

## HUDSON BOARD OF SELECTMEN

### Minutes of the February 17, 1998 Meeting

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:30 p.m.
2. **THE PLEDGE OF ALLEGIANCE** was led by Selectman Shawn N. Jasper
3. **ATTENDANCE**

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

4. **PUBLIC INPUT**

**Commendation recognizing Distinguished Finalist Joseph Allison in the 1998 Prudential Spirit of Community Awards**

A commendation was read and presented to Joseph Allison, an 8th grader from Hudson Middle School, by Chairman E. Lorraine Madison, recognizing him for his outstanding, self-initiated community service. He was also given a Town of Hudson lapel pin and a medallion. Students like Joseph represent the best in America's youth and are role models to their peers and their communities.

Following the presentation, Chairman Madison asked Joseph to share with those present what his volunteer activities are. He said he mows lawns and shovels snow for elderly residents; he works in the Nashua Soup Kitchen, at the Raven House Soup Kitchen and in the Food Pantry at St. John's; he helps in the Police Department's booth during Old Home Days, in the Fire Department, at his Mother's work, with the Special Olympics, and he serves Mass at St. John's. Next month, he will be 14 and is eligible to become an Explorer, in either the Fire or Police Department. This summer, he is going to Australia as Hudson's Ambassador, and is currently trying to raise money for the trip. (Selectman Charbonneau made a contribution to start him off.)

5. **CORRESPONDENCE RECEIVED**

A. FROM: Mike Gospodarek, Town Engineer

RE: 1) High Pine Drive Street Acceptance, Map 24, Lot 38

2) First Brook Plaza II, Re-striping of Lowell Road, Map 48, lot 52

3) Whip-Poor-Will Estates, Connection of Robin Drive and Wende Drive, Map 24, Lot 21-31

4) Pine Road Reconstruction

REFER TO: New Business

B. FROM: Jim Michaud, Assessor

RE: Various Assessing Items

REFER TO: New Business

*Motion by Selectman Jasper, seconded by Selectman Stewart, to receive the Correspondence, with appropriate referral, carried unanimously.*

6. **NEW BUSINESS**

- A. **High Pine Drive Street Acceptance, Map 24, Lot 38** (Includes Public Hearing)

Chairman Madison opened the Public Hearing at 7:40 p.m. and asked if anyone wished to speak.

Chris and Jenny Butryn, 1 High Pine Drive, have concerns with the drainage ditch and the water flow on High Pine Drive. There is a swale that runs across their yard, into the drainage ditch. A lot of water flows through, causing erosion. Seeding was done in late October, so the grass didn't root. There is a grate in the street in front of the drainage ditch on High Pine Drive. As the water flows down from the cul-de-sac, it is held in the gutter by the curb until it hits their driveway, where it flows across their driveway, never hitting the drain, and ends up washing out part of their driveway. They think the drain should be placed before their driveway, or some sort of bump should be put in to divert the water to keep it in the

street, directing it towards the drain. During the construction process, silt and clay washed down from the homes that were built further up the hill, clogging the drainage ditch, which has been full since the Fall, even though the developer told them the drainage ditch shouldn't fill up except for the 100-year storm. On two occasions, it almost over-flowed into the street. There is ice over it, which is starting to cave in, so it is slowly draining, but they are afraid it will become a liability for them and for the Town, especially with small children on the street. They are worried about someone falling through the ice and possibly drowning. There was a minor accident there one day when someone didn't make the S-curve and went into the drainage ditch. They asked the Selectmen *not* to accept the street until the erosion and drainage problems are corrected.

There being no further comments, Chairman Madison closed the hearing at 7:45 p.m. and recognized Town Administrator Paul Sharon, who said staff, including the Town Planner, Town Engineer, Road Agent and Fire Chief, unanimously recommended acceptance of the street. He said there had been some issues with the developer, including a hydrant, which was corrected. Another issue dealt with drainage, so the Planning Board required the developer to increase the size of the detention basin, which the Butryn's referred to as the drainage ditch. Continuing, Paul said the Planning Board feels that is about as far as the developer is required to go, adding that the developer didn't put in the pipe, it was already there. The Planning Board feels that this situation should be watched, but the street acceptance shouldn't be held up.

Selectman Charbonneau asked if the developer created the problem. Paul didn't think so, saying that the new development was responsible to the degree there is run-off beyond the capacity of the detention pond to accept it, which contributes to the problem, but the alternative would be for it to all run overland. Selectman Charbonneau said even though staff has signed off on it, the problems should be straightened out before the Selectmen accept the street. Selectman Seabury said she wouldn't vote for it, either.

