

**HUDSON BOARD OF SELECTMEN****Minutes of the July 22, 1997 Meeting**

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:04 p.m.

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

3. **ATTENDANCE**

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

**Staff/Others**: Paul Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Frank Carpentino, Fire Chief; Leo Lessard, Road Agent; Cecile Nichols, Town Clerk/Tax Collector; Jim Michaud, Assessor; Mike Reynolds, Town Planner; Mike Gospodarek, Town Engineer; George Hall, Planning Board Chairman; Richard Maynard; Nancy Mayville, NH DOT; Bob Clegg; John Beike; Robert Vokes; John Drabinowicz; Howard Dilworth, Jr; Fidele Bernasconi; Don & Beverly Jackson; several others; Signe, TEL; Len, HLN; Tim, SUN; Kate, ULeader

4. **PUBLIC INPUT**

**Nancy Mayville, NH DOT**, re update on storage of surplus materials (dirt) at the southern end of Town on 3A, resulting from Circumferential and turnpike construction. They are accelerating the construction project to finish the new Exit 2, which is going to be at the end of Sagamore Road, as it goes across the river. On the Hudson side, it will approve the roadway going to the new bridge. They expect to advertise for contractor bids in October, with a target finish date of October '99. The companion project on the Nashua side that will finish all of the ramps will be advertised next week and will be finished in Fall of '99. Hudson residents will be able to access the turnpike without having to travel along a section of DW Highway.

As excavation work is done, they save the dirt so they don't have to buy fill. With the two projects, there will be a surplus of material of around 165,000 cubic yards, (or about 17,000 10-wheeler loads of dirt), which they are considering storing on State-owned land on 3A, directly across from the bridge. There will be two piles about 15' high, 50' in from their right of way and 100' in from 3A. They will landscape with a mixture of fast-growing things, such as pines to try to screen it. Some wetlands will be filled in, so they will have to get the permits for that. The dirt will be used for future projects. By saving it in this location, (which will be two separate piles) they will save about \$1 million in hauling costs and won't be trucking it on Town roads.

Selectman Seabury asked how temporary this will be and how close to the houses it would be. Nancy said possibly long term and they are forward of Blackberry Run.

Selectman Charbonneau said this was the most logical place to store the dirt. The heavy trucks wouldn't be hauling dirt on Town roads and it would cut down on traffic congestion--and the roads are already at failure.

Selectman Jasper agreed that it was a reasonable solution, but hoped they would minimize the dust by watering it regularly. He didn't want people's vehicles to be sand-blasted.

Chairman Madison asked for a definition of short and long term. Nancy said short term is a few years but, concerning the Circumferential, it is hard to say. DOT is going to hold a public hearing on August 5 for the work being done on 3A. Chairman Madison said she was going on vacation, but hoped someone from the Board would go. Selectman Seabury said she will, if she gets her car back by then.

Selectman Jasper said the tree that they originally had wanted the state to save on 102 by the Hills House is

¾ dead and the state would do everyone a favor if they take it down. Nancy asked if the Historical Society was in agreement on that. Selectman Jasper thought so, but will bring it up at their meeting tomorrow night and will get back to Mike if there is any problem.

## **5. NONPUBLIC SESSION**

*Motion by Selectman to enter Nonpublic Session under RSA 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, with the Town Clerk and the Assessor re tax-deeding issues, carried 5-0 by roll call vote.*

Nonpublic Session was entered into at 7:20 p.m. and was terminated at 7:47 p.m.

*Motion by Selectman Seabury, seconded by Selectman Stewart, to seal the Minutes carried unanimously.*

Chairman Madison welcomed the Town Administrator back, after a 6-week leave for a medical procedure, saying that he was missed.

