectman Jasper said they don't have to go for Superintendent; just go for Fire Prevention Officer. It will be up to the Board to sell it and, thereby, keep faith with the voters. If they don't get the

authorization, he's sure there will be a vacancy somewhere in the Fire Department. He's not worried about that, however, because they have so much work, it will be an easy case to make. Any business which has dealt with Fire Prevention within the last year and a half is going to stand up and say they do need more help in there.

Paul understood Selectman Jasper's wanting to keep faith with the voters, but they are in an area where there is some discreet danger of imposing on the department head how to deploy his personnel. If Frank wanted to create another kind of division for something, such as a special HazMat unit, in order for people to be deployed to that function, there would have to be some kind of authorization given at Town Meeting. Selectman Jasper's reasoning says the only way the Chief can put three people in a specialty area is by going to Town Meeting. Selectman Jasper disagreed. He said within town government, there is authorization for X number of warm bodies. Paul said there is a difference between funding and authorization, because 'frozen' and 'warm body' are mutually exclusive. Selectman Jasper said because of his own stupidity, they can hoist him on his own petard, but he didn't think he was dealing with Philadelphia lawyers, but with people who understood what they did that night. Paul said he agrees with what the intent was that night. Selectman Jasper said they can reassign people and they can change titles, as long as they end up with the same number of people at the end of the day. He wants to end up with three in Fire Prevention, plus six per shift. What the voters care about is the right number of people that have been authorized to be hired. He doesn't care where they are assigned, or what their work hours are.

Selectman Seabury said there are many vacancies in the Fire Department. Selectman Jasper said there is only one full time vacancy right now and they've already got a crisis in Dispatch. Chairman Madison said they were getting away from the subject. Selectman Seabury said they are trying to tell Frank what to do and Chairman Madison agreed. Selectman Jasper said they weren't and this doesn't affect Frank and his operation at all. It's whether the Selectmen put the money in the budget or they put the money in a Warrant Article. The only difference is where they put the money for this position. If they put the money in the budget, a lot of people will say they don't have the authority for that. The Budget Committee will probably kick it out and tell them to put it in a warrant--like they do with the School Department. So far, the Selectmen have been above that. If it gets by the Budget Committee, someone may pull it from the budget at Town Meeting, but a Warrant Article stands alone.

Chairman Madison asked if Selectman Jasper was saying that if the Board doesn't go along with what he is proposing that he will speak against it all the way down the line. Selectman Jasper said no. Selectman Seabury suggested that she talk with the Budget Committee at the next meeting to see what they have to say. Selectman Jasper said it needs to be made clear to them that this is X plus one. They could make the final decision sometime down the road, but he will personally vote to keep the faith.

Chairman Madison thought he doesn't vote on Fire Department issues. Selectman Jasper said that was another thing he wanted to address, having listened to the tape. He had said he would not vote on Fire Department issues until September 1, 1997. Since that time, he voted on one issue when it was a tie vote on the budget. Chairman Madison said it was for something he wanted. Selectman Jasper said it was voting against the Capital Reserve Fund in the budget because they were asking for too many other things. He's abstained from voting because there

was no need, but he's reserved his right to vote on Fire Department issues. She can't say that he can't vote. Chairman Madison said she never said that; he said that himself. Selectman Jasper said he never said he couldn't vote, he said he *wouldn't* vote until September 1, 1997. Since that time, he has chosen not to vote, except for once. If there are other issues that move him to vote, he will vote.

Chairman Madison said Selectman Jasper has certainly made his point, but as far as she is concerned, the vote they took last week stands. If any further action is taken, as a matter of courtesy, the Fire Department liaison should be present. Selectman Jasper said he wasn't suggesting that the action taken by the Board last week should be changed, so she should stop saying that. Chairman Madison said as far as she was concerned, their action will stand, adding that Selectman Jasper has made his point several times.

## **8. NEW BUSINESS**

### **A. Donation from Hudson Seniors of Three Ballistic Panel-carried Vests**

Chairman Madison said under the new law, HB 1221, effective August 17, 1998, amending RSA 31:95 (e), they do not need to hold a public hearing for donations under \$500.

