

Hudson Board of Selectmen

Minutes of the January 27, 1998 Meeting

1. **CALL TO ORDER** by the Chairman of the Board of Selectmen at 7:30 p.m.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Shawn Jasper

3. **ATTENDANCE**

4. **PUBLIC INPUT**

No one had registered to speak during Public Input. Chairman Madison asked if there was anyone present who wanted to speak.

Jim Rice, 28 Sunland Drive spoke on the (proposed) parking ban in his neighborhood, saying he thought there were other ways to go about doing it without putting signs up on his street, such as taking the School Board to court, or telling them they can't build more schools until they straighten out this mess. If the problem isn't addressed, the taxpayers should withhold their taxes, or get a rebate on them. The School Board should be made accountable and the voters should decide this issue at the annual School Meeting.

Change in the Order of the Day

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to change the Order of the Day and take up the Nonpublic Session items carried unanimously.

As a courtesy to the large number of residents present, the Board of Selectmen adjourned to the lunch room to hold the Nonpublic Session instead of asking the residents to leave the room.

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; and (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his member in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled carried 5-0 by roll call vote.

Nonpublic Session was entered into at 7:35 p.m. and was terminated at 8:00 p.m.

5. CORRESPONDENCE RECEIVED

A. FROM: Susan Snide, Zoning Administrator

RE: Omnipoint Communications

REFER TO: Old Business

B. FROM: Leo Lessard, Chairman, Highway Safety Committee

RE: Ordinance 098-02 -- Alvirne Drive Neighborhood

REFER TO: Public Hearing/Old Business

C. FROM: Richard E. Gendron, Chief of Police

RE: Acceptance of Donation, "Pennies for Police Vests"

REFER TO: Public Hearing/New Business

D. FROM: Leo Lessard, Road Agent

RE: Replacement Vehicle

REFER TO: New Business

E. FROM: Eileen Bilodeau, Right-of-Way Department, NYNEX

RE: Licensing of two new poles on Executive Drive

REFER TO: New Business

F. FROM: Sewer Utility Committee

RE: Friars Drive Sewer Acceptance, Presstek Park

REFER TO: New Business

G. FROM: Sewer Utility Committee

RE: Highland Woods Glasgow Circle Sewer Acceptance

REFER TO: New Business

H. FROM: Jim Michaud, Assessor

RE: Various Assessing Items

REFER TO: New Business

I. FROM: Michael F. Farrell, Hooksett Town Administrator

RE: HB-1482 Providing a Mechanism for Optional Fiscal Year Towns to use the Official Ballot Voting Procedures

REFER TO: New Business (for discussion)

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

6. NOMINATIONS AND APPOINTMENTS

All of the candidates' names were moved forward by Selectman Seabury, seconded by Selectman Charbonneau, which carried.

A. Greater Nashua Regional Planning Commission (1 Member. Term to expire 01)

1) Joseph Wozniak (Incumbent)

2) Carol Boston was unable to be present due to sitter problems.

3) Brent McLaughlin said he's lived in Hudson about 18 years and never had the opportunity before to participate in the government. Now that he can, he'd like to.

4) Terry McLlarky was interviewed at a previous meeting.

Selectman Jasper said they all read the letter Mr. Wozniak sent out, along with two other individuals relative to the water company. There can be differences of opinion, but based on the information that Mr. Wozniak signed his name to, he has a definite lack of integrity. There were things in that letter that were half truths, some were totally made up and some were out and out lies. It is disgraceful for the Board of Selectmen to appoint people to committees who cannot tell the truth. In private discussions, everyone has agreed that what was in that letter was *not* truthful. He didn't think it was appropriate to appoint Mr. Wozniak to the NRPC.

Selectman Seabury said she'd rather keep her enemies close to her. She said she didn't have any problem with Joe, adding that he does a very good

job. When she served with him on the Board of Selectmen, she found that he did a lot of background work on items. He was very liberal in his thinking, but she couldn't fault him for that. He is very intelligent and she understands he does a very good job at the NRPC. In fact, they were concerned that he wasn't going to be reappointed.

Selectman Charbonneau said the Chairman of the Board of NRPC called to ask her to support Joe's appointment because he is an asset to them. She was not going to prior to that call, but feels she cannot let personalities or feelings interfere with voting for the best person for the job.

Selectmen Madison, Charbonneau, Seabury and Stewart voted for Joe Wozniak; Selectman Jasper voted for Brent McLaughlin. By a vote of 4-1, Joe Wozniak was declared the appointee.

B. Planning Board (1 Alternate. Term to expire 12/31/00)

1) **Brent McLaughlin** was interviewed in previous item. However, Selectman Seabury asked if he had a long commute to work. Mr. McLaughlin said he works in Merrimack.

2) Terry McLlarky was interviewed at previous meeting.

3) Harry Piper withdrew application.

4) Randall S. Rossetti said he's lived in Hudson for about six years and is a small business owner. He does data networking now but was in the building industry for a number of years. He is interested in the Town's development and would like to get involved. Selectman Seabury asked where his business was and if he did business in the Town of Hudson. He said the business was in Salem and hasn't done much business in Hudson yet. It basically entails Fortune 500 companies, such as Anheuser-Busch, Bank of Boston, etc.

5) C. Thomas Stewart has lived in the area for 15 years and is interested in becoming involved to learn how the Town functions. He works for a small electronics company located in Bow. Selectman Seabury asked if it would be a problem for him to make 7:00 Planning Board meetings. He said it wouldn't.

