

## HUDSON BOARD OF SELECTMEN

### Minutes of the BOS/Staff Meeting of August 25, 1997

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 3:35 p.m.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Shawn N. Jasper
3. **ATTENDANCE**

**Selectmen:** E. Lorraine Madison, Shawn N. Jasper, Ann Seabury and Terry Stewart (arrived 3:42 p.m.) (Rhona Charbonneau was absent.)

**Staff/Others:** Paul Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Sue Snide, Zoning Administrator; Jim Michaud, Assessor; Mike Reynolds, Town Planner; Mike Gospodarek, Town Engineer; Donna Lolos, Library Director (Keith Bowen and Cecile Nichols were absent.)

#### 4. **DISCUSSION OF DEPARTMENT HEADS' ISSUES**

##### A. **Town Code**

Town Engineer Mike Gospodarek said he has a problem with the Town Code, as it relates to his duties. There is a discrepancy between what the Code says his duties are and what he actually does. In reading the description in the Code of what he does, it implies that he runs Planning; but the Town has a Planning Department. He feels he is in 'la-la land' with that issue. Chairman Madison asked if he wanted to see the Code rewritten. He said either that, or they should be following the Code. Town Planner Mike Reynolds said the Code was never updated after the Town created the position of Town Planner. Selectman Jasper said it probably goes back to when Bob Perreault ran the Planning Board. Chairman Madison said the Code needs to be rewritten.

Selectman Seabury said, at times, interpreting the Town Code needs to be done by someone engineering expertise, so the Town Engineer can't be excluded completely. Selectman Jasper asked if they wanted the Code to reflect what is actually going on, or if they wanted to comply with the Code. Mike Gospodarek said everything the Planning Board does, reference taking in applications, is under his authority. He is the person they should be submitting everything to.

Paul said that's not how it is done, nor is it what Mike G. wants to see done. Mike Gospodarek said, either way, he is open to direction from the Board of Selectmen and will comply with their wishes. There will have to continue to be some linkage between Planning and Engineering. Chairman Madison said it is easier to re-write the Code than to try to readjust things internally.

Paul suggested that Mike draft a rough re-write. Mike G. said that he knows what Engineering does, but he has been so far removed from the Planning aspect, he cannot detail their technical procedures, i.e., how applications come in, the CIP process, and other types of related activity. Paul asked if Mike wanted it codified that the Town Engineer is in charge of the Planning Board functions. Mike said that's the way the Code now reads and he was agreeable to that, if that is what the Selectmen want. Selectman Jasper said he didn't know who was in charge of what in Engineering/Planning/Zoning. It appears that there are three people in charge of just one or two other people, a very small group, compared to the other department heads, like Fire, Police and Finance. Paul said two other small offices were Assessing and Town Clerk. Selectman Jasper said, technically, the Town Clerk is separate because she is an elected official. Her office just happens to be in Town Hall.

Chairman Madison said the people who work in the Town Clerk's Office work for the Town, not the Town Clerk. She said she checked that out with Concord. Selectman Seabury said the Town Clerk could walk out today with all her stuff, but the other Clerks would have to stay behind. Paul agreed, saying that the Selectmen were the hiring (and firing) authority.

Chairman Madison thought the Planning and Engineering Departments work closely with each other. Mike

Gospodarek said currently, an application will be submitted to the front desk. The Planning Department routes that application to all of the various people who need to review and comment on it. He corresponds back to the Planning Department, and that's all he does until a plan is approved. For the most part, the Planning Department initiates an action, and he responds.

Paul asked how things would be improved if he were to take a larger role, i.e., following strict adherence to the Town Code in that he would be in charge of Mike Reynolds, Sue Snide and Planning activities. Mike Gospodarek said it would not include Susan, but he had not given any thought to how it would improve. Paul asked if it *would* improve things. Mike Gospodarek said it would clarify things and, in turn, would reduce stress for him. Beyond that, he hadn't given it much thought. If the Board wanted to create that department, he would be willing to step up to the plate. To begin with, they could get rid of two signatures on a building permit, which would help streamline things.