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

### **B. Assessing Items:**

#### **1) 1996 BTLA Docket #17127-96PT, 80 Derry Road, Map 55, Lot 25**

Chairman Madison said this was a bank facility whose assessment is being reduced. The Assessor has worked toward a settlement. The hearing is Thursday, but the Selectmen do not have to go, if it is approved this evening.

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

#### **2) 1996 BTLA Docket #16682-96PT, 153 Lowell Road, Map 13, Lot 7**

Chairman Madison said this is being reduced because it is a mixed use property. This is one of the three that the Assessor has been working on.

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

**3) 1997 Abatement Request, 6, 8, 12, 13 Tracy Lane, Map 41, Lots 6-2, 6-3, 6-5, 6-6**

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

Selectman Seabury asked why, if Brox contaminated the site, they weren't made to clean it up and if the assessment was just going to be dropped, and leave the contamination alone. Selectman Jasper said the company that was in there was Pike; he didn't think it was Brox. Selectman Seabury thought that this should be clarified. Chairman Madison said they would see that Jim does it.

**4) 1997 Abatement Requests, Map 7, Lot 37 and Map 1, Lot 1, Vectron Technologies and Lockheed Sanders**

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

**5) Veteran's Tax Credit Application (Raymond Goudreau, 5 Jeanne Street)**

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

**6) MS-1 Extension, Department of Revenue**

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

**C. Christmas Trees and Plan Review (Revision of Hawker-Peddler Procedure)**

Chairman Madison recognized the Town Administrator, who said maybe this year they will get ahead of the curve on the Christmas tree sales. For the past three years, there has been a lot of wailing and gnashing of teeth about the location of the sales and conflict with existing businesses and whether or not they need site plan approval. The Board adopted a policy which would have all of the potential vendors going to the Planning Board for site plan approval. The Planning Board has now asked the Selectmen to take it off their hands. He met with the Zoning Administrator and Town Planner and they felt that this could be handled administratively. They developed a plan, and that is what is before the Selectmen. The Zoning Administrator will review the application to determine whether or not there is a problem with the site plan and to approve it administratively.

Selectman Jasper said the Zoning Administrator was ruling that Christmas trees couldn't be sold because they were not in compliance with site plans, so the Board said, OK, the Planning Board can approve the site plans, and now they don't want to approve the site plans. The applications are now going to be reviewed for site plan compliance. Paul said the new process will cut the red tape. Selectman Jasper said if the Zoning Administrator is going to conduct a review for site plan compliance, that is why they sent it to the Planning Board before. If she says it doesn't comply with the site plan, it has to go to the Planning Board. He didn't understand how the process is going to be any different. If she reviews for site plan compliance, it isn't any different than before. Paul said she doesn't have to require a formal site plan, engineering-certified, registered engineer's stamp to design the area in the lot in which Christmas tree sales are going to take place. Selectman Jasper said that's what they had said last year. Paul said no, they didn't; the action was since it's a site issue, the Planning Board will review all of them, and that just didn't work. He suggested that the Board adopt this procedure and see if goes a little smoother. Selectman Jasper said he didn't even know what the procedure is. Chairman Madison said obviously the previously-adopted procedure isn't working, so they have to change it.

(Start Tape 2, Second Side)

Paul suggested, for the benefit of the people in the audience, to read the memo aloud to see if it doesn't set a structure for handling the applications. Selectman Jasper said all he has is a memo that says, "Last Friday, we met with you and the three of us concluded, by supporting a process, that we three could administratively process Christmas tree sales reviews, pending Board of Selectmen approval of this procedure." He said there is no procedure. Paul said, in essence, the Zoning Administrator would check the map for use conformance, by zone, whether or not the sale would conform to the zoning map; she would also determine whether or not that would impact required parking on that site; she would do all of those administrative reviews of the provisions of the zoning ordinance that she should be able to do anyway. It can be done without having a formal site plan submitted, with hearings and everything else. Selectman Jasper asked if they could have a written procedure for the next meeting, so if someone comes in for Christmas tree sales, they can show them something in writing and the Board knows what they are voting on.