6) Charles Dunn said he and his family have lived in Hudson since 1993. He is a consulting software engineer and has been an amateur radio operator for about 20 years. He has a good understanding of technology and how the coming technology can help the Town. He just purchased a house on Griffin Road and plans to make Hudson home for the next 30 years. He believes it is his responsibility to help and promote the Town wherever he can. Chairman Madison asked if anyone had a problem including this application, which was a late submittal. There were no objections.

In the first round of voting, Selectmen Seabury and Madison voted for Brent McLaughlin; Selectmen Charbonneau and Stewart voted for Charles Dunn; and Selectman Jasper voted for Randall Rossetti.

In the second round, Selectmen Jasper, Seabury and Madison voted for Brent McLaughlin; Selectmen Charbonneau and Stewart voted for Charles Dunn. Brent McLaughlin was declared the appointee.

C. Sewer Utility Committee (1 Member. Term to expire 12/31/98)

Terry McLlarky

The vote was unanimous to appoint Terry McLlarky to the Sewer Utility Committee to fill the unexpired term of Doris Ducharme, who resigned, through December 31, 1998.

7. OLD BUSINESS

A. Communication Towers

Chairman Madison recognized Zoning Administrator Susan Snide, who said the Board, at an earlier meeting, was opposed to Omnipoint's request to locate a tower on Town parks. At that time, she suggested that Ivan Pagacik, an RF engineer, speak to the Board. She termed him being a 'hired gun' for communities. IDK Communications out of Littleton, MA has a knowledgeable individual who would be able to help the Town understand the proposals that come forward relative to the Telecommunications Act. Susan said since the Town doesn't have any firm proposal on the table from any communications company, including Omnipoint, they can deal with generic questions. (In addition to any questions the Board might have, they were also given a prepared list of generic questions they might want to ask.)

Chairman Madison said she had a problem understanding some of the questions because this wasn't familiar to her at all; Selectman Jasper commented that she wasn't alone. Selectman Seabury said she knew she didn't want towers peppered all over the Town of Hudson. The places

where the Town wants them--far, far away--the companies probably don't want to put them. She thought Presentation of Mary might work, and they could use the money. A tower could be put on top and could be hidden with a cross. She didn't want to see the towers put up. They are ugly and she didn't think Hudson wanted them.

Mr. Pagacik said back in the early 90's when the government decided to auction off frequency spectrum to raise money to lower the deficit, the FCC went through an auction process and they took a band worth of frequencies and auctioned them off to the highest bidder. They broke up the country into certain geographical areas, called trading areas. There are four licensed carriers in this area: Omnipoint, AT&T Wireless, Sprint PCS and Nexwave. Nexwave is in a holding pattern because they have some financial problems. AT&T and Sprint are aggressively building out. These companies break out their build out into phases. Right now, they are completing Phase One down closer to Boston. Phase One in New Hampshire will cover the major traveled roads, such as Route 111. All companies will ultimately need that communication. The question is the timing and when they will approach the Town. While one company is spearheading an effort in a town, another company is working in a neighboring town, hoping that they can ultimately share sites. The towns today are wrestling with the terminology because they don't understand it and why it is needed. The FCC has mandated they will cover a certain percentage of their licensed geographical area and if they don't build out, they are in violation of their license.

Continuing, Mr. Pagacik said PCS is a second generation cellular. Analog technology is switching to digital. There are two cellular carriers. Back in the 80's, those frequencies weren't auctioned off. The telephone company got one chunk of frequencies and a non-wire line carrier, Cellular One in our area, is the competing carrier. There are four PCS carriers and two cellular carriers. Cellular has already built out, but they are adding sites because they are having problems with capacity. If too many people try to use their phones, they get busy signals--and people can't live with that. There is a lot of heavy lobbying in Washington to get laws that will make it difficult for Zoning and Planning boards to stop these companies from going into towns and building on sites they want to, if they won't have to worry about litigation. There is a movement on the other side to combat that. Congressmen in Vermont and Connecticut have introduced some bills that give zoning boards more authority than what the Telecom Act allows. Currently, the committees and sub-committees are industry sensitive. There is still some leeway in working with the carriers.

Mr. Pagacik said there are two types of towns: reactive and proactive. The proactive towns invite the carriers in and have a consortium where they will present areas in town that they feel would be more acceptable for locating towers and work with them in terms of concealing antennas, different types of design that camouflage towers, etc.

(Start Tape 1, Second Side)

Some towns bring carriers in, work with them, to try to determine what is best, rather than the potential of, for instance, four structures within 1/4 mile of one another. Perhaps they could deal with one or two structures instead by working with the carriers. The reactive side doesn't spearhead an effort, resulting in the Town perhaps getting four applications for four different structures for four different sites.

Chairman Madison said if the towers have a radius of three miles, that means there would be a tower every three miles from here to Nashua. Selectman Jasper said it really would be every six miles. Mr. Pagacik said it is difficult to throw out numbers because it depends on topography and signal characteristics. Cellular technology isn't like radio towers years ago that was located on the highest point on top of a mountain. They need pockets of communication and the sites have to be lower to cover a smaller area to facilitate a hand-off. As you drive along, you get 'handed off' from one cell to the next. Chairman Madison said they need to find out how far it is from one end of Hudson to the other in order to figure out how many towers they probably will have.

Mr. Pagacik said they will hear the companies say they have to provide 'seamless' service. They can't have a cell on just either end of town, with nothing in the middle. Chairman Madison suggested one in the middle of Town, and the others in Windham and Nashua. Mr. Pagacik said that could be great, but they could lose control if they go right over the line and put up a 190' tower. Chairman Madison said everyone knows they are coming, but the biggest problems is they are so ugly. Selectman Seabury said some of the residents don't even want street signs to go up in their neighborhoods. She wondered what the outcry would be if they were told they were going to have a tower sitting in their back yards. Chairman Madison said if the government mandates it, the townspeople won't have a choice.