Chairman Madison asked how long it has been operating like this and if it has been working. Mike Gospodarek said for as long as he has been here, and as far as he knows. Chairman Madison reiterated that the Town Code needs to be re-written. She doesn't want to create another department, with requests for additional funding and staff. Selectman Jasper asked how Mike Reynolds feels about all of this.

Mike Reynolds said he would be willing to step up to the plate, too. He would also be willing to work with Mike Gospodarek in re-writing the Code to reflect what they do and how they currently operate. He has seen the roles develop since he first arrived in 1987 as the Town's first Town Planner, back when Linda Corcoran was their part-time Secretary. Chairman Madison said she'd like to see that happen. The draft would be submitted to the Board, routed through Paul and, if it's not what they want, it can be looked at again.

Selectman Jasper said that was a good idea. Along those same lines, he'd like to see them come up with a new name for Public Works, which used to encompass Planning, Zoning, Engineering and the Highway Department. He thought the term Public Works should be removed from the budget because there are four separate cost centers: Planning, Zoning, Engineering and the Highway Department. Chairman Madison said she thinks of the Highway Department as Public Works. Selectman Jasper suggested calling them the Department of Land Use. Paul said there is an innate problem with calling them that, or any other name, and that is they would then need a department head to supervise the elements within that department. He didn't have a problem with calling the Highway Department by that name. Chairman Madison said they should straighten out the Code first, and then come up with a new name later. Selectman Jasper said they should segregate out the name Public Works because it doesn't really describe anything because they're not inter-related any more. Chairman Madison said it says it all. They still go out and do things for the Town. They could change the name to whatever, but the people in Town will still call it Public Works.

Chairman Madison addressed Mike Reynolds and Mike Gospodarek and said they were charged with drafting the changes to the Code to more accurately reflect their current operation.

## **B. Liaisons**

Town Planner Mike Reynolds said since they implemented the system of using liaisons about five years ago, there have been different practices in the way liaisons relate to staff, as well as different expectations. He asked for clarification on whether or not department heads should work closely with liaisons on a regular basis, what a department head should report to his or her liaison, and if the roles were the same for all five Selectmen.

Chairman Madison said it all depends on who the liaison is. Some get more involved than others. As the liaison for the Fire Department the last two years, she spent a lot of time over there. Through all of the trouble they went through, she learned a lot and gained a healthy respect for all of the people over there. If a department is running smoothly and the Board is well informed, the liaison contact will probably be less frequent. If there is a problem, the liaison will be right there, but different people handle things differently. They assigned Selectmen as liaisons to the departments because they all couldn't meet with everyone all of the time. Areas of concern are brought to the Selectmen for discussion.

Selectman Jasper agreed with Chairman Madison. He, personally, isn't out looking for more work, so he doesn't tend to visit as often as some others. If he's at Town Hall and thinks about it, he will. He feels that if a department head has something to talk to him about, they will contact him and he'll make himself available. He thinks that all of the

Selectmen should be accessible to all of the department heads, if they have the time to make the phone calls. When it appears that some people spend more time than others with department heads, it may be that that department head makes a greater effort. It's not that anyone is playing favorites. That department head may be making more phone calls. Personally, he has too much to do to look for extra work.

Donna Lolos said she has her own Board of Trustees that she works with. Being new, she asked what her role in this process was. Paul said she would be advised not to over-ride the Library Trustees. The Selectman liaison would work with both the Trustees and the Library Director. Selectman Seabury said she is the liaison, but it is difficult for her to make Monday meetings because of conflicting meetings.

### **C. Communications between Board and Staff**

Mike Gospodarek, Town Engineer, said they've recently gone through a reasonable amount of controversy regarding Bush Hill Road, which he used as an example of how the system may not be working. He has a problem with understanding of what the Selectmen want as it relates to his marching orders. Regarding Bush Hill Road, he went to the Board of Selectmen, asking for money to purchase Mr. Jackson's property. Within that presentation, he tried to convey what the Planning Board did and the reasons why it needed to be done, and the Board voted to do it. Town Meeting approved it. He is now hearing that this isn't a Town project but his understanding is that it is.