*Motion by Selectman Jasper, seconded by Selectman Seabury, to defer until September 15, 1998, pending a written policy, carried unanimously.*

## **D. Donation of Land for Library**

Paul said the Library has had an offer from a local land owner to donate some property for a new library. Staff was asked to review the site and submit their comments regarding suitability and any problems they may notice on the site that ought to be brought to everyone's attention before anyone makes a commitment to accepting the property. Staff members raised some significant issues of suitability. With the Board's direction, he will transmit those comments to the Library Trustees. Selectman Jasper said the only response he had was from the Town Planner. He was told others were distributed separately because they filtered in after the packet was distributed. Paul said, in a nutshell, it's in a residential area on a site that was found to be not necessarily a suitable site for residential development. Chairman Madison said the Board just needs to convey the concerns of Town staff to the Library staff and they didn't need a motion for that.

Chairman Madison recognized Lisa Riley, Chairman of the Library Board of Trustees. Lisa said she was under the impression that tonight's meeting would be to firm up the contract that the Attorney drafted and the Board would sign it. The Library Trustees are just beginning their investigation of the suitability of the site and part of that is input from Town staff. She thought they would receive that as a matter of course, without Board action. Chairman Madison said they weren't going to vote on it.

Lisa said they are nowhere near deciding whether or not they think it's a suitable location; they are just starting to do the groundwork. Input from Town staff will be looked at and evaluated and the cost of that site versus the current site will be compared. The only action she anticipated being taken tonight was to firm up the contents of the agreement between Mr. Rodgers, the Selectmen, and the Library Trustees. This agreement would firm up the conditions of Mr. Rodgers' offer and protect his interests, and the Town's, as they proceed with their evaluation. When she spoke with Attorney Sennott, their conversation centered around the fact that the land would or would not be accepted at Town Meeting. At the time, Lisa was under the impression that land had to be accepted at Town Meeting, but she has since learned that the Selectmen can accept it on behalf of the Town without it going to the voters. If the Library Trustees recommend that the land be accepted, and if the Selectmen concur with that recommendation, the agreement can be written so that the Selectmen can accept the property and not send it to Town Meeting.

Chairman Madison said they aren't at that point yet; they still need to receive staff input. Lisa said she was asking to firm up the language in the agreement with Mr. Rodgers regarding the process. Three paragraphs at the bottom of the first page of the agreement talks about timing and the fact that it would be accepted at the Town Meeting. She wanted to get the Board's feeling on acceptance, if they in fact get to that point, at a Selectmen's meeting or by Town Meeting.

Selectman Jasper said he had a problem and can't envision moving any further, based on the memo from the Town Planner. Chairman Madison said she understood. Lisa said she has not seen that memo. Selectman Jasper said that's why they want to forward the information before

they take any action. Chairman Madison said they may not need the agreement. Lisa said the Library Trustees have every intention of vigorously pursuing this. They will consider the obstacles and the cost to remedy them and compare that to the cost of pursuing their current site. Chairman Madison said the Board appreciates what she is saying, but they must heed staff input, and there are some problems.

Selectman Jasper said they should send along the information they have and any additional information that is received. If the Trustees wish to come back at the meeting on September 15 to talk about executing the contract, they could do that, although he didn't think anything would happen between now and then that would change their minds. Chairman Madison asked if there were any further comments from the Board. There being none, she said they would send the staff input received so far to the Library and, as others are received, they will be forwarded, as well.

Lisa said when Mr. Rodgers had indicated he wanted to sign some type of agreement and she didn't want to jeopardize the possibility of this land being donated by inaction on putting together such an agreement. The agreement doesn't bind the Town in any way; it only says he has made an offer and the offer will be valid under the conditions outlined in the document, up to a certain date.