Mr. Pagacik said they are running out of time. They first started their build outs in Texas, California and Illinois and when they came into New England, they hit a brick wall. Sprint was supposed to have their network up in May 1997, but they were seven months behind schedule because of litigation problems with siting issues.

Chairman Madison asked what the Town's options were today. Mr. Pagacik said zoning laws are the best defense, ones that the Town can live with. The Town needs to decide how high they want the structures, which could possibly eliminate co-location. They might have a couple 100' structures instead of one at 120'. Chairman Madison said it is too late to change the Zoning Ordinance this year. Sue Snide said there is an article on the Warrant this year (Article 13 Telecommunications Facilities). Mr. Pagacik said if the Town doesn't have laws that describe antenna structures, it gives the companies a lot of latitude to come in and do what they want to. The Town should try to steer them in the direction they want them to go, such as toward industrial parks where, visually, it is not as bad. He suggested incorporating wording such as, "blending in with the natural character of the surrounding area," asking them to do visual impact analysis, and for computer enhanced images to show what the site will look like.

Paul said (Article 13) will allow the Town to do a Zoning Ordinance for telecommunications for FY-99. Susan is also asking for some additional language, which would be on next year's Warrant. It would allow them to site on municipal property for a lease period longer than one year.

Selectman Jasper said he wasn't interested in looking at Town property to be used for this. There are some benefits in terms of money, but in looking at the budget, it's a negligible impact and ends up being a lose-lose situation for the Board. Chairman Madison said if the Town doesn't have some kind of ordinance in place, the Federal Government will mandate what they want. Selectman Jasper said they can't mandate that it has to be on public land. He was making reference to what Susan wants to propose for next year's Warrant. Right now, they can lease land for only up to a year without it going to Town Meeting. He would be opposed to giving a longer period of time to the Board of Selectmen to do that.

Selectman Seabury though the current Zoning Ordinance had a 100' limit. Sue said that was correct. Selectman Seabury asked if the proposed ordinance allows them to go higher. Susan said yes, it allows them to go to 180'. Selectman Seabury asked if that was only for industrial zones. Susan said they have a matrix, showing the locations where they can go. If it's less than or equal to 100' and five times the height from a major corridor and five times the height from any nearby residences, they can either go in an industrial zone permitted outright, or business zone permitted outright, and everything else is special exception, and those are listed in the ordinance. If they come in with cell technology, they are permitted outright. Visually, you won't know they are there. Selectman Seabury asked how tall the Nash tower is. Susan said one is 500' and the other is 300. Selectman Seabury said they got a variance for that. Susan said they got a court order.

Chairman Madison said Coleman Kelly had his hand raised and, if no one had any objections, she would recognize him. No one objected. Coleman Kelly said the law says you cannot outright prohibit. The actions Ms. Snide has undertaken gives the Town some control over their own destiny. You have to let them in, but you can steer them in the direction that you want them to go in.

Chairman Madison asked if anyone from the Planning or Zoning Boards had any questions. She recognized ZBA member, Frank Carr, who said they should encourage the operators to locate on Town property. Not only do you have the Town regulations, but also any additional controls mandated by the Selectmen. He doubted if anyone would lease land for only for one year for towers that last 30 years. There is a lot of literature available on how controls can be enacted. He encouraged the Selectmen to consider using Town property because it would allow them some control.

Sharon Selfridge, 5 Patricia Drive, asked if it was possible to put up the structures along the power lines. Mr. Pagacik said yes, as well as on church steeples and water tanks. He said Sanders has developed a technology that allows PCS communications over cable TV lines on telephone poles. Devices are mounted on the cable line itself. With PCS, everybody went their own way in terms of technology. They are not all using the same type of technology. Sanders has agreements with one type of technology from one company, but it doesn't address the other users. It's not a solution that works with everybody. They could definitely develop it, but they would need commitments and money to do it. It can be put on cable TV lines and it works and provides signal wherever the cable tv is located along the roads. If there is no cable, you have to run either fiber optic or cable. It's not a solution that will handle all of the technologies. There is a working system in San Diego and one in Pennsylvania.

Selectman Seabury said she has a cellular phone and she loves it and can use it everywhere without any problems. Mr. Pagacik said he hears that a lot, but the industry is growing at 20% a year and pretty soon everyone is going to have a cellular phone.

Chairman Madison recognized Jimmy Rice who said he thought that the Town of Londonderry already has a policy on this and suggested the Board get a copy of theirs. Paul said that Susan has done a lot of research on this issue, including exhausting the resources on the Internet. He said Jim raised a good point, but Susan has, essentially, done that. There being no further comments, Chairman Madison thanked Mr. Pagacik for being present.

B. Ordinance 098-02 Alvirne Drive Neighborhood (Includes Public Hearing)

Installation of No Parking Signs, to restrict parking from 7 a.m. to 3 p.m., Mon-Fri, Sept through June, on both sides of Patricia Dr, from Alvirne to St. Laurent; on Sunland Dr, from Webster to Patricia; on Alvirne Dr, from Grace to Patricia; on Forest Rd, from St. Laurent to Patricia; on Grace Ave, from Sunland to Alvirne; and on Dell Dr from Sunland to Alvirne.

Chairman Madison opened the Public Hearing at 8:50 p.m. and asked if anyone wished to speak.