Chairman Madison said the problem was the eminent domain issue. Mike said maybe, but there was a vote taken, authorizing him to go forward. Another issue is the bottleneck project in on Lowell Road. He doesn't want to be involved in another controversial issue. He said there is a big void in understanding how things are supposed to be getting done. They even went around in circles with the corridor improvement plans. He didn't remember that the Board of Selectmen ever endorsed that. Staff is doing one thing, and the Board is sitting in relative quietness until they see something they don't like, and then there is a problem.

Chairman Madison thought the Planning Board operates independently, more or less. Selectman Jasper said that's the problem. The Planning Board can initiate studies and raise money to do things, but they can't do the actual projects without the Board of Selectmen's ok. The Planning Board needs to get a little more in sync with the Selectmen. He voted against the Bush Hill Road project. He didn't recall any conversations relative to eminent domain, nor did he recall hearing that the person, whose property was to be taken, didn't know anything about it. Paul said he wouldn't necessarily, for eminent domain.

Selectman Jasper said he had naturally assumed that eminent domain was a done deal and that the property owner was aware of it. Paul said when Planning Board sends Mike off to do something conceptually, it starts out as a mission to be accomplished, usually high priority. Then when he gets into the details of the design, that's when the Selectmen seem to get more concerned. Mike sees that as derailing what he is trying to do. Chairman Madison said she thinks Mike has been given the business. Town Meeting voted to provide money for land taking.

(Start Tape 1, Second Side)

Mike copied the Board on several letters he sent to Mr. Jackson, and he talked with him. Mike is an Engineer, who was charged with performing a duty. On the other hand, they have an irate citizen, who doesn't want to give up his land. Mike tried to explain to Mr. Jackson that if he didn't want to sell his property for the authorized amount, it could be taken by eminent domain. Since Mr. Jackson wasn't responding to Mike, Mike tried to get his attention--and he did. Mr. Jackson left saying that the Town was going to take his land by eminent domain.

Selectman Jasper asked if Chairman Madison understood this to be an adversarial situation. Chairman Madison said she did not. Selectman Jasper said the last thing you do is tell someone how much money you have to buy a piece of property before you find out how much they want for it. He assumed that, because the project was so far along, everything was approved. He thought the approval was to purchase land because the figure was \$56,000. Chairman Madison said she didn't. Selectman Jasper said he wasn't blaming anyone, but was trying to explain how it got to be as messy as it did.

Selectman Seabury said all she knew was that the Town was going to buy land on Bush Hill Road, which she thought

was a good idea because it needed to be straightened out, but no names were given out.

Mike said that it has been his feeling that the Selectmen have relinquished their powers, relative to Town rights of ways, to the Planning Board. He feels like that because of the way the Planning Board has been negotiating with off-site projects. It is standard routine for the Planning Board to negotiate something, without any correspondence to the Selectmen. This has been common practice since he was hired in 1989.

Chairman Madison said maybe they need a clarification of duties. Selectman Jasper said that was the problem, going from a Board of Selectmen to a Council, and then back again. There are things that belong to the Board of Selectmen that just stayed where they were from Council days. If no one noticed, it stayed that way. Paul said it wasn't as much the Board of Selectmen relinquishing anything as opposed to the Planning Board usurping something.

Mike said he thought the Selectmen's liaison would report back to the full Board what happens and what is going on in their respective committees, that being one of the ways the Selectmen are kept informed. If something is happening at a Planning Board meeting that would raise a red flag to the Board of Selectmen, he thought the liaison would report that back to the Selectmen. Selectman Seabury said there is a constant turnover on the Board of Selectmen; a new boss gets voted in every year. A third year Selectmen knows pretty much what is going on, but a new one doesn't. John Bednar always said the department heads run the Town, and that's why it happens that way. A Selectman is a part-time job; she goes mainly by common sense, but Selectmen are nowhere near as qualified as staff to do their jobs.