Chairman Madison couldn't imagine why Mr. Rodgers wouldn't be willing to wait for a couple more weeks, until all input from staff has been received. Lisa said staff input has nothing to do with this. Chairman Madison told Lisa she wasn't going to get an answer on this from them tonight; all they were going to do is forward the recommendations from staff. Lisa said she didn't want an answer from the Board; she wanted to firm up the language in the agreement. Chairman Madison said the Board wasn't going to change any of the language or process any agreement until they receive all of the input that they need. (Talking over each other.) Lisa said the public hearing wasn't going to take place until October. She asked if the Board was going to dismiss this as a possibility. Chairman Madison said that could very well happen. Lisa said the Trustees haven't given their recommendation of their evaluation yet. Chairman Madison said that's why they weren't going to do anything; they don't have all of the recommendations. Lisa said Chairman Madison was missing the point. The agreement spells out the terms under which Mr. Rodgers will donate the land. Chairman Madison said she wasn't missing the point and the Board was not taking any action tonight. Lisa said if Mr. Rodgers withdraws his offer, she will hold the Chairman personally responsible. Chairman Madison said she can't imagine that Mr. Rodgers won't wait a couple more weeks and didn't understand the big hurry. This wasn't something they take lightly. They need all of the information before them. Lisa wanted to know if the Chairman read the draft agreement. Chairman Madison said she had.

Selectman Jasper said Mr. Rodgers can execute a document of his own volition, stating that he's willing to donate land to the Town, and the Board doesn't have to do anything. On the other hand, this agreement wouldn't do any harm, but in looking at staff recommendations, he is not of a mind to sign anything. Selectman Seabury said she went to the Library meeting last night, and this is just tying up loose ends for Mr. Rodgers. He wants to make sure things are cast in stone. He wants to give the property to the Town for a Library. She said she glanced through the agreement, but didn't read it thoroughly, but didn't think it ties the Town down to



anything, other than taking it off the tax rolls for awhile. If the Town chooses not to use it as a library site, it goes back to Mr. Rodgers. Paul said the agreement was drafted by the Town's attorney. Selectman Seabury didn't have a problem accepting the land and letting the Trustees go forward and do their investigating. When she met with them last night, she told them she recalled that some of the staff comments were very negative. If the Selectmen don't accept the land, it goes back to Mr. Rodgers. Lisa said she wasn't asking them to accept the land, she was asking them to sign an agreement that outlines the process they will follow as they review it.

Chairman Madison said she has a problem in signing the agreement saying the owner is willing to donate the land to be used solely for the purpose of building a Town library because all of the input from staff is negative. Selectman Jasper said the Town Planner's memo states, "It is my opinion this is not a desirable site to place a library. Even with both lots considered, the site is too limiting. Belknap Road, in its present design, would be a poor approach to the lots. The library with parking, if developed here, would overwhelm the surrounding neighborhood. The structure would be out of scale to the residential buildings, especially because the land is so limiting. Some of the other limiting factors include existing slope from Belknap to the rear of the lots, wetland, green space provisions, and constraints to expanding the library in the future." With the Planner saying that, it is hard for the Selectmen to consider this any further.

Lisa said that's unfortunate because the site they are looking at on Ferry and School Streets has a *very* limiting factor, physically and financially. They need to look at those limiting factors at this potential site and see what they would cost in terms of fixing what might need to be fixed. It may turn out that the cost of making modifications to that area would be less than the cost of acquiring five properties on Ferry and School Streets. She thinks they need to look at that very seriously before they dismiss it. If they asked Mr. Reynolds to take a fresh look at the site on Ferry and School Streets, he would have similar concerns with traffic access. A different site just means different potential problems they might have to overcome.

Chairman Madison said they all know they need a library--and they want a library. It's just finding a site to put it on. When they're looking at all of the negative comments from staff, it is kind of hard to sign the agreement. Selectman Jasper had a question for Lenny Smith. "With a different type of use in that zone, do Planning Board requirements cause a 100' setback from all residential houses?" Lenny nodded yes. Selectman Jasper said that leaves them with absolutely nothing in the middle for the building and parking if you come in 100' from each side. Lisa said they're in a residential area now. Selectman Jasper said that was done in 1909. Lisa said they'd be faced with the same issue with the lots they want to acquire. Selectman Jasper said with the school on one side and the street on the other, the limitation factors are not as severe there. On the Rodgers' site, there would be an impact on four sides. Selectman Seabury said at the current site, they'd just be expanding a non-conforming use. Selectman Charbonneau said the residents would be up in arms in the proposed area. Lisa said they don't know that.