**6. CORRESPONDENCE RECEIVED**

A. FROM: Leo Lessard, Road Agent

RE: 11 Melendy Road Parking

REFER TO: Old Business

B. FROM: Leo Lessard, Road Agent

RE: Sale of Scrap Metal

REFER TO: New Business

C. FROM: Richard Gendron, Chief of Police

RE: Donation of a Canine to HPD

REFER TO: New Business/Public Hearing

D. FROM: Steve Malizia, Finance Director

RE: Bid Recommendation for Birch Street & Lowell Road Signalization

REFER TO: New Business

E. FROM: Jim Michaud, Assessor

RE: Warrant for the Collection of Yield Taxes

REFER TO: New Business

F. FROM: Sewer Utility Committee

RE: Pondview Sewer Extension, Phase I, Map 29, Lot 27-1

REFER TO: New Business

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

## **7. OLD BUSINESS**

### **Parking at 11 Melendy Road** (Deferred from July 8, 1997)

Leo Lessard, Road Agent, was recognized. He said Harold Holt has asked for compensation by the Town because Highway Department employees use his vacant lot at 11 Melendy Road (opposite Fred Fuller's) to park 18 vehicles on. Chairman Madison recognized Mr. Holt and asked him what he wanted to see done. Mr. Holt said he pays about \$1,800 a year in taxes and the Town, in the past, paid St. John's \$5,000 a year for Town employees to park there. He'd like the Town to pay the taxes and pay him \$5,000. Chairman Madison asked for verification of the arrangement with St. John's. Selectman Seabury confirmed that that is what the Town Council did. Paul thought that St. John's had asked for that amount, but the said no. Selectman Seabury said that that was correct.

Chairman Madison felt taxes should be the responsibility of the owner of the property, but she didn't have a problem with paying a rental fee, if they need it for parking.

Selectman Jasper said he didn't know how many cars parked at St. John's and sometimes memories aren't as accurate as they think, but \$5,000 was outrageous then and it still is. He favored compensating Mr. Holt for parking, but as a rental amount, and not by paying the taxes. Selectman Charbonneau agreed that Mr. Holt should pay his own taxes, but that it would be appropriate for the Town to pay a rental fee. Selectman Seabury appreciated Mr. Holt letting the employees park at his vacant lot, but wondered if there were other parking alternatives the Town could look at, such as using the Kiwanis hall lot.

Mr. Holt said they used to park there when he owned the hall. Mr. Tate complained, so they moved from the Kiwanis lot to his parking lot. Then there were problems with the Town concerning off-premise parking, so they moved back to the property at 14 Melendy Road and parked on the side towards his house. Then something else happened with Mr. Tate and they moved to the corner of Melendy and Central on Fred Fuller's property, and they parked there for awhile. Then the Town said they were not going to plow Able Street, so Mr. Fuller no longer allowed them to park on his property. After that, they parked at 11 Melendy Road, and have been parking there since January, 1992, adding that he has a thank you letter from Kevin Burns. He now listens to them slam their car doors when they come to work at 6:00 a.m. Chairman Madison mentioned that they will still slam car doors, even if the Town pays.

Selectman Stewart also thought they should look into other possibilities. Chairman Madison agreed, saying that they did owe Mr. Holt some courtesy because the Town has been using his lot for a number of years.

Paul said it was reasonable for Mr. Holt to get a rental fee, if that parking arrangement works out best for Leo's employees, but they should separate out the tax issue. He suggested the Board authorize him to work with Mr. Holt on this issue. Selectman Jasper thought that the Board should come up with some sort of consensus tonight because Mr. Holt could conceivably not let them park in his lot tomorrow morning. Paul said they would also have to talk about insurance; Mr. Holt said he has insurance on the property.

Selectman Jasper didn't think they should be negotiating in public. The individual Selectmen could give Paul their thoughts on the matter and he could negotiate something satisfactory with Mr. Holt.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to authorize the Town Administrator to execute an agreement with Mr. Holt, contingent on approval by a majority of the Board, through conversations with the Town Administrator, (meaning it's not necessary to bring this matter back to a Board meeting), carried unanimously.

(Start Tape 1, Second Side)

## **8. NEW BUSINESS**

### **A. Thurston's Landing Land Taking--Discussion with Mr. & Mrs. Jackson; Richard Maynard; Town Engineer, Mike Gospodarek; and Planning Board Chairman, George Hall**

