

## HUDSON BOARD OF SELECTMEN

### Minutes of the February 10, 1998 Meeting

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:31 p.m.

2. **PLEDGE OF ALLEGIANCE**, led by Selectman Ann Seabury

3. **ATTENDANCE**

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

**Staff/Others**: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Andrew Singelakis, Director, NRPC; Mike Gospodarek, Town Engineer; Susan Snide, Zoning Administrator; Richard Gendron, Chief of Police; John Beike; Richard Maynard; Mr. Prince; Steve Boucher; Joe Wozniak; Coleman Kelly; Howard Dilworth; Tim O'Connor, SUN; LisaTetreault, TEL

4. **PUBLIC INPUT**

Coleman Kelly, 9 Rena Ave., referred to Item 6-B, Road Widening at Executive Drive on Lowell Road-3A, and said a couple years back he did some research on the Friary property and obtained some aerial pictures of that area. He feels that the stretch of Lowell Road from the auto glass place to the nursing home should be straightened, which would include land taking from Presentation of Mary and also some from the other side of the road, plus moving the arch. He thought the improvements should be done before it becomes too developed. Some people say that if the road is straightened, people will speed, but he thinks people will speed whether the road is straight or curved. You can't take a road that was laid out in the 1700's for a population of 200 and believe it is adequate to support a population of 35,000. On most mornings, traffic is backed up on 102 at Elm Street down to the Sagamore bridge. The road should be widened because it is a major north-south artery through the Town.

**NRPC Executive Director, Andrew Singelakis**

Chairman Madison recognized Joe Wozniak of NRPC, who introduced Andrew Singelakis, Executive Director of the NRPC, to the Board. Mr. Singelakis comes from Brunswick, Maine, where he served as Director of Planning and Economic Development. He was a Town Planner in Putney, Vermont and had previous positions in New Hampshire and upstate New York. He has a well-grounded understanding of New England's culture and customs and is knowledgeable about the Nashua area, having grown up here.

Mr. Singelakis said he wanted to give the Board a run-down on some of the NRPC projects and how they relate to Hudson and to get some feedback from the Board on NRPC's services to the Town and how they can be improved in the future. He reminded everyone of the Legislative Forum on the 18th, starting at 6:00 p.m. He said the travel net system is a computerized data system of information regarding road conditions, airline information, bus schedules, etc. for the entire region. There will be five kiosks, one of which will be in the Hudson Library. The Ground Water Protection project contract has been extended to June 30. They are looking at providing a framework for ground water protection from Ottarnic Pond and are doing an off point source grant application for the Town with DES, due at the end of the year. They did a study on transportation management associations and their feasibilities and determined that southern Nashua/Hudson has a total of 16,000 workers. There is an opportunity to start working with the private sector to come up with solutions in terms of ride sharing and volunteer efforts with the business community to solve some of the traffic problems. There are two projects going through the ISTEA process, sidewalks and bicycles. A public hearing for that is coming up soon. NRPC is in the process of starting a natural and cultural resources inventory, required by DES, working through the Conservation Commission. He said he's been reading about Hudson and is impressed with the progress being made. He asked what NRPC can do to serve Hudson better.

Paul asked Mr. Singelakis to attend a Wednesday morning staff meeting, adding that Hudson can be a resource to NRPC, too. Mr. Singelakis said Hudson has more members on NRPC that are participating on a regular basis than other towns. He said he is available if anyone wants to call him for advice in the planning field, as he has a lot of experience with small town planning. He understands New England and what the 'hot buttons' are and how to plan for this environment. Chairman Madison thanked him for attending tonight's meeting.

5. **CORRESPONDENCE RECEIVED**

A. FROM: Michael Gospodarek, Town Engineer

RE: Route 3A/Lowell Road

REFER TO: Old Business

B. FROM: Jim Michaud, Assessor

RE: Various Assessing Items

REFER TO: New Business

C. FROM: Harmon White, Americable and

Cable Committee Chairman Coleman Kelly

RE: Franchise Extension

REFER TO: New Business

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

## **6. OLD BUSINESS**

### **A. Prince Request for Building Permit on Class VI Road (37R Robinson Road, Map 36, Lot 10)**

Chairman Madison recognized Town Administrator Paul Sharon, who said this was back before the Board, with an opinion from Atty. Ratigan on how the permit might be granted. He noted that Susan Snide was also present, and that staff was in agreement that the building permit should be issued, subject to the conditions outlined by the Attorney. Selectman Seabury said in view of the recent fire on the dirt road out by Robinson Pond, they have to be extremely careful before issuing a permit and make sure the road will be accessible to emergency vehicles. Selectman Charbonneau said the road should be upgraded before a permit is issued. She didn't think they should put themselves in a situation where there could be a problem.