Selectman Jasper said he, too, was not ready to accept it. The issue of erosion needs to be addressed, particularly the water going from the street into the driveway, which should not be allowed to continue, and the issue of the retention pond needs to be looked at. Paul said this is a *detention* pond, not *retention*; it is supposed to be wet-dry. Selectman Jasper said they are supposed to be designed to hold water for a period of time, then slowly release it, but it certainly shouldn't be filling up to the point of nearly overflowing. Some of the issues won't be able to be satisfactorily addressed until Spring, when the seeded area is established to see if the erosion continues. The drainage can be done almost any time. Staff needs to develop an action plan on how these issues are going to be addressed before the Selectmen accept the street.

*Motion by Selectman Jasper, seconded by Selectman Seabury, that the issues raised at the Public Hearing be forwarded to the Town Engineer and that he be instructed to develop an action plan for remedy of these problems: the Selectmen will not accept the street until the issues raised have been satisfactorily addressed.*

Selectman Seabury said the developer is responsible for plowing the unaccepted street--and should feel the pain of that for awhile. Chairman Madison asked, if the developer is responsible for the repair work, how can the Town Engineer be instructed to do it. Selectman Jasper said the Selectmen have to work through staff and they are looking for a plan from the Town Engineer on how it will be taken care of. The Engineer may go to the developer with a list of the issues and tell the developer to come up with a plan, but the Selectmen have to task staff with doing it.

*Vote: Motion carried unanimously.*

#### **B. First Brook Plaza II, Re-striping of Lowell Road, Map 48, lot 52**

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve the plan.*

Chairman Madison recognized Town Administrator Paul Sharon, who said the restriping is necessary to provide a protected left turn in each direction at the entrance to the small plaza. Selectman Charbonneau said it is impossible to make a left hand turn coming out of the plaza. At some point, there will have to be a light put in because that entire section is very dangerous. Selectman Jasper said at least the speeds are rather low at that point.

*Vote: Motion carried unanimously.*

#### **C. Whip-Poor-Will Estates, Connection of Robin and Wende Drives, Map 24, Lot 21-31**

Chairman Madison said this was informational only, and recognized Town Administrator Paul Sharon, who said that the agenda packet included a memo from Town Engineer Mike Gospodarek to him relative to this issue, and he wanted to get this out in the open so that everyone understands that it is being considered, since it is a hot neighborhood issue. Chairman Madison asked why this keeps coming back when they've already said no. Selectman Jasper said the Planning Board has voted no, but the Selectmen have never voted on the issue. Paul said action is neither requested, nor required. Selectman Jasper said it came before them, but not for a vote. It was brought up in the issue of the development off Ledge Road, and there were discussions over it back when they were going to challenge the Planning Board's decision in court relative to some things they had done, but then found out it was too late. The Planning Board had first approved it, then denied it. Chairman Madison said it was here at one time and a lot of people from Whip-Poor-Will were present. She hoped they wouldn't see this again before the year 2002. Paul said Lot 21-31, owned by Mrs. Kashulines, is negatively affected by not opening up that section, but he thinks it can be addressed without opening the street, such as a cul-de-sac or hammer head. Her sole frontage is the closed-off street. He suggested that the Board instruct him to make sure staff makes the

neighborhood aware that this is coming up again and that there is an expectation that nothing is going to happen until it comes back to the Selectmen for a vote.

Selectman Jasper said that while he doesn't think they need to open that up to public access, there is a large development in there that only has access through Phillips Drive. If there were to be an emergency situation, and that road was blocked, the Fire and Police Departments would not have access to that entire back section. He thinks it is imperative for the road to be finished to the point that emergency vehicles can gain access to that area, and a gate could be installed. Good master planning calls for more than one egress from a development.

Chairman Madison said this issue goes way back and there are some big issues related to it. She can't vote on this issue because she lives in Whip-Poor-Will, but she is pretty sure the people who live there were told there would never be an opening there. She didn't want to do anything with this now and thought the neighbors should be fully aware of what was going on. All of a sudden, it's on the agenda, and no one knows about it.

Selectman Jasper said they can't control what real estate people tell prospective buyers, but the Assessor's map shows a street. He doesn't necessarily think it needs to be open, but he does think the Fire Chief and Police Chief should be asked for input in terms of an emergency plan. They owe it to the people in that part of the development to make sure they have access. Selectman Charbonneau said they have situations like that all over Town. Selectman Jasper said if they have the opportunity to do something about a situation, they should take advantage of it.