Chairman Madison recognized the Town Engineer and asked him to explain where we are and how we got there. Mike Gospodarek said Thurston's Landing 154 lot subdivision started in 1987-88 with the Planning Board. (He had maps.) As the developer and Planning Board discussed the subdivision, it became clear that Bush Hill Road, because of the vertical and horizontal problems, was more important than the corridors. The Planning Board, with the developer, decided that it would be in the Town's best interest to try to improve Bush Hill Road by removing some of the horizontal-vertical problems on the road. Also, Bush Hill Road is an 18' wide roadway, so it involved widening the road to a 26' roadway section. What came out of the Planning Board was an approval that sent about \$240,000 into the Bush Hill Road project, transferring money from the corridors. During that process, an alignment of Bush Hill Road was discussed with the Planning Board. There were agreements made relative to a culvert, wetlands impact and a piece of the Jackson's property that was necessary to straighten out the roadway. The developer had no control over the property so there was an agreement formed that the Town would enter negotiations to acquire that property. Construction started in late 1988 into 1989. Because of a bankruptcy situation, work stopped for a period of time, and now it has started up again. Mike said he is trying to proceed with various approvals from the 1988 decision. The developer has submitted wetland plans to the Conservation Commission, Planning Board and Zoning Board and the State Wetlands Board. He also tried to open negotiations with Mr. Jackson. By the use of a map, Mike pointed out the curve that was being straightened. The land across from Mr. Jackson is controlled by the developer and the State.

Richard Maynard was recognized. He said the Bush Hill Road improvement project is an add-on to the Thurston's Landing subdivision and it's a result of a few things the Planning Board did a few years ago in re-reviewing a few things in the plan. They asked, instead of just putting \$90,000 CAP fee money, if they could take that, what the developer was going to do before, plus an additional contribution, to bring it up to \$240,000 to make positive improvements to Bush Hill Road. They asked, instead of just contributing money, that the

developer and the developer's engineer, in conjunction with the Town Engineer, work out improvement projects for Bush Hill Road, which is a collector road. Comparing Bush Hill Road to 111-Central Street, there's about 20,000 cars per day on Central Street and about 5,000 on Bush Hill Road. People are using it as a short-cut to avoid the Route 111 main corridor. Therefore, whatever improvements are made on collector roads will help draw traffic away from the main corridors. Bush Hill Road is 18' wide, with barely any shoulders. The Town's standard, and a good engineering standard, is 24' or 26', with 2' to 4' shoulders. In consultation with Mike, they've chosen to construct 26' of pavement w/4' shoulders on either side, with various drainage improvements. There are two problem sections on Bush Hill Road. One is just off Kimball Hill Road, which is a vertical roller coaster and you can't see approaching cars. The other section is by the old barn at the back of Benson's property, where there is a very sharp "S" turn, and that's where the Jackson property is. They have proposed to smooth that curve off. Mr. Jackson's house is right in the middle of the "S." In order to do a proper improvement, the curves have to be flattened or the radius has to be larger. Otherwise, they would have to leave the road as it is and super elevate it by banking the turns. Mr. Maynard said he met with Mr. Jackson last week, who wasn't fully aware of all of the details of the project. He said he had tried unsuccessfully to contact Mr. Jackson for two years. One of the Selectmen urged Mr. Jackson to talk with Mr. Maynard. Mr. Maynard said he told Mr. Jackson he'd look at some alternate routes, but he hasn't had a chance to investigate any of them yet. Using a map that was displayed, he indicated where the house was and where the road would come in. The current proposal calls for taking .47 acres, which leaves a surplus of .36 acres on the other side. An alternative is to swap land with Mr. Jackson, which would make a net loss to Mr. Jackson of .01. Mr. Jackson is very concerned because the road configuration takes down the tree buffer. They talked about splitting the difference between the old and the new curve as an alternative that they will look into. One idea was to go behind the barn on the old Benson's property, which is State land. On the other side, it's Thurston's project land. It's physically possible, but fiscally impossible. It's very expensive and they're not anywhere close to the cost in the budget. It's not a viable alternative. There are wetlands and the land tends to drop off. It's cost prohibitive and, therefore, not feasible. The funds aren't available to do that. As part of the plan, because they are disturbing wetlands, there are a couple of mitigation places. They expand on existing wetlands to try to match the loss of wetlands. Mr. Jackson has 19 acres and someday a road will go in there by him or his heirs. The remainder of the project is a widening and knocking off the vertical. Eventually, the Selectmen will have to hold a public hearing for a laying out of a road and some kind of negotiation or eminent domain. Chairman Madison said that, at the present time, this plan is not been cast in stone. Mr. Maynard agreed that no, it is not. Chairman Madison then recognized Mr. Jackson, saying that since he is the one who contacted the Selectmen about this issue, they'd like to hear from him.