Motion by Selectman Charbonneau to deny, seconded by Selectman Jasper.

Chairman Madison recognized Zoning Administrator Sue Snide, who said Deputy Fire Chief Rodgers determined that the road was passable for their apparatus. Paul said that one of Attorney Ratigan's stipulations was that the roadway would have to be upgraded. Selectman Jasper said he and a Lt., on the orders of Deputy Rodgers, went out to visit the site. The road would be passable for some of their equipment because the ground is currently frozen. He thinks there has to be a plan, outlining the specifics on how the road is going to be upgraded--width, gravel base, etc., including an area for the equipment to turn around. Even if there is a signed release from liability, if someone's house is on fire, or if someone is having a medical problem, emergency vehicles have to have access to that area. They need a definite plan that outlines how they will upgrade this section of road.

Paul asked the Board to give some direction as to how far they have to go in order to get the permit. Selectman Seabury said they have to widen the road, put down a hard core gravel base and add a turn-around. Chairman Madison recognized Richard Maynard, who asked if it could be similar to a driveway permit, including the conditions, approved by the Town Engineer, or if has to be totally in place before a building permit is issued. Selectman Jasper said he was talking about a plan that would indicate road width and how the severe grades and dips will be addressed. Richard Maynard said it has always been their intention to submit a plan, and they need to get a driveway permit.

Chairman Madison said one of the conditions outlined by the Attorney states that the road providing access to the property shall be upgraded to permit safe and convenient access by public vehicles, prior to the issuance of a building permit. Selectman Jasper said he didn't want to argue about something after the fact. Paul said the Attorney's suggested condition connotes more than just coming in with a plan. Selectman Jasper said perhaps, but they should start out by having the same understanding of what is going to be there, and the Fire Department should also view the plan. Selectman Seabury agreed, saying that with a plan, they have something to fall back on if a questions arise later on, adding that she didn't like doing 'subject to' agreements. Chairman Madison clarified that Attorney Ratigan's legal opinion recommended that the work be done *before* the permit is issued.

Selectman Charbonneau said that area might end up being subdivided. Paul said that was covered by the Attorney's second condition. Selectman Charbonneau said she's seen cases where there are things on a plan that, for one reason or another, is circumvented. Her concern is to protect the Town regarding liability issues. Selectman Jasper said he realized that, to some extent, the selling of the property hinges on getting a building permit. If they come in with a plan, everyone knows what is expected before a dime is spent on construction. Chairman Madison expressed concerns about the property being subdivided. Selectman Jasper didn't think there was any way the Board could stop that from happening, if the road is upgraded.

(Start Tape 1, Second Side)

Vote: Motion to deny the building permit carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to request a roadway reconstruction plan, routed through the Town Engineer and Fire Department, for the Board's approval prior to this issue coming back to the Board carried unanimously.

### **B. Road Widening at Executive Drive on Lowell Road-3A**

Chairman Madison recognized Town Administrator Paul Sharon, who said this was an update on the project, the anticipated schedule, and where they are in terms of design. He, in turn, recognized the Town Engineer, Mike Gospodarek, who said he is in the process of reviewing the change order, which he hoped to get to the Selectmen within the month for their approval so he can start doing the design work near the Presentation of Mary. Once the preliminary designs are made of their property, they will review it and hopefully, they can go ahead with the land swap for the new driveway.

Paul said Mike's instructions were to design a 3-lane section and wondered if that is what the Board still wants. Selectman Charbonneau said they shouldn't even be considering three lanes, which was at failure already; they should go with four or five lanes. An office building is going to be built on the Friary property that will house 5,000 people, so they have got to build a road wide enough to handle the traffic. To do less than four or five would be a waste of money.

Chairman Madison agreed, saying that if an office building goes in, they will have to move the traffic out through the southern end of Town, so the road will have to be widened to more than three lanes. She asked what the implications were to increasing the number of lanes. Mike said it would be another change order with the consultant, which would cost more money. He will be discussing this corridor with the Planning Board on March 4. His concern is making sure the alignments are correct from Executive Drive to Wason Road. He has an agreement with Mr. Tamposi relative to land versus CAP fees and is talking with Sitec, an abutter, to see if he can do some master planning so both parcels come out on Lowell Road. He will be sending out letters this week to the Oblate Fathers, the hospital and Compass Point, which takes them to Market Basket. Chairman Madison asked if there was going to be a median there. Mike said a barrier would increase the width of the road, which would require more land taking, and then they would have to devise turn-arounds. Paul said that the current plans do not include a median strip.