Paul said whether or not the residents were told that street would never be opened, the only people that could make that kind of a commitment were the voters at Town Meeting, or the Board of Selectmen. This matter should come back to the Selectmen for some degree of finality to either say no, until some future Board over-rules it, or yes. Chairman Madison thought they should have the whole history before them. Selectman Seabury said the people were told they would put up a barrier, but that it could change at any time and never to expect that it wouldn't go through. She remembers Sean McGrail saying that if it comes again, it will still go down. They understood it wouldn't be a permanent thing, but it would be a constant battle to keep it closed. She said 2002 sounded like a good year to bring it back.

#### **D. Pine Road Reconstruction**

Chairman Madison recognized Paul Sharon, Town Administrator, who said this was to straighten out a 90° bend in Pine Road. About \$30,000 in agency fees have been collected for this project, but the developer that originally put up the money is no longer around, so there is no one to return the money to. The Highway Safety Committee feels that the brush cleanup and trimming have improved the sight distance to the point where the problem is mitigated, and have recommended that this project *not* be undertaken. (Note: the memo from Mike Gospodarek should read that the Highway Safety Committee recommends *not* to proceed, instead of saying that they recommended to proceed.) The Planning Board, in later years, felt that the project is not that necessary. To do the project at this point would be just to utilize the agency funds. Paul recommended referring it to Attorney Ratigan for his opinion of where the \$30,000+ would go if the project didn't go forward and if it could, perhaps, be used for another project, such as the aerial fly-over.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to table pending legal opinion from Attorney Ratigan on whether the Town can use the money for another project carried unanimously.*

#### **E. Various Assessing Items:**

##### **1) Intent to Cut by Fred Garside, Map 39, Lot 72**

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

##### **2) Intent to Cut by Sousa Realty and Development Corp., Map 14, Lot 179**

##### **3) Intent to Cut by Sousa Realty and Development Corp., Map 24, Lot 21-31**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to sign carried unanimously.*

##### **4) Intent to Cut by Daniel Gillen, Map 27, Lot 26**

Chairman Madison noted that the cutting has already been done because he didn't realize he needed an Intent to Cut. Paul said he was caught in the act, after a resident in the neighborhood called the Town. Jim Michaud went out, but the cutting was finished at that point. Selectman Jasper said it looks like it was the owner that did the cutting and it was a small amount of trees. He wouldn't expect an average person to realize that. Selectman Seabury asked how many trees can be cut before getting an Intent to Cut. Selectman Jasper said that was a good question.

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

##### **5) Veterans Tax Credit Application, 10 Pasture Drive (Frederick A. Taylor)**

Motion by Selectman Stewart, seconded by Selectman Jasper, to sign carried unanimously.

## **F. Publicity prior to 3/10/98 ATM Vote**

Chairman Madison recognized Town Administrator Paul Sharon, who said this was on the agenda after he had a conversation with Selectman Jasper on what should be done publicity-wise, and when they were going to do it. The ballot hasn't come back from the printer yet to work on. A couple people suggested doing what Milford did, which Paul thought was a great idea, but it cost them \$30,000 to do it.

(Start Tape 1, Second Side)

Selectman Jasper said they need to decide tonight what they want to do because they won't be meeting again until March 9. He spoke with the Superintendent and several members of the School Board and they agreed it would be a good idea to work in conjunction with each other, sharing the cost, using a copy of their ballots as an insert in the HLN. With over 100 questions on the ballot, the only responsible way people can vote is to take their pre-marked ballots into the booth with them.

Motion by Selectman Jasper, seconded by Selectman Stewart, that, in conjunction with the School Board, they reproduce the ballots, including the candidates and articles, for insertion into the Hudson-Litchfield News on March 6 and that there be a header added, saying "Please mark the sample ballot and bring it with you to the polls on March 10;" additional copies to be available at the Library, Post Office and Town Clerk's Office with that information included on the insert.

Chairman Madison said the Superintendent today asked her what the Town was going to do--but he didn't say anything about sharing costs. Selectman Jasper said the intent is to work in conjunction with each other, sharing the cost proportionately, but if the School doesn't want to, the Town should go ahead anyway, suggesting that Paul call the Superintendent tomorrow to let them know what the Town is doing, and ask them if they want to participate. Paul asked if the Selectmen wanted their names and phone numbers included on the insert, in case anyone had questions. The Board thought that was a good idea. Selectman Jasper said that even if the School doesn't want to participate, their ballot should be included on the insert because it will be the Town's operation at the polls. Everything should be included on the inserts, including the candidates.

Vote: Motion carried unanimously.