Mr. and Mrs. Jackson came forward. Mr. Jackson said he was opposed to the eminent domain and would fight it all the way, if it came to that. He didn't think eminent domain should be considered, that there were other alternatives to look at. The perfect solution is to put the road on the other side of the barn, which would take care of Bush Hill Road from Kimball Hill Road. It could almost go all the way to Pelham Road, and it would be as straight as an arrow. Half of the land is State land and the other half belongs to the developers. Although Mr. Maynard said it is not feasible, he wondered if a feasibility study was ever done. He said his land involved human values as opposed to money. Money is a renewable resource and the developers will get their money back, but he will lose his land, which is not a renewable resource. He will have lost his land and won't be able to get it back, but the developers will make a profit. He didn't think that was very fair. If the road is put behind the barn, it might involve a larger cash outlay, but he thinks they should take the hit, especially since they are putting in over 130 houses. He thinks the reason they don't want to put the road behind the

barn is because they will end up losing some of the house lots. If they go through his land, it will be a minimum of money, but it will be all over for him. On the other side of the road, they will have to take out some lots. And they are giving up absolutely nothing, except money, which is renewal. They will get their money back, plus. He circulated some photographs of the tree buffer.

Mrs. Jackson said this property has been in her family, the Hazeltons, for over 200 years. They keep hearing about the historic barn across the street, but the barn is in very bad condition and is falling apart. The Fire Department has already been told that if the barn catches on fire, they are to spray the Jackson's house instead. Her house isn't as old as the barn, but it was built in 1893 by her grandfather, Arthur Hazelton, (who owned the barn and the property), for his bride. And it has historical value for the fact that it didn't have fireplaces; it is the first house in Hudson to have had steam heat. There's more value in the house than in the barn. They don't want their land taken away from them that they have been paying taxes on for 200 years. The road on that corner has already been straightened at one time and her father donated land for that. A concern they have had for a long time is that signs have never been put up warning people that there is a sharp "S" curve there.

Mr. Jackson displayed a map that he referred to as he discussed his proposal to locate the road behind the barn. He said their neighbors (several of whom were in the audience) were disturbed about what was going on, as well, and if the road went behind the barn, it would be a solution for all of them. He thinks they should have the courage to tell the developers, who are making the profit, to take the hit, not the other residents.

Chairman Madison recognized the Planning Board Chairman, George Hall, who said that the Planning Board was very concerned about the project. They recognized the increase of traffic on Bush Hill Road and thought this was an opportunity to improve that section of roadway at little or no cost to the Town. The Planning Board has been supportive of the concept of straightening the road out because of safety issues. The deal that the Planning Board made with the developer was to contribute a fixed amount of money to achieve those improvements. The charge was for the developer's engineer to work with the Town Engineer and try to achieve as much as possible for that amount of money. Anything can be done to achieve Mr. Jackson's goal; all it takes is money. The greater the increase for a fixed portion of the road, the fewer the improvements that will be made to the rest of the road. The deal is now fixed with the amount of money the developer is going to contribute. If he contributes a lot, they are going to establish a value for that lot and that would just reduce the amount of money he would pay to improve the road. They tried to achieve the most they could and they were attempting to do more of Bush Hill Road. They agreed on an amount of money and the developer calculated the footage of road he thought he could improve, with a certain set of standards, with Mr. Gospodarek's guidance, and it came out to be about 3,000'. Anything else can be done, but it would mean they would get less road fixed and the Town will have to pay, unless another developer comes along down the road that will contribute another section. The amount of money is fixed; they can't change it. The developer has an approved project for a fixed amount of money.

Mrs. Jackson asked what happens to the rest of Bush Hill, if only a section was going to be widened to 30'. Mr. Hall said another portion will be done when they reach an agreement with

Shephard's Hill, if Shepard's Hill gets built. Mrs. Jackson said her concern is with traffic speeding on a wide road, then coming to a narrow portion again. Mr. Hall agreed with her, but the Planning Board felt that a little bit was better than nothing.

Chairman Madison said this item was before them merely for discussion and clarification, that no action would be taken.