Selectman Jasper opposed a five-lane configuration, saying that it was an incomplete road. Until they can complete the entire strip from that light to the Sagamore bridge, it is a mistake because they go from five lanes to two lanes, then back to five. Traffic will just stack up further up the road. If they leave it at three lanes, they will at least control the failure. It's a mistake just to fix one section. They should do it to happen all at once. He's not sure they need two lanes coming into Town; the problem is getting out. He didn't want the Town looking 102 in Londonderry, where traffic heading towards Hudson merges into two lanes and people always jockey for position, trying to beat out the car in front of them, or like Amherst Street with a barrier down the middle. They should go with a three lane intersection now and expand out later by adding lanes on the side.

Selectman Charbonneau said they should listen to the consultant's recommendation, who said three lanes is at failure already. They need the fourth and fifth lane. She thinks they can enter into further negotiations with the Department of Transportation, if they know that Hudson will be going to more lanes. She thinks they will come down even further because they know they will be putting more traffic onto Hudson's roads. If they don't improve the roads, she couldn't see how they were going to move the people out of Town, especially if a 5,000-person office building goes in on the Friary property. By widening the roads, it will make it easier for the commuters to get through. They have to look to the future and if they go with three lanes, they will be throwing money away.

Selectman Jasper said he didn't disagree, but everything else besides that 2,000' section will be in failure and it will be a mess in the sections without lights. It really needs to be master-planned and a four or five lane road needs to go in all at once. Selectman Charbonneau said from 1950, when there was a population of 3,500, the only thing that has changed on Lowell Road is the addition of a turning lane. Chairman Madison said Hudson is a crossroads; no matter where you are going, you have to go through Hudson. She said they have to start somewhere and this isn't going away.

Selectman Seabury asked if they were talking about five lanes only at Executive Drive. Mike said five lanes at the intersections, which gives them the turning lanes. The corridor studies call for widening out almost all of the intersections in Town to five lanes, and then narrowing back down. The one at Executive Drive will transition into the existing three lanes near Boyer's, and then a four lane section from Executive Drive to Wason, which probably won't be done at this time because there aren't enough CAP fees to do it. Selectman Charbonneau thinks the State realizes they put a burden on the Town with traffic and that is why she thinks the Town could get a little more out of them. She thinks they could be persuaded to give a little more to the Town. At one point, they talked about going all the way to Hardy Road, then they backed off when the Town settled on three lanes. She said she didn't want to talk with anyone until the Board decides what they are going to do.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to go with a five-lane intersection, transitioning back down to four, carried 4-1. Selectman Jasper was opposed.

### **C. Personnel Policies and Procedures**

Chairman Madison recognized Town Administrator Paul Sharon, who said this is the latest batch of personnel policies, including: Americans with Disabilities Act (ADA); Employee ID cards; Hours of Work; Personal Leave; Bereavement Leave. The ADA is largely Federal law, tailored to the

Town's needs and the bereavement section is an updated recitation of what is currently on the books.

(Start Tape 2, Side A)

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

## **7. NEW BUSINESS**

### **A. 098-03 Amending Chapter 248 of the Town Code, Licenses and Permits, Article II, Regulating Purchases of Scrap Metals**

Chairman Madison opened the Public Hearing at 8:20 p.m. and asked if anyone wished to speak; there was no response, so she closed the hearing.

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

### **B. Americable Franchise Extension**

Chairman Madison recognized Coleman Kelly, Chairman of the Cable Committee, who said Americable asked for an extension of the current extension to March 4. Americable is being sold to Harran, which should take place in the Spring and, as part of that, Americable must execute Form 394, a federal communications form, to be delivered to the Selectmen for approval, around the end of the month. He didn't think that would give enough time for the Town to adequately review it, so he recommended an extension date of April 8.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to re-write the extension, using the date of April 8, carried unanimously.*

### **C. Assessing Items**

#### **1) Totally Disabled Exemption Application (2 Evergreen Drive, Robert Belanger)**

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

#### **2) Abatement Application (2 Evergreen Drive, Robert Belanger)**

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

#### **3) Elderly Exemption Application (11A Twin Meadow Drive, John J. Faria, Jr.)**

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

#### **4) Intent to Cut, Map 6, Lot 42, Dracut Road**

*Motion to sign by Selectman Seabury, seconded by Selectman Jasper, carried 4-1.* Selectman Stewart voted in opposition.