Selectman Seabury's motion to sign the agreement did not receive a second. Selectman Jasper said the agreement speaks of Town Meeting acceptance, which they don't need, so the

agreement isn't in proper form and they don't have the legal expertise to fix it tonight.

Chairman Madison said she thinks they should have the Town Administrator send all of the documentation they have from Town staff to the Library Trustees. She asked if anyone had a problem with that. There were several audible "no's." She said they could put it on the next agenda, if they wanted to. There was no response. The Recorder asked if it will go on the next agenda. Chairman Madison said no.

#### **E. Discussion of Old Home Day Details**

Chairman Madison recognized Selectman Jasper, who asked for this to be on the agenda. Selectman Jasper said he wasn't sure if there has been billing in the past or not because this was never an issue before. The Fire Department has always been at the Old Home Days, to make sure there are no brush fires as a result of the fireworks. This is the first year that he became aware that the Kiwanis was being billed. He was not faulting the Chief because it's not within his scope of responsibility to waive the fee and the policy is to bill for those types of details. He didn't have a problem with that, but this is an event where the Town comes together for an event. Chairman Madison said Selectman Jasper was asking the Town to pick up the tab for the Fire Department being at Old Home Days, which came to around \$135 for the detail, including a \$50 fee for fireworks.

*Motion by Selectman Jasper, seconded by Selectman Seabury, to waive the fee for the Fire Department detail at Old Home Days, carried unanimously.*

(Start Tape 3, Side A)

#### **F. Town Hall Video Broadcasting**

Chairman Madison recognized Coleman Kelly, who said the request was for the Board's authorization to proceed.

*Motion by Selectman Jasper, seconded by Selectman Seabury, granting authorization to proceed, based on the July 14, 1998 memo by Coleman J. Kelly carried unanimously.*

#### **Cable Transfer**

Coleman recommended the Selectmen approve the cable transfer from Americable to Harron.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to execute the transfer agreement carried unanimously.

### **G. Applications requesting Sewer Connection Waivers**

1) #4845 St. Kathryn's Church

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Motion by Selectman Jasper, seconded by Selectman Seabury, to grant the waiver requested by St. Kathryn's Church for one year, at which time it will be revisited, carried unanimously.

2) #4884, 3 Vinton Street

Chairman Madison asked for a motion to grant a hardship waiver for the applicant. Selectman Seabury so moved, seconded by Selectman Jasper, who asked if it was understood that the waiver goes with the owner and not with the property; they were not waiving the connection for the property, they were waiving it for the current owner. The Recorder asked if the motion was to grant a *hardship* waiver; Chairman Madison said yes. The Recorder pointed out that this form was not a hardship waiver request, but a sewer connection waiver. Paul mentioned that the Sewer Utility Committee has made no recommendation on it. Selectman Jasper said the elderly applicant is living on limited income and it appeared to be a hardship case; Selectman Seabury said to grant it. Paul said an application has to be filed for a hardship waiver, as they do for general assistance. Chairman Madison suggested deferring this item until the next meeting, or they could just grant it now. Selectman Jasper said the request was for a sewer connection waiver, so they should deny this one and approve the correct one when it comes in because the hardship waiver is a different form.

Motion by Selectman Jasper to deny, seconded by Selectman Seabury, carried unanimously.

3) #4834, Rowal Realty Trust

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

## **9. OTHER BUSINESS**

### **A. Oblate Fathers Selling Land**

Selectman Seabury said the Oblate Fathers are trying to sell off some more land to put in towers. Paul asked if they were located inside the steeple. Selectman Seabury said no, they are trying to sell land real close to people's houses and dangerous, hazardous wave lengths are coming in, so the neighbors are up in arms. She said she told them to go before the Zoning Board to make a big stink about it. She doesn't know if it can be denied or not. She saw an article in the paper concerning communications towers that won a court case. She didn't know if they can deny the towers, but it irritates her that this property has been tax free all these years, and is now being considered for sale because big bucks have reared their ugly head and dangerous towers are going to put in next to housing. She spoke to someone who lives in the area who is very concerned because a lot of kids live around there, especially with the new, expensive houses that are being built. She didn't think it was right for towers to be going in there.