Abbott Rice, 27 Sunland Drive asked, if this passes, where people would park if they came to his house during the day between 7-3 if there was no room in his driveway. Chairman Madison said the company would have to come back after 3. Mr. Rice said he just retired after an extensive background in education, having taught from the 5th grade to graduate school. He said the School Board, who created this policy which removed cars from the parking lot, created this situation. And they haven't done anything to change the policy. He learned early on that if you want something, you include the community. In this case, however, the community has not been involved. What hurts the people in the neighborhood is the Superintendent is one of the neighbors, and they still get stonewalled. He knows they have a serious problem up there, but he doesn't want to see signs in his neighborhood like there are on Alvirne Drive. He sees cars racing down Sunland Drive, side-by-side, going about 60 miles per hour, but he doesn't think putting up the signs will resolve the problem. He doesn't think it's the Selectmen's problem, but the School Board's. He'd like to see 10% of the school budget withheld until they resolve the problem. Alvirne High School is *not* a good neighbor. He thinks something has

to be done to bring everyone together. A group should be formed, consisting of the School Board, Selectmen and neighbors to resolve this problem. If the School Board rejects it, then they know where the fault is.

(Start Tape 2, Side A)

Perhaps he should ask for an abatement of his taxes because the value of his property has decreased. He wants the Selectmen to open the doors of discussion. If they (the School Board) keep shutting it, the blame will be put on them. He thinks if everyone gets behind this, they will win.

Kathleen Vandergraaf, 26 Alvirne Drive, said she is the one who initiated the petition for a parking ban. She said there are not going to be parking signs along the streets; only eight signs will be put up throughout the whole area at the entrance of streets, so it won't be an eyesore. She agreed that the school created the problem, with only 200 parking spots for 800 students, and didn't think they were going to resolve it any time soon, predicting that the school would just stonewall, while the neighborhood residents will suffer--and so may some children. She said the parking ban has worked on Alvirne Drive, and only school kids park on Patricia Drive; no one else parks on the street from 7 am - 3 pm. In the rare times there is a funeral or birthday party at someone's house, the neighbors all know who it is, and the police won't be up there checking unless someone calls them. If there is a function at someone's house, they can just let the Police know, and they won't bother anyone. If the parking ban passes, they will get back their neighborhood like it was before the Alvirne students started parking there. She didn't see what the big deal was about putting up No Parking signs at the ends of the streets since there were Stop signs already there.

John Lysy, 20 St. Laurent Drive, didn't think this was going to solve the problem, that it would just move them farther into the neighborhood, where they would park and then walk to school from there. He was opposed to this unless the rest of the neighborhood is included.

John Walsh, 14 Alvirne Drive was opposed to parking bans on Alvirne Drive. When the first one was proposed about 18 months ago, to ban parking on the south side of Alvirne Drive, it included the area across the street from his property, he spoke against it. He also spoke against the next version, but supported the third one because the students have 'run amuck' in their parking. They were given a chance to be good neighbors, but they were not. He opposed the expansion of the ordinance as proposed and echos what Mr. Rice said. He thinks the School Board should be hit in the money department. Any resident who finds a student parking in front of their house should be entitled to apply for a school tax abatement for that entire year. If a couple dozen applications are processed and paid, the School Board will respond. He is also concerned that the parking problem will just be moved further into another area and it will push the residents, who want to park in front of their homes, over to St. Laurent and Adam. He said he sees frequent parties and there is no provision to limit coverage. His stepdaughter visits during the day and she parks at the end of his driveway and, conceivably, she could be ticketed. He sympathized with the residents on Patricia Drive with what they have had to put up with since the first parking ban was implemented. He proposed amending the ordinance so that there is time limited parking in front of the homes west of Patricia Drive, all the way back to 3A, such as one or two hours. That would prevent students from parking because he wouldn't be able to make it to school and back in that amount of time and it gives the residents their front yards back. Once the word gets out that cars are being ticketed, parking will stop real quick.

Kevin Prince, 25 Sunland Drive, said he is the father of two small children and has lived there six years. Everyone who has spoken so far lives a little further away and hasn't experienced the problem that he has. He said this directly affects his family and the speeding and dope smoking is terrible, and everyone down there has witnessed it. He's afraid to let his kids walk to the school bus alone. His mailbox has been knocked over and trash thrown on his lawn. It is ridiculous and there is no need of it; a parking ban is needed. He's surprised a child hasn't been killed. It may be a school problem, but they haven't done anything about it. The people opposed to this are not affected by it--kids aren't parking in front of their houses. They may be sympathetic, but that doesn't help when you get home from work or you're afraid to let your kid walk down the street to get on the school bus.

Kathryn Doren, 30 Sunland Drive, said she lives on the corner of Sunland and Patricia. After the parking ban on Alvirne went in, cars started to park in front of her yard. She has two elementary school children and a toddler, who she can't take for a walk when the kids are there. She can't let her kids go to the bus alone, even though she lives on the corner near the bus stop. The Alvirne kids who park there constantly walk back and forth to their cars all day long. She asked the bus drivers to call the school to complain about the Alvirne students. She has made calls, as well, and even had to call the Police Department, something she has never done before. The kids are truant, they meet in their cars, they are speeding and throwing trash all over the place. Not many people are home during the day, but it is difficult for those who are. This isn't a solution to Alvirne's problems, but she doesn't need to solve Alvirne's problems, as much as she'd like to. She will help, if she can, but all she knows is that it is too tough to live there. She dreads the Spring, after the fresh batch of drivers starts to park there, doubling the number of cars. She supports the ban. Some kids may be willing to park half a mile further away, but the number would be less because they'd have a much longer walk. If the ban included Adam and St. Laurent, it would solve the problem for the entire development.