## **8. OTHER BUSINESS**

### **A. New York Trip--Bond Rating**

Selectman Seabury asked if Selectman Jasper has gone to New York yet. Selectman Jasper said no, that he can't make the trip on Friday because he has to go to Philadelphia. Chairman Madison said she can't go either. Selectman Seabury asked who was going. Paul said Phil Munck, Steve Malizia, David Eisenthal and him. Chairman Madison said it isn't necessary for someone from the Board to go. Selectman Charbonneau said that was a lot of people going. Selectman Jasper said that they were driving. Paul said no, they were flying. Chairman Madison said they have to get the bonds sold. Selectman Charbonneau said they have a person that is supposed to be doing that and she couldn't see why four people has to go. Paul said they were going to Moody's with hat in hand to try to prove that Hudson's bond rating should be upgraded from A-1 to AA. If they get it, it will save about \$45,000, so it's worth it to try. Moody's is the principal bond rating agency; Fitch is the new kid on the block and they are coming up here on Monday, the 23rd. Moody doesn't make field trips any more; people have to go to them. He said this isn't a junket; they leave at 7:00 a.m. from Logan and come back at 4:00 p.m. Selectman Charbonneau asked who the financial consultant was. Paul said it's the consultant that the Board hired, but he can't do it by himself. Selectman Seabury asked if Lydia was knowledgeable enough to have gone by herself. Paul said no. The last time Moody rated the Town was when the police station was build, and that was only \$1.5 million. Lydia did that by phone. Selectman Seabury thought Steve didn't know about bonding and that's why everyone was going. Chairman Madison said no, that wasn't it. Selectman Seabury and Selectman Charbonneau felt that it was still a lot of people going.

### **B. BOS to Write Letters to HLN re No Water Commissioners**

Chairman Madison reminded the Board to write their Letters to the Editor and have them in by Monday, March 2, speaking against the Water Commissioners warrant article. The Selectmen worked hard to acquire the water company, and they don't want this article to pass. The people had enough confidence in them to vote for the water company--now they should be given the change to run it. The voters have to be made to understand the Selectmen do not want Water Commissioners. Selectman Jasper said the Selectmen are the only ones who know what went into the planning of it and the intricacies of it, and are the ones who promised the 10% rate reduction would occur. If five other people are voted in, they have no obligation to reduce the costs because they didn't have a part in it. Chairman Madison asked the Board members to please write their letters.

## **9. LICENSES AND PERMITS**

**Hawker-Peddler request by Michael MacDonald to operate a mobile canteen truck at various sites in Hudson**

Chairman Madison said the motion should include a stipulation Mr. MacDonald pay for last year's license, which he failed to come in to pick up, so he owes a total of \$200 and a stipulation that he renew his licenses when they expire in March. Selectman Jasper so moved, seconded by Selectman Stewart. Motion carried 3-2. Selectmen Seabury and Charbonneau were opposed.

**10. ACCEPTANCE OF MINUTES**

**Minutes of the Selectmen's Meeting of 2/9/98**

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

**11. COMMITTEE ANNOUNCEMENTS**

2/18 6:00 p.m. NRPC Legislative Forum @ Anheuser Busch in Merrimack

2/19 7:30 p.m. Budget Committee in Selectmen's Meeting Room

2/19 7:30 p.m. ZBA in P/Z Meeting Room

2/23 7:30 p.m. Conservation Commission in P/Z Meeting Room

2/24 7:00 p.m. HEDCorp in P/Z Meeting Room

2/25 7:00 p.m. Planning Board in P/Z Meeting Room

2/26 7:30 p.m. Sewer Utility Committee in Small Conference Room

3/02 6:30 p.m. Visioning Committee in P/Z Meeting Room

3/03 7:30 p.m. Recreation Committee @ Rec Center

3/03 7:30 p.m. Workshop w/BOS and HFD

3/09 7:30 p.m. BOS in Selectmen's Meeting Room

3/10 7 a.m. - 8 p.m. Annual Town Meeting Voting @ Lions Hall

There were no changes or additions to the listing.

**12. REMARKS BY THE SELECTMEN**

Ann Seabury said last night, Candidates Night, was very quiet; most questions were for the School Board members. Mr. Bednar was not there because he said he couldn't stay up late at night.

Shawn N. Jasper wished Rhona a Happy Birthday this Friday. She said it was the big 7-0.

Terry Stewart had good news--her mother got the all clear today.

E. Lorraine Madison wished both incumbent Selectmen well at the polls, and said someone else could wish them a wonderful time on their cruise. Selectman Seabury said they will post a meeting every day. Selectman Jasper said to send a post card.

**13. LIAISON UPDATES** (There were none.)

**14. ADJOURNMENT**

Motion to adjourn at 8:25 p.m. by Selectman Charbonneau, 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**