Terry said she is the newest member on the Board of Selectmen, and is the liaison to the Planning Board. She said staff--Cynthia May and/or Mike Reynolds--are present at Planning Board meetings to give guidance or report back on any activity, etc. the next day; it's not a meeting comprised totally of volunteers.

Selectman Jasper said what he thought Mike meant was that the liaison would just report back to the Selectmen the action taken by the Planning Board, or mention what they are planning to do, especially things that would affect Town roads. He suggested that on the agenda should contain a segment for Planning Board and Budget Committee reports, and then liaison reports in general. Chairman Madison thought that was a good idea. Selectman Jasper said that, since he's been on the Board, he has never heard anyone come back to alert the Selectmen on what the Planning Board is up to. They don't need to know all of the details, but they should be advised of some things, in general.

Selectman Seabury said the Planning Board does a good job. Some of the members are professionals who are heads of large departments, and they are aware of the rules and regulations. Selectman Jasper said he wasn't the Planning Board, but the Town didn't have a Road Agent for years; now they do, and there are duties that belong to the Road Agent that didn't before. Now they can start to clarify some of the things. When it comes to an existing roadway, the Planning Board has to understand they can collect monies and they can recommend that certain things be done, but the Board of Selectmen makes the final decision whether or not the work is actually done.

Selectman Seabury asked if the 4-lane cross section at Executive Drive was a done deal. Mike said no, he was given direction to do the 3-lane, but to think about a 4-lane design for the future, and that was the Selectmen's decision. Selectman Jasper said right now, everything is on hold because of the complications with PMA. Mike said he's waiting to hear back from PMA on what he felt was his final correspondence relative to the agreement they came to. He said he forwarded a copy of that letter to Paul.

Continuing, Mike Gospodarek said, "You know, with Leo and the roads and everything, I think this Board has to convey a key point, as far as what's included and what's not included on Town right of way. We all know I'm doing a major \$250,000 road reconstruction on Bush Hill Road without, technically, the Board granting approval on our Town right of way."

Selectman Seabury asked if the \$56,000 was just for Don Jackson's property? Mike said it was, with the rest being within the right of way or will be dedicated to the Town, as part of the Thurston's Landing subdivision. Selectman Seabury asked if Mr. Jackson was adamant about not giving up a smidgen of his land. Mike said he hadn't talked with Mr. Jackson following the last time he met with the Board of Selectmen. He had a redesign done on the property to see if there was some way to soften the impact to Mr. Jackson. He talked with Nancy Mayville about it because it involves State property. He hopes to have that plan done this week. After he talks with Nancy, he will bring it back to

the Selectmen one more time for their blessing. He knows that some land will have to be taken; it can't be avoided. It just depends on how much. And then he will go to Mr. Jackson.

Chairman Madison reminded the Board that they were in public session.

Selectman Jasper said Mr. Jackson told him, on at least three occasions, that he is willing to give up some land. He's just not willing to give up the amount being asked. Mike said he told Mr. Jackson's attorney he will bring a plan to the State to try to get some easements, about 10' or so of their property, so the realignment will come into the Jackson property at a different angle.

### **C. The Budget Process**

Sue Snide, Zoning Administrator, asked how the Board wants it handled this year. Chairman Madison said the Board was going to be discussing it at their meeting tomorrow night. At this point, they haven't decided what their parameters are. Selectman Jasper said the Budget Committee wants the budgets by the 15th of November, a month earlier than last year. They have the statutory authority to determine the date they receive the budget and its format. Chairman Madison said this is something they should be talking about tomorrow night. Paul said he has set 10:00 on Wednesday to meet with staff to go over the budget process with them. Mike Reynolds said he will have to meet separately with Paul because he has a business visitation scheduled for that time. Paul said ok.