## **8. OTHER BUSINESS**

### **A. Request to Purchase Police Cruisers**

Chairman Madison recognized Chief Gendron, who said they contacted the dealership in Milford and spoke with Russ, the fleet manager, who said there aren't any 1997 Crown Vic's left. Grappone Ford in Concord got the State bid. There isn't much choice out there for police vehicles, so they'll be seeing a lot of Crown Vic's. They looked at the Chevy Lumina, but that would present some problems because of cages, seats and light bars. They also looked at the Tahoe, Chevy's police package, but the State bid price is \$29,000. Nashua Ford on Main Street came in the lowest at \$23,685, plus \$27,000 for nine trade-in vehicles, or \$115,110 for six vehicles, including the extended service plan which will cover engines, transmissions and rear ends. There is \$117,500 budgeted, more than enough to cover the purchase. The new units will be given to the detectives to run for one or two years as an unmarked vehicle. If they need a cruiser immediately, they can put it into service. They now have 37 full-time sworn officers, so he hoped the Board would approve the purchase of six vehicles, which would give them 10 marked vehicles in the street and three unmarked vehicles, plus the two school officers vehicles.

Chairman Madison asked the Chief how many vehicles were approved for this year. The Chief said they budgeted for five. Selectman Jasper said a dollar amount is put into the budget; it doesn't specify the number of cruisers. Chairman Madison thought a specific number of cruisers was

approved. Paul said a specific number was discussed, but it is a line item total. Selectman Jasper said whatever can be bought within the line item is what is authorized. Chairman Madison thought it was always a specific number that was approved.

Selectman Charbonneau asked if trade-in values were ever discussed before the Budget Committee. Chief Gendron said no. Selectman Charbonneau said pulling in a sixth vehicle when only five had been discussed, and using the \$27,000 trade-in to pay for it, looks like the Chief is "going around the bush." Chief Gendron assured the Selectmen he wasn't trying to circumvent the process. When he did his budget over a year ago, he couldn't have predicted a \$27,000 trade-in. He was surprised at the amount, too. This opportunity to get another vehicle that won't cost any extra money might never be available again. Selectman Jasper said the Selectmen are the managers of the Town, not the Budget Committee. Additional vehicle requests usually go on the Warrant, but not police vehicles. They put a line item in the budget for them. They have also been getting more police officers and the more officers you get, the more police cars you need. This action isn't circumventing anything.

Chairman Madison said her recollection is that they *always* talk about a specific number of police vehicles. A few years ago, they encouraged other Town departments to ask for their own vehicles because the police vehicles were going to be used for trade-ins, and the trade-in amount would be used to offset the purchase of the new vehicles. Now, the Chief is not only asking for money for new vehicles, he's using the trade to buy another vehicle instead of reducing the total purchase. Chief Gendron said he has a large number of vehicles available to trade this year and if they are going to add to the fleet, this is the time to do it.

Selectman Charbonneau asked if it would be feasible to use one of the trade-ins in the Zoning Department, if the warrant article doesn't pass. Paul said that was up to the Selectmen. Chairman Madison said they already decided that the Police Department would use their vehicles for trade and the other departments had to build up their own fleet. She said she didn't have a problem with the extra vehicle; she had a problem with the explanation. She remembers that the trade-ins were going to be used to reduce the cost of the new cars, not to add to the fleet.

Paul said what the Chief ended up with \$117,500 in his operating budget for a commodity, i.e., cruisers. If he went to Nashua Ford and bought five cruisers, with the trade-in, it would cost \$91,425. There would then be about \$26,000 left in the line, and he is simply saying that he can buy one more of those commodities--and it seems like a good opportunity to do that. Some things should be capitalized because of their nature--high-expense, long-lasting things, like fire trucks. Others should be expenses, like police cruisers because they have a short life. Cruisers are treated like commodities, even though they are expensive commodities. When the Chief does his budget, he estimates how much each car will cost and that is how he arrives at the total figure. The Selectmen, or the Budget Committee, in looking at that, says they need to make some cuts somewhere, so they reduce the number of commodities--and that's what happened this year and what happens every year. It's not necessarily a forced choice to limit the fleet number; it's cutting back on an expense.

Selectman Seabury said she didn't understand and asked the Chief what the total amount in his budget was for cars. He said \$117,500.

(Start Tape 2, Second Side)

Selectman Seabury said this is probably the last time they will be able to do something like this, so she was in agreement with it, adding the police officers need something to ride around in and it can't be bicycles in the wintertime.

Motion by Selectman Jasper, seconded by Selectman Stewart, to authorize the purchase of six police vehicles from Nashua Ford, trading in nine vehicles, carried 4-1. Selectman Charbonneau was opposed.