Jim Rice, 27 Sunland, said the Town should take the matter to court by getting an injunction against the policy and force the School Board's hand. If they don't listen, they should be removed from office. The problem will be extended up to the Litchfield town line if they keep this up.

Howard Dilworth, 36 Old Derry Road, said he doesn't live in that area, but he is a former Selectman who sat through this issue in the past. He said this is one of those issues where 'no one' is responsible. It's a school's issue, but they don't have jurisdiction over the roads. He suggested that the Selectmen set up six regularly scheduled meetings annually with the School Board to start to resolve some of the issues that seems to plague the

community.

Abbott Rice, 27 Sunland Drive, said he is at home all day long. About 7:30, when he goes out to pick up his newspaper, the cars are coming up the street at excessive speed. They don't all stay; some turn around and go back out. The parking problem may be eliminated, but there is still the speeding issue. He agrees that there is a terrible problem up there, but he'd like to see it worked out with the School Board instead.

There being no further speakers, Chairman Madison closed the public hearing at 9:10 p.m. and asked the Board for their comments. Selectman Jasper thought the School Board should take responsibility for this and it could be handled very simply. The School District should adopt a Good Neighbor policy, and part of that is not intruding into neighborhoods. They could simply say that any student who parks in front of a person's house without that person's permission shall be suspended from school for a day, or whatever length of time. The police could copy down the licence plates, turn it into the Principal's office on a daily basis, and within a couple weeks, there wouldn't be any parking any place. The School Board should create such a policy because they are not being good neighbors and the situation is ridiculous. The Selectmen end up closing down neighborhoods because students aren't being responsible. They need to meet with the School Board and, until they do, they shouldn't adopt the ordinance. When he was out in that neighborhood with the Highway Safety Committee, there were a few vehicles and he didn't think that warranted going as far as the ordinance proposed. He didn't think the Highway Safety Committee was recommending this ordinance; they were just following a directive by the Board of Selectmen. The School District should be forced into dealing with their problem.

Selectman Seabury said she was speechless, that the School Board would never, never, never *ever* suspend a student for parking in front of someone's yard. Selectman Jasper said but they should. Selectman Seabury said she checked on how the parking ban was working on Evergreen and was told that it is working very well. A few students tried it, got hit with a \$50 fine and when the word got out, the parking stopped. She said she didn't like putting up the signs, either, but if her neighborhood was being affected to the extent that these people's are, she'd be very upset. There is no parking on the road in front of her beach house and she loves that. She doesn't have to worry about their cars blocking her driveway, about their trash or about her kids playing in the yard. She asked to be reminded why all of the streets were included in this ordinance when only one street was included in the original complaint. Selectman Jasper said they felt that the problem would just be moved down one street at a time, so they might as well do all of the streets at the same time.

Selectman Jasper said Selectman Seabury was probably correct, but he'd rather hear it from the School Board. They shouldn't get off this easy. The Selectmen should ask the School Board to come in and hear it from them that they aren't willing to do anything. He said he would consider amending the ordinance to prohibit parking from 7 - 10, because no one is going to be attending school after 10, or 11 or 12, but not until 3:00. The problem on Alvirne Drive was because of the athletic fields.

Selectman Charbonneau questioned how long the process would take if they went the School Board route. In the meantime, she wondered if they could adopt something on a temporary basis.

Chairman Madison said the School Board has no authority over Town streets. If anything is done on the streets, the Selectmen will have to do it. What concerned her more than anything else was the safety issue of the children who wait for the school bus on that street. When the elementary school kids are out there waiting for the bus, the high school kids shouldn't be coming back to their cars, which could cause a potential problem with the younger students. The parents have to stay out at the bus stop with the younger children if the high schoolers are driving and walking back and forth. If she had small children waiting on the corner, she would be out there with them. She had talked to the Superintendent relative to reducing the hours from 7 to 10. He said that Alvirne starts and 7:30 and sometimes kids are late, but generally kids are in school by then. He didn't think there would be many cars parking there after 10:00.

Selectman Stewart said she didn't look at the area herself, but the problem is that the kids who are parking in this area are not the A or B students; they are kids who probably don't care about going to school and are probably hanging around at 11, 12 or 1, doing whatever in their cars. Most of them probably aren't going to school, so she would not agree to 11:00. These kids don't care anyway. Selectman Jasper said they may be hanging around their cars and coming back, but their cars have gotten there by that time. Selectman Stewart said they are meeting their friends. Selectman Charbonneau said she didn't think it was a good situation for the high schoolers to be hanging around the small children. Selectman Jasper said they were letting the School Board off too easy. They may not have authority on the streets, but they do have a responsibility for the people attending school and it's something they could attempt, which they haven't done in the past.

(Start Tape 2, Second Side)

He said the School Board should at least be asked to try. When he was out there the other day, there were a few cars that were parked off to the side of the road and they weren't in front of anyone's house, but people who don't belong in a neighborhood shouldn't be parking there.

Selectman Seabury asked Selectman Jasper how long he was going to give the School Board. Selectman Jasper said he had asked at the last meeting that a meeting be set up. Chairman Madison said she decided to postpone that meeting because the Board had asked the Highway Safety Committee to draft a parking ban ordinance. Selectman Jasper said that, at the same time, they had agreed to set up the meeting because they could be dealing with St. Laurent next month. Chairman Madison said the Board of Selectmen will be the ones who have to deal with parking on the streets; it won't be the School Board. Selectman Jasper said if the School Board has a policy that includes suspension for parking in certain places,

then the Selectmen's problem goes away. Chairman Madison said they can't enforce such a policy; Selectman Charbonneau agreed. Selectman Jasper said they don't know until they try, and he thinks they could. Selectman Stewart said the kids who park there don't care if they do get suspended. Selectman Jasper said at some point the parents will get involved and they care whether or not their kids are in school. Paul said if they meet with the school, they will have gone the extra mile, but he thinks it may violate the students' due process if they suspend a kid for an action not related to the school. Chairman Madison said they were way out of their bounds; Selectman Charbonneau agreed. Chairman Madison said the matter before them was the ordinance and they had to take some action on that, either pass it, deny it or table it, but it was an issue dealing with the streets and it wasn't something they could dump on the School Board.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to adopt 098-02 carried 4-1. Selectman Jasper voted in opposition.