### **D. Robinson Pond Water Sampling**

Sue Snide said Bill Oleksak got no direction from the Board of Selectmen relative to a sampling sequence at Robinson Pond, so it was left in the hands of the State, who was supposed to sample it every other week. The woman, who was doing the sampling, cut off one of her fingers this summer, and it took the State four to five weeks to find a replacement for her. The second water sample of the season was finally taken about a week ago. This is something that the Board needs to think about for next summer. They received some calls from people asking what the readings were, and those were referred to the State. In essence, Robinson Pond only had two water samples taken all summer.

Selectman Seabury asked what other towns do. Sue said all public swimming areas have to be tested. She thought there was a bigger issue with Robinson Pond on whether or not it should be maintained as a swimming area. She said Bill plans to talk to the Board about it later in the year because Robinson Pond and Ottarnic Pond are both dying. Selectman Jasper said who knows what the counts have been for the last 10 years. He didn't think it was ever tested on a regular basis.

Chairman Madison said maybe it's something they should ask the voters about, whether or not they want to spend the money on it. Selectman Jasper said the only way to do that was to put forth a warrant article, and include the amount it will cost. Sue suggested putting forth the question, asking if the voters wanted to go ahead with a study, outlining what might be feasible to do. Selectman Jasper said they could do that. Chairman Madison said they could get an answer from the people in Town without asking them to appropriate the money. Selectman Jasper said it depends on how it is worded. If they asked if they want to save Robinson Pond, everyone is going to say yes. If the question is, "Do you want to save Robinson Pond if it is going to cost \$10 million," the answer may be different. Chairman Madison said the question, the way Sue suggested, would work out well. Paul said he thought there was a study that was done on Ottarnic Pond. Sue said the State did a study about 10 years ago, and the determination was that it was dying, which is the natural course of the pond. She said it is full of disgusting islands of algae. Selectman Jasper said Ottarnic has never been a real nice pond.

Mike Gospodarek said about five months ago, he had a discussion with Paul about where they wanted to go with Robinson Pond. In last year's budget, there was \$7,000 in the Robinson Pond account, which he asked the Board to encumber into the Conversation Commission funds, so it would remain there until a decision was made on the utilization of Robinson Pond. It, however, wasn't put into the Conversation account, but showed up as a regular encumbrance, which has to be used before the end of the year.

Paul said the greater decision has to be whether or not they want to turn the pond around. He thought Sherri came up with some estimates for bubblers (aerators). Selectman Jasper said those won't turn the pond around. Sue said those

would have been just for the swimming area and would cost around \$3,000-\$4,000. Selectman Jasper said natural sediment is filling in the pond. Chairman Madison asked if a study could be done within \$7,000. Paul said probably, but he didn't know how in-depth it would be. Studies end up becoming paperweights. Chairman Madison said the study would include how much it would cost. Paul said those kinds of elements were in the other study. Selectman Jasper said they should pull up that one and look at it. Mike Reynolds said the study covered both Ottarnic and Robinson Ponds. Chairman Madison said they should dig that one out and take a look at it.

### **E. Assessing Staff Position Warrant Article**

Jim Michaud, Assessor, said that in 1980, there were two people in the Assessing Department. There were about 5,000 parcels and 14,000 people. In 1997, there are over 8,000 parcels and 21,000 people. Things have gotten more complicated and more complex since the department was created in 1980. The amount of statutory obligations has increased, plus the exemptions and credits, the current use program changes, easements, etc. He is looking for a position, probably an appraiser or data collector, someone that can work in the office and in the field.

(Start Tape 2, Side A)

An additional full-time staff person would pay for itself. Between Ellen's knowledge of Town and his experience and expertise, combined with a third person, they could get the job done. The two other comparable towns (Merrimack and Londonderry) have that kind of staffing level--and there is a reason for it. They are not wasting town money, they are getting things done that he is not able to get done. He can't control the number of houses being built in Town and he can't control the number of people moving into Town, but he needs to be able to do his job.

Chairman Madison said he has an opportunity to present it when he does his budget. Selectman Jasper said the Assessor not only has to keep up with the new stuff, he's got to old stuff to keep up with, too. When you add in the appeals, it seems inconceivable that one person, plus an office person, can do all of that. He thinks the position is warranted.