#### **B. Police Department Part-Time Telecommunications Technician** (Dispatcher)

Explaining this request, Chief Gendron said one part-timer became a full-time police officer and one part-timer moved into Dispatch, so he needs two part-timers to fill in 56 hours of part-time dispatch. Chairman Madison clarified that the Chief was seeking authorization to move one part-timer into the full-time position and to hire two part-time Dispatchers.

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the transfer of part-time Dispatcher, Heather Poole, to the full-time position in the Communications Bureau and authorize the Chief to advertise to fill the vacancies in the Telecommunications area carried unanimously.

#### **C. Setting Date for Fire Department Workshop**

Chairman Madison said this should be set up on an off-meeting night. The Board decided on Tuesday, March 3, 1998 at 7:30 p.m.

#### **D. Groundbreaking for Nashua Fabrication**

Chairman Madison said the groundbreaking ceremony for Nashua Fabrication will be Thursday, February 19 at noon at the construction site on Security Drive. RSVP's must be by the 17th.

### **E. Transportation Enhancement Advisory Committee Hearing**

Chairman Madison said that there will be a public hearing on Thursday, February 19 at 2:00 p.m. on TEAC in Concord, LOB, Room 201 if anyone is interested in attending.

### **F. Labor Relations Meeting w/Department Heads**

Chairman Madison said that after the regularly scheduled meeting on March 9, the Board will meet with the four Senior department heads on labor relations issues.

## **9. LICENSES AND PERMITS**

### **A. Request for Raffle Permit by Anne's Country Florals to raffle off 12 Princess Beanie Babies to benefit Presentation of Mary Academy**

*Motion to approve by Selectman Charbonneau, seconded by Selectman Stewart, carried unanimously.*

### **B. Request for an Outdoor Gathering Permit to hold an Ice Fishing Derby on Robinson Pond on February 15, 1998 from 7 am - 2 pm**

*Motion to approve, providing the ice is safe, by Selectman Jasper, seconded by Selectman Stewart, carried unanimously.*

### **C. Request by Bob Webber for 1998 Motor Vehicle Race Track License to hold races at Hudson Speedway**

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve, provided the conditions are met as outlined in Chief Gendron's memo dated 12/17/97 carried unanimously.*

## **10. ACCEPTANCE OF MINUTES**

### **Minutes of the January 27, 1998 Board of Selectmen's Meeting**

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

## **11. COMMITTEE ANNOUNCEMENTS**

2/11 7:00 Planning Board in Planning/Zoning Meeting Room

2/16 Presidents' Day Holiday--Town Hall Closed

2/17 7:30 BOS in Selectmen's Meeting Room

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

2/19 7:30 ZBA in Planning/Zoning Meeting Room

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

2/19 7:30 Sewer Utility Cmt in Small Conference Room

2/23 7:30 Conservation Commission in Planning/Zoning Meeting Room

2/25 7:00 Planning Board in Planning/Zoning Meeting Room

3/2 3:30 BOS-Dept Heads Meeting in Selectmen's Meeting Room

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

## **12. REMARKS BY THE SELECTMEN**

Selectman Seabury said, to raise money for the bandstand, they decided to have a musical concert and plan to approach the Music Department at Alvirne and the band, Justice, then ask the Selectmen to waive the fee to use Lion's Hall some Friday night. Donations for the bandstand will be collected at the door. Selectman Charbonneau thought the fee should be waived, since it was going to be a bandstand for everyone to enjoy.

Selectman Seabury said Candidates Night will be Monday, February 16 at Lions Hall.

**13. LIAISON REPORTS** (There weren't any.)

**14. NONPUBLIC SESSIONS**

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to enter Nonpublic Session under 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; 91-A:3 II (b) The hiring of any person as a public employee; and 91-A:3 II (c) Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting carried 5-0 by roll call vote.*

Nonpublic Session was entered into at 9:00 p.m. and was terminated at 9:15 p.m.

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to remove from probationary status to full time Firefighters Derek Kelleher, Mark Meyers and Jamie Paquette, effective immediately, carried 4-0.* Selectman Jasper abstained because he is a member of the Fire Department.

*Motion by Selectman Charbonneau, seconded by Selectman Stewart, to confirm the resignation of Donna Deacon, part-time dispatcher in the Fire Department, carried 4-0.* Selectman Jasper abstained because he is a member of the Fire Department.

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to hire Tawnee Holtzhauer for the position of Receptionist for Zoning and Planning Departments at \$9.66/hour, effective February 17, 1998 carried unanimously.*

**15. ADJOURNMENT**

*Motion to adjourn at 9:17 p.m. by Selectman Stewart, seconded by Selectman Seabury, 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**