8. NEW BUSINESS

A. Public Hearing/Board Action on Acceptance of Donation. "Pennies for Police Vests" to the Police Department from Students and Faculty of Presentation of Mary Academy

Chairman Madison opened the public hearing at 9:25 and asked if anyone wished to speak on this. There was no response, so she closed the hearing.

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

B. Replacement Vehicle (Highway Department)

Chairman Madison recognized Road Agent Leo Lessard, who said during the big snow storm on December 23, the frame on the 1987 GMC Mechanic's plow/pickup truck, crinkled under, which was caused by age, salt and fatigue. In order to fix it, the frame will have to be cut out and 'scabbed' back together. The impact pushed the fender and front door back, so they will have to be replaced, too, along with a couple of front end parts that were damaged. The cost of the repairs would be about \$5,000. In addition, the engine is fatigued, it needs new brakes, and the transfer case is on its way out.. Two years ago, they put a transmission in it. They won't get back the money spent to repair it. He priced a new trucks, right from the lot, and the best price was a 1-ton GMC truck from Tulley \$21,000, or they can go with a 2, 3 or 4 year lease. In Townwide Paving, he kept back \$31,000 in '97 in case he needed the money for emergency purposes. If it wasn't spent, he was going to use it this year to continue with Webster Street. He said Townwide Paving money can be used to purchase the truck because it is road maintenance related. He said he just spent \$3,000 for a new transmission for the sidewalk machine. The stuff is getting old and parts are wearing out.

Selectman Charbonneau asked why they were hearing about this truck now if it is in such a deteriorated condition. She wondered why it wasn't included in the budget, if it is so bad. Leo said it was because he was going for the new highway facility and he didn't want a lot of articles on the warrant. That is also why he didn't include a request for a 10-wheeler. Selectman Charbonneau said regardless, he should have requested a truck if it is as bad as he says it is. This is something that should have been in the budget and approved. Leo said the sign truck is an '87 and that's gone; the lawn truck he runs during snow storms is an '88 and that's gone. All of the pickups are getting beat, but he can't ask for three all at once. He was hoping that some of the trucks would last through the winter, or that they could scab them together while, in the meantime, sit down with Steve and propose a plan like he did with the computers last year. What he was proposing now is just like the sweeper. After two years, the Town will own it. Selectman Charbonneau asked if this was a vehicle that goes home with a driver. Leo said no, it's parked at the garage. Paul said that when Leo first brought this up, he had him check the government surplus market, but there wasn't anything there.

Chairman Madison said if the frame hadn't buckled, Leo would still be using the truck. Leo agreed, saying he wasn't out trying to waste money. Selectman Charbonneau asked how many vehicles go home every night. Leo said three, with the foremen. Selectman Jasper said you'd have to be Houdini in order to predict when a frame is going to give on a truck. Usually they last quite awhile, but this one didn't. Last week in the Telegraph, there was a comparison chart of the road miles different towns plow and the pieces of equipment the towns have. With all of the miles Hudson has to plow, the equipment certainly gets beat up keeping up with it all. Leo said the pickups do the schools and the cul de sacs instead of using the big trucks so they are not blowing clutches or axles.

Chairman Madison said if this request is approved, she'd like to see a one-time purchase instead of doing a lease-purchase. Selectmen Charbonneau and Stewart agreed, since it would save on the interest. Selectman Jasper said it makes sense, but purchasing it outright is against the established policy of going before Town Meeting for approval, so he'd rather go with a lease. Selectman Jasper said they should put in an article next year to discontinue the policy of putting in warrant articles for replacement vehicles and do it through the budgetary process. Paul said he would get together with Leo and Steve and come up with a plan for planned replacement over time. Chairman Madison thought that's what they were already doing. Paul said not with Highway vehicles. Selectman Charbonneau said if this is really an emergency, they should purchase it outright, and save \$2,000.

Motion by Selectman Jasper to lease-purchase for two years a GMC truck died for lack of second.

Motion by Selectman Stewart, seconded by Selectman Seabury, to purchase from Tulley Buick a one-ton, 4 x 4 truck with plow, for \$21,459 from

the Townwide Paving account carried 4-1. Selectman Jasper voted in opposition.

Leo said the memo indicated prices as of that day. If Chevy or Ford has a better deal, he will go with them, but he won't exceed the stated price.

C. Licensing of two new Telephone Poles on Executive Drive (290001/1.25 and 29001/1.5)

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

D. Friars Drive Sewer Acceptance, Presstek Park

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to accept the sewer carried unanimously.

E. Highland Woods Glasgow Circle Sewer Acceptance

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to accept the sewer carried unanimously.

F. Various Assessing Items

1) Intent to Cut (Map 8, Lots 45, 45-1, 46; Map 13, Lot 8-6; Map 2, Lot 14-8)

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

2) Report of Wood Cut--Timber Tax Warrant

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

3) Abatement Application, 3 Ash Street, Sylvain Lacasse

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

4) Veteran's Tax Credit Application (John MacDonald, 29 Winnhaven Drive)

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

5) Elderly Exemption Application (Ruth Cassalia, 1 Cape Drive)

Motion to grant by Selectman Stewart, seconded by Selectman Charbonneau, carried unanimously.