### **B. Friends of the Library**

Selectman Seabury said the Friends of the Library asked why they were denied a meeting room at Town Hall. Paul said, as he recalls, they were offered space at the Police Station. Selectman Seabury asked if they couldn't come into Town Hall. Paul said she can have anyone she wants come in to use Town Hall space, but it needs to be cleaned up and the informal policy has been that it would be boards and committees that have use of the space during non-business hours. Selectman Seabury said they are using Alvirne now, but they will have difficulty with that. She didn't know if the Friends are considered a private group or not. Paul said they are within that middle area. Chairman Madison said that's the reason they have the Community Room at the Police Station, for groups like this. Selectman Seabury was under the impression they could use a room at Town Hall, if one was available, but, she added, maybe she was wrong.

### **C. Land Auction -- Shepherd's Hill**

Selectman Seabury said this land is going up for auction on September 15. She asked what they thought about that for a library site. Selectman Charbonneau said it's ledge. Selectman Jasper said the schools have money; they can bid on it.

### **D. Donation of Benches by Mr. Labbe**

Selectman Charbonneau said Mr. Labbe visited her on Saturday. His son, who was killed in the accident at the quarry, had two benches that the father wants to donate to the Town for the park, in memory of his son. One bench is granite and one is wooden. If anyone wanted to go up there and look at them, they are at the quarry.

#### **E. Parking at the Restaurant at the Meadows**

Selectman Charbonneau said she's been getting complaints about the restaurant using Town land for parking. The Board forced out one gentleman who sold coffee there and now they are allowing parking on land that has been posted No Parking. She thinks this issue must be addressed.

#### **F. Repairs to Town Buildings**

Selectman Charbonneau said the Lions Hall needs painting and repair work. There are holes in the walls and the flooring is bad. Town buildings, and the land around them, should look good because the Town owns them. They should apply the same rules to themselves as to the businesses. Chairman Madison said they should put it in the budget. Selectman Charbonneau said that's what she was saying. Paul said they are soliciting quotations now on changing over the heating system at Lions Hall. Selectman Jasper hoped that included lowering the ceiling. Paul said it includes how far the \$10,000 will go. Selectman Charbonneau said it needs painting and the floor looks awful, adding that someone will trip and get hurt in there. Selectman Jasper said the ceiling is way too high and looks like hell. Paul said it's also very hard to heat.

#### **G. Sewer Extension of Dracut Road**

Selectman Charbonneau said Coleman Kelly came before them a couple of weeks ago relative to reconsideration of the sewer extension in the southern part of Town; he'd like them to revisit this issue. He spoke to the Sewer Utility Committee last Thursday and they are going to take a look at this in the future. He wants to develop a sense of urgency in getting the parties together. Chairman Madison said he spoke to her about this and she suggested going through the Sewer Utility.