Selectman Seabury said the Assessor in Scarborough, Maine, has a computer program and he can automatically update the assessments annually. Jim said in Scarborough there were seasonal properties and probably a lot less commercial structures. They might be comparing 5,000 parcels, but the makeup of those parcels may be very different. Nashua didn't go out in the field to do their update, and they are running into problems because of it--and they have a lot of staff. He said he already has a canned system and if that was all he had to do, he could probably manage it.

### **F. Property Value Update Warrant Article**

Jim Michaud said last year they proposed a \$50,000 Property Value Update Capital Reserve Fund. If they asked for a full re-val warrant article, the earliest it would get done is 1999 property tax year. In NH, re-vals average every 10 years. He didn't think a \$100,000 warrant article like he proposed last year is going to do the job unless he could do it in conjunction with additional staff and establish a program to visit the properties, such as a quarter of them every year, with in house staff and with an Outside Professional Services line and do an update in the process. The earliest they can change values Town-wide is 1999 and, to do that, there would have to be a warrant article in calendar year 1998. The Town is in great shape right now with a ratio of 112%, a level of equity under 10% which measures how far the dispersion is off of the 112%. Now is the time to plan for it. The Town is in an enviable position in terms of assessments and he'd like to maintain that. He was recommending an update, if they are able to get a third person. Without out a third person, they will need a revaluation and get it done in one fell swoop. He will still need a third person to solve his day-to-day problems. Statistically, they look ok, but there are a lot of properties out there that are under-assessed.

Chairman Madison asked if he'd consider a part-time person. Jim said that wouldn't be enough, that the recommendation would be for two more people. Selectman Jasper said the reval got shot down pretty bad last year. This year, if a staff position is approved, then next year he can try for the program. People won't approve money for a reval until they start to realize that their neighbors are under-assessed. The last reval was done during Council years. Jim said it was mandated by the state.

## **G. Charging for Photocopies, Etc.**

Sue Snide said they are getting requests to help out with the kindergarten planning, looking for sites, doing maps and making copies. She asked is they should be charging for that, even if it is someone who sits on a Town board. The Board said yes. Paul asked if this has come up more than once. Jim Michaud said Donna and Paige requested of Data Processing a listing of all parcels in Town, over 10 acres, with buildings of less than \$10,000-\$20,000. That information was released to the kindergarten group at no charge. Chairman Madison said it shouldn't have been. Selectman Jasper said that unless the request comes from the School Board or the Superintendent's Office, they should treat them like any other citizen.

## **5. OTHER BUSINESS**

### **Trailers on Kimball Hill**

Ann Seabury said the Town took over some trailers at Kimball Hill and asked if they've been removed. Paul said John and he were working with the guy on that. Selectman Seabury asked if he was going to come and collect them and give the Town big bucks for them. Paul didn't think so; he's a private individual who runs a real estate firm in Massachusetts and wants to come in and redeem them for back taxes. But it's not quite that simple. Selectman Seabury asked about the man that made all of the additions to his property. Paul said John is going to contact them on whether or not they have an interest in continuing holding onto it.

### **Delineation of Lines of Authority**

Selectman Jasper said the Board needs to work on a clear line of authority and communications because there is some confusion. Staff works for the Board of Selectmen, not the Planning Board. The other night, Dick Maynard was saying he was working for the Planning Board, but the Planning Board does not hire engineers. They need to keep the lines of communications open and have more discussions about who is responsible for doing what. He didn't think the Planning Board was doing things that were harmful to the Town, but there is controlling law that needs to be followed.

Mike Gospodarek, Town Engineer, said there has been Planning Board approval on various sidewalk projects in the Town right of way. They continue to do negotiations and if the Selectmen holds public hearings on these items, they will be swamped with activity, just as the Planning Board is on every single one they negotiate. Chairman Madison thanked him for that information.

Chairman Madison thanked staff for attending, and for submitting agenda items. They plan to hold these types of meetings every three months.

## **5. ADJOURNMENT**

*Motion to adjourn at 4:55 p.m. by Selectman Jasper, 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**