G. Discussion on HB-1482 Providing a Mechanism for Optional Fiscal Year Towns to use the Official Ballot Voting Procedures

Chairman Madison recognized Town Administrator Paul Sharon, who said this lets SB-2 towns, who are also on a July 1 fiscal year, move the Town Meeting date further into the calendar, into April and May. It would set the deliberative session the week following the last Monday in March, which would be the tail end of March or the beginning of April, with voting in May. It gives the Town a little more time to predict budgetary expenses. It's up to the Board whether or not they want to vote to do that. As it currently is, the cycle is really short.

Motion by Selectman Jasper, seconded by Selectman Stewart, that the Hudson Board of Selectmen go on record as being in support of House Bill 1482 and that a letter should be written to the State Representatives, Senator, the towns of Merrimack and Hooksett, and the Chair of the Municipal and County Government and told that the Board of Selectmen is unanimously in favor of this bill and hoped they would take it into consideration when they vote.

Chairman Madison said she didn't want to see this go back into April. Hudson has always had Town Meeting the first part of March and she didn't want to go into the end of March, beginning of April and then voting is in May. By then, Spring is here, and she is out doing yard work. Selectman Jasper said only the voting is in May, and that's on a Tuesday. Selectman Seabury said by moving it to later in the year, an advantage would be better weather. Paul said from a budgetary standpoint, it is a major advantage because you have more history and a shorter span of time before the fiscal year. It helps the Budget Committee, the Board and staff.

(Start Tape 3, Side A)

Selectman Jasper said this year, the budget process was an unpleasant experience because it was moved forward a month. They had to meet during the holidays, and nothing got done--and they looked at numbers that really didn't tell them anything. Chairman Madison said she didn't want to see

it pushed into Spring, but if it will help staff, she will support it.

Vote: Motion carried unanimously.

H. Designation of Selectman to speak on Individual Warrant Articles

Chairman Madison said Articles 1-14 were submitted or approved by the Planning Board, 15-19 were petitioned articles, so they should start with Article 20.

Selectmen's Articles:

Article 20 Ratification of Administrative and Support Union Contract--Stewart

Article 21 Ratification of the Highway Union Contract--Charbonneau

Article 22 Ratification of the Professional Management Association Contract--Seabury (Has to be amended at Town Meeting to remove "Local 1801 AFSCME" and the parenthesis and insert the word, "the," with the rest of the article staying the same.)

Article 23 Factfinder's Report (Police Dept)--Jasper and then all the Selectmen

Article 24 Town Operating Budget--Budget Committee

Article 25 Two Firefighter/EMT-I Positions--Seabury

Article 26 Wage and Benefits Increase for Town Clerk/Tax Collector--Madison

Article 27 Capital Reserve Fund for Town-Wide Revaluation--Stewart

Article 28 Police Department Clerk, Part-Time--Jasper

Article 29 3% Wage and Benefit Increase for Employees of Library--Seabury

Article 30 Full-Time Recreation Director--Seabury

Article 31 Wage and Benefits Increases for Non-Union Personnel--Madison

Article 32 Equipment for Cable Broadcasting--Jasper

Article 33 Bridge Repair on Melendy Road and County Road--Charbonneau, at which time it will either be withdrawn or amended to 0.

Article 34 Second Year Lease Payment for Highway Department Street Sweeper--Charbonneau

Article 35 Purchase of Ambulance--Seabury

Article 36 Public Auction of Town Land with Proceeds placed in Capital Reserve Fund for Future Construction of a Public Works Facility--Jasper and Charbonneau

Article 37 Emergency Lease Purchase of Fire Truck--Seabury

Article 38 Lease Purchase of Fire Engine Replacement--Seabury

Article 39 Replacement Vehicle for Zoning/Engineering--Charbonneau/Jasper

Article 40 Purchase of Replacement Vehicle for Health Officer--Charbonneau

Article 41 Purchase of Replacement Vehicle for Environmental Inspector--Jasper

Article 42 Capital Reserve Fund for Purchase/Renovation of portion Benson's Property--Madison

Article 43 Adoption of New Hampshire State Fire Code--Seabury

Article 44 Full-Time Water Billing Clerk--Madison

Article 45 Old Home Days Fireworks

Petitioned Articles:

Article 46 Animal Shelter--Jasper

Article 47 Purchase of Land for Future Library Expansion--Jasper

Article 48 Salary Increase for Supervisors of the Checklist

Article 49 Establishment of Board of Water Commissioners--All Selectmen

Article 50 Establishment of Animal Shelter Board of Trustees--A legal opinion is requested on whether or not there is statutory authority to authorize this.

I. Sagamore Bridge Pipe

Chairman Madison recognized Town Administrator Paul Sharon, who said this is something they inherited as a result of the acquisition of Consumers Water. Some time ago, the Board was faced with the decision of whether or not they wanted the State to put in a sewer main across the Sagamore Bridge, which generated a lot of discussion. During that time, the State had some conversations with Consumers and Pennichuck, but nothing was resolved. Pennichuck originally said they wanted some space reserved on the crossing. After the vote to acquire the water company, Paul was in touch with the State to see if it should be reconsidered, thinking the Town would have a little more clout with the NHDOT, rolling it into the project costs. The letter that was faxed back to the Town says, essentially, that it is too late at this point and there was no offer to pick up the cost. It could be retrofitted at some point by hanging a line across the span and the approaches could be done. The Board agreed that the best course of action was to take no action and forget about it.