#### **H. Newspaper Article**

Selectman Jasper said he wasn't going to bring up this issue, but since it was in the paper on Friday, he will, adding that Howard already addressed part of it. He was upset to hear that he had been criticized by the Chair (at the 8/11/98 meeting). Chairman Madison said she didn't know why, as they had talked on the telephone previously. Selectman Jasper said previously, but not after the incident. Chairman Madison said he was in Texas. Selectman Jasper thought it could have waited until this meeting. He thinks it is counter-productive for Board members to criticize other Board members, particularly if the particulars on the alleged incident had not been talked about by the Board members. Chairman Madison said it depends on who does the criticizing. Selectman Jasper disagreed. He doesn't think he ever made an attack on his fellow Board members on their actions any place outside of 'this room.' The only comments he has ever made have been relative to on-going discussions and he challenged her to find an occasion when he has done otherwise. Chairman Madison said she's sure she could, but didn't have everything in front of her to do that; that's not her practice. Selectman Jasper said she could take a couple of months to do the research. Continuing, he said he cannot help it if he is referred to as a Selectman. Whatever he does that is going to be newsworthy, somebody is going to put the title Selectman in front of it. He had made that clear to the people who were in the audience, although he didn't put the disclaimer in (but wishes he had). However, he doesn't think it would have made a difference. Anyone who was there knew he always referred to "I." "I had an idea." "I took the idea from other people's ideas and put it together in a different plan." He said he never referred to the Board of Selectmen and never said he was a Selectman, and everyone at both meetings clearly understood that. He did have permission of the Chairman to sit at the table with the Board members, as is customary at Planning Board meetings. Alternates can sit at the table and they are welcome to fully discuss the matters at hand. The meeting prior to the one the Chairman referred to, he specifically asked the Chairman if it would be acceptable for him to join the rest of the Board at the table, and he said certainly. Selectman Jasper didn't ask him at the next meeting because he already asked him at the previous meeting. When the Chairman said he had no right to be sitting at the table, she was misinformed and she bothered to get only one side of the story. Chairman Madison said no, she got both sides. Selectman Jasper said she got both sides after she made the comment, she never spoke to him before making the comments. He spoke to her afterwards and feels that it is only common courtesy if she's going to attack him, to get his side of the story, too. He said this happened with Recreation, as well; she didn't speak to him. He thinks it is unfortunate and unfair of the people at her job to have put her in the situation they did, to call her into their office or on the phone and complain to her about his actions. That puts her in an untenable situation. The expectation is for her to take some sort of official action, which she did. He said that is wrong and clearly a conflict of interest. He wasn't criticizing her for that because they put her in that situation and he didn't know what she could do about that. Ideally, she should tell them, "If you have a problem with Shawn Jasper, call Shawn Jasper. There is nothing I can do about Shawn Jasper." He said everyone would believe that because no one has ever been able to do anything about him. Chairman Madison said that's true, everyone does believe that. Selectman Jasper said they should have the courage to call him. He'll be glad to talk with them. They put the Chairman in a bad situation and deserve to be criticized by the whole Board. Chairman Madison reminded him this was Other Business, not Selectmen's Remarks, and asked him if he'd made his point. He said yes, he had.

### **I. Brick Walkway at the Bandstand/Gazebo at the Town Common**

Chairman Madison said there has been some concern about the walkway. She'd hate for it to go through the Planning process and then find out it's something the Board doesn't want to

do. Selectman Jasper thanked her for bringing this up. The Town Common is a small park and the commemorative sidewalk will end up getting the park over-cluttered and it will look honky-tonk if they continue to let everyone do what they want to do. It's beautiful the way it is and he thinks the best thing is say it's a great idea, but Benson's would be the appropriate place for it, which they anticipate having within a couple of years, with all kinds of room for paths and things.

*Motion by Selectman Jasper that they inform Pop Warner that they wish to decline their offer of brick walkways for Library Park at this time and hope that when Benson's becomes available, they will still be interested in pursuing this and they would welcome the proposal at that time. Chairman Madison turned the gavel over to Selectman Seabury and seconded the motion.*

Selectman Charbonneau asked how much walkway there would be. Selectman Jasper said they are proposing going from the bandstand to the flagpole and from the bandstand to the granite marker and to the trolley stop. This is only one organization and this is just one piece. How will they turn down the next organization that wants to do a fundraiser in the park? He thinks they are opening a Pandora's Box and Benson's is the ideal solution. There is going to be much work that needs to be done there and many projects to be taken on up there. This is just a tiny park. Selectman Madison agreed with him. She likes things uncluttered and doesn't think you can put in anything more. If they keep adding to it, they are going to spoil it. Selectman Charbonneau said she thought it was going to be too much, too. Selectman Seabury thought the brick was just going to be around the bandstand. Paul said the Board's last action was to give her (Maria Griggs) conceptual approval to come up with a drawing. Kevin Burns agrees it is pretty overwhelming for a small park, but he has been leading Ms. Griggs through the steps and has been very helpful, telling her how she should go about it and what she needs to do. He told her the next step was going before the Planning Board for preliminary site plan review. Once they, or *if* the Planning Board approves it, it is still the Selectmen's call to nix it or change it. He understands the message the Board is trying to convey, ie, "Don't waste your time, Ms. Griggs, if this isn't going any further," but they have gone so far as to come up with a drawing. Selectman Madison said that throughout the process, Ms. Griggs will have been keeping Pop Warner informed, and they will probably be excited about what they are going to do. If they wait till the end, it will be too far down the line. She thinks they need to nip it right now. Selectman Jasper said there are a lot of organizations looking to raise money and they need to focus on Benson's. Even if they scaled back this project, it would still be better not to even open the door. The park is beautiful the way it is and the grass is nice. Brick walkways can be a real pain to maintain.

*Vote on the motion to deny the building of a brick walkway carried unanimously.*

Selectman Seabury turned the gavel back over to Chairman Madison.

## **J. Request to Purchase Town-Owned Land @ 347 Central Street**

Chairman Madison said they received a confidential letter to the Board, asking them to

reconsider their decision not to sell Town-owned land at 347 Central Street. When this came up about a year ago, they decided to hang onto it because they were acquiring land here and there. The Board has a request by someone who wants to put a business there. Selectman Seabury asked if it was 4 Park Avenue and was told yes. Paul said the same party requested this some time ago. There's a house on the lot, with some water running through there and a pond. Selectman Seabury didn't have a problem with that, but the Town Engineer had asked them to keep the property for future road expansion. Paul said they could reserve right-of-way. Chairman Madison said it would have to go out to bid anyhow.

*Motion by Selectman Jasper, seconded by Selectman Seabury, to refer this to the Town Engineer to delineate what may be needed for future roadway expansion and to send it back to the Board for approval and then to the Planning Board for sub-division and, at that point, they can send it out to bid, carried unanimously.*

As Selectman Jasper started to talk about the cellar of the house, Paul said they've already gotten them out. Selectman Seabury asked if they were talking about the beavers. Selectman Jasper said no, he was talking about the Granite State Dairy milk bottles.

## **10. LICENSES AND PERMITS**

### **A. Request for a Block Party Permit by Traci Allard to be held at David Drive on September 26, with a rain date of September 27**

*Motion to grant by Selectman Jasper, seconded by Selectman Seabury, carried unanimously.*

### **B. Request for a Block Party Permit by Provincial Heights Neighborhood Association for September 19 to be held at 25-27 St. Francis Place**

*Motion to grant by Selectman Jasper, seconded by Selectman Charbonneau, carried unanimously.*

## **11. ACCEPTANCE OF MINUTES**

**Minutes of the August 11, 1998 Meeting**



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

## **12. COMMITTEE ANNOUNCEMENTS**

8/26 7:00 Planning Bd in P/Z Mtg Rm  
8/27 7:30 ZBA in P/Z Mtg Rm  
9/01 7:00 Trustees of the Trust Funds  
9/02 7:00 Planning Board Workshop in P/Z Mtg Rm  
9/03 7:00 Cable Cmt in P/Z Mtg Rm  
9/07 Labor Day Holiday--Town Hall closed  
9/08 State Elections  
9/08 7:30 Rec Cmt @ Rec Ctr  
9/09 7:00 Planning Board in P/Z Mtg Rm  
9/10 7:30 ZBA in P/Z Mtg Rm  
9/14 3:30 BOS/Dept Head Mtg in BOS Mtg Rm  
9/15 3:00 Economic Development, Nashua  
9/15 7:30 BOS in BOS Mtg Rm

There were no changes or additions to the listing.

## **13. REMARKS BY THE SELECTMEN**

There were none.

## **14. LIAISON REPORTS**

There were none.

**15. ADJOURNMENT**

*Motion to adjourn at 9:55 p.m. by Selectman Seabury, seconded by Selectman Jasper, 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**