9. OTHER BUSINESS

A. Cable Coverage at Town Meeting

Selectman Jasper said Coleman wanted to know the order the Selectmen were going to sit in so he can have his tie-rods ready and the camera won't be waving all over the place when they are introduced at Town Meeting. The Board said it would be Chairman Madison, Vice-Chairman Jasper, Selectmen Charbonneau, Seabury and Stewart.

B. Road Widening of 3-A (Lowell Road)

Selectman Charbonneau said the Selectmen should reconsider their vote on the widening of 3-A from Executive Drive to Wason and change it from three lanes to four in view of the proposed office building going up on the Friary land that will house 5,000 employees. It is already at failure with three lanes. Chairman Madison said they would get some additional information and will place it on the next agenda. Selectman Charbonneau thinks they may be able to negotiate with the State to come a little bit further down.

Chairman Madison thought Selectman Charbonneau was right. If 5,000 jobs are going in, they need to get the traffic out of Town. Paul said Cynthia May informed him that NHDOT has changed their mind about having a median north of Wason Road so that, under the current scheme that NHDOT is talking about, north bound Lowell Road traffic would be able to make a left turn into Dunkin Donuts, which is something none of them wanted. Selectman Charbonneau said she hadn't heard about that. Paul said the queuing space isn't sufficient to stack north of Wason Road.

Chairman Madison said before this comes back for the next meeting, maybe somebody should talk to NHDOT and find out exactly what is going on. Paul said this may take some action by the Board of Selectmen.

Selectman Seabury said it is rumored that a large pharmacy, like Rite Aid, is going in near the Winnhaven Drive intersection, near Paul's Cleaners and she was concerned about something that big going into a tiny, cramped space, adding that if that is true, they will have to look at *all* of Lowell Road. Selectman Charbonneau said she agreed, saying that that area has to be re-zoned for business. It was residential, with an exception because it was going to be a beauty salon, but they haven't done anything in over a year, so it will have to come back before the Planning Board.

C. Rescheduling of BOS-Staff (Department Head) Meetings

Chairman Madison said the senior department heads are scheduled for Monday, February 9, which is fine, but the other meeting has to be changed from the 23rd because three Selectmen will be out of Town. It was decided to hold it Monday, March 2, at 3:30 p.m.

D. Opening of Litchfield Town Hall

Chairman Madison said she's been asked to say a few words at the opening of the new Litchfield Town Hall on Sunday, February 15, but she won't be available. She asked for volunteers to take her place. Selectman Charbonneau said she will.

E. Dates for Upcoming Events

Chairman Madison encouraged everyone to get out to vote on February 3, the Primary for the election of a State Representative to fill David Feng's seat. She also reminded everyone that the School District meeting was Saturday, the 31st and that the Town's session was February 7. The Chamber Dinner is also on the 7th, at 5:30.

F. Authorization to Hire Sewer Utility Clerk

Motion by Selectman Seabury, seconded by Selectman Stewart, to hire Donna Staffier as the Sewer Utility Clerk at \$22,131, Grade VII, Step 2, effective February 8, 1998 and to authorize the Road Agent to advertise the part-time Receptionist position in the Highway Department carried unanimously.

10. LICENSES AND PERMITS

Hawker-Peddler Request by Glenn Smeltzer to sell Flowers at Hudson True Value

Motion by Selectman Stewart, seconded by Selectman Seabury, to grant the license carried 4-1. Selectman Charbonneau was opposed.

11. ACCEPTANCE OF MINUTES

Minutes of the January 12, 1998 BOS Meeting

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

12. COMMITTEE ANNOUNCEMENTS

1/28 7:00 Planning Bd in P/Z Mtg Rm

1/29 7:30 HEDCorp in P/Z Mtg Rm

1/29 7:30 Sewer Utility Committee, Small Conference Room

1/30 Town Report Due

1/30 Filing Period Ends for 3/10 ATM

2/03 7:00 a.m.- 8:00 p.m., Special Election Primary Day, Lions Hall

2/03 7:30 Rec Cmt @ Rec Ctr

2/04 7:00 Planning Board in P/Z Mtg Rm

2/07 9 a.m., Deliberative Session of Town Meeting, Memorial School

2/07 5:30 p.m., Chamber of Commerce Annual Awards Dinner @ Richard's Catering

2/09 3:30 BOS w/Non-Union Department Heads

2/10 7:30 BOS in Selectmen's Meeting Room

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

2/12 7:30 ZBA in Planning/Zoning Meeting Room

2/12 7:30 Sewer Utility Cmt in Small Conference Room

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

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

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

13. REMARKS BY THE SELECTMEN

Terry Stewart wished Selectman Jasper a happy birthday.

E. Lorraine Madison congratulated Gary Webster on becoming a Senior Road Scholar. Selectman Seabury thought she was going to congratulate the Building Inspector for winning \$25,000 on a scratch ticket. Chairman Madison also wished Selectman Jasper a happy birthday and hoped Selectman Stewart's mother is doing well.

14. ADJOURNMENT

Chairman Madison noticed Coleman Kelly's hand raised and asked the Board if there were any objections to recognizing him, adding that she would give him 15 seconds. Coleman asked the Selectmen if they wanted the Warrant Articles projected on the overhead screen on February 2. The Board declined his offer.

Motion by Selectman Seabury, seconded by Selectman Jasper, to adjourn at 10:17 p.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert

Executive Assistant to the Board of Selectmen

HUDSON BOARD OF SELECTMEN

E. Lorraine Madison, Chairman

Rhona Charbonneau

Shawn N. Jasper

Ann Seabury

Terry Stewart