(Start Tape 2, Side A)

Selectman Jasper said they are really looking at a road 34' wide, including the shoulders and he couldn't believe they were considering such a wide road for that area. Mr. Maynard said the road will be 26' with gravel shoulders. Selectman Jasper said he's still concerned about putting in such a wide road because traffic tends to travel faster. Some of the worst accidents he's seen are on straightaways. He said it was not true that the developer didn't have any way of dealing with the Jackson's. The first recourse would have been for the developer to go and talk with the Jackson's and to negotiate individually. He's really surprised to hear someone say this was the only way they could go. That's not true. He didn't think that going behind the barn because that's State property and the State has no reason to want to negotiate with the Town on that; and it would land lock their barn and that section of land and it would be very expensive. He was not in favor of eminent domain, under any circumstances. The Jackson's have indicated a willingness to give a little and some improvement is better than nothing. He understands that the engineers want to do everything within their guidelines but the old roads, such as Old Derry Road and Bush Hill Road, were laid out in the 1700's and they are not up to standards and never will be. There are very few families in Town who have been on their property for 200 years and it's not right to take their property because someone else is coming along that needs it. They helped build this Town over the years. He's sorry it's gotten to this point.

Chairman Madison said they will eventually have this before them for a vote for either land taking or something else, but tonight was only for informational purposes. Paul said if the Board wants to send a message, they have that prerogative. Selectman Seabury said they should work with the Jackson's and not go in like gang-busters and take their land. Chairman Madison said she thought everyone was in favor of that; that's understood.

Mr. Maynard said he promised Mr. Jackson at least one more time to see if they could come up with something different. This plan will eventually go back to the Planning Board and then they will send it to the Selectmen for a layout hearing. This is not a requirement to do the subdivision; it's an add on through a cooperative effort between the developer and the Planning Board. The developer has put in   's of the money in, over and above what he's required to, and the Town has put in one third.

Selectman Jasper said the Board should make their thoughts clear to avoid wasting a lot of time and money. They should give them a consensus whether what is laid out before them is



an option. Chairman Madison said they don't have any other options. Selectman Jasper said no, but the option before them is not an option to him. If the majority of the Board says it is an option, that sends a message to the engineers. Or the Board could say that they are not willing to go to eminent domain, under any circumstances. Mr. Jackson has made it clear that he's prepared to go to court. Selectman Jasper doesn't recall ever doing an eminent domain in recent history and this might end up expensive and spend a lot of time in court. Chairman Madison couldn't imagine staff and the developer not working with Mr. Jackson. Selectman Jasper said the developer is out of the picture now that he's made a monetary contribution. If nothing happens to Bush Hill Road, the developer still gets his permits and goes on. Chairman Madison said all the Board can do at this point is send a message.

Selectman Jasper, continuing, said that if the Board feels that's in the best interest of the Town and they are willing to do that, then that's what they should say. If the majority of the Board does not feel that's an option to go to that extreme, then even though it might be the best engineering, they may have to settle for something less.

Selectman Seabury said that if they widened her road, half of her front yard would go because the Town owns half her front yard. She assumed it was the same with the Jackson's. Selectman Jasper said it may be ambiguous on the deed. When his family bought property from the Hills family, there was no Town right of way. The deed went right over the road. When they subdivided the property and did site plans, at that time they gave a right of way to the Town. There may be nothing the Town can claim, other than what it maintains. The Jacksons probably own up to the edge of the pavement. Mr. Maynard said it varies all over the place; there's walls all over the place. Paul said the walls are within the right of way; Richard Maynard said the walls *are* the right of way.

Chairman Madison said Selectman Jasper was asking for a consensus of the Board whether or not they were happy with this option, unhappy with this option, or wanted this to be an option considered along with others. She said this needed to be done in order to 'send a message.'

Selectman Stewart: "I tend to agree with Selectman Jasper. I don't want to take land by eminent domain and I think we should look at other options on this road."

Selectman Seabury: "I think we should... we've got to straighten the road out for 150 cars plus, plus the 400 at Thurston's Landing, is going to be a giant parking lot up there. So, you know, we got to do something as far as road widening goes--if they can come back with the least amount of impact to the Jackson family."

Selectman Charbonneau: "I feel the same way, but you know, you're not only going to have 150 cars, you're going to have another 400 across the street. You'll have a lot of cars on that road and I've traveled that road and, I tell you, your life's in your hands. I see them come over at 50 mph and I figure I'm going safe, 35-40 mph and they honk their horns because I'm not going fast enough. I think that whole road is dangerous."

Chairman Madison: "We know how Selectman Jasper feels. I think we need to work with the Jacksons and come with some other options. However, I do not want to rule this option out. I want it still to be considered and I think we should think long and hard about what our Planning Board has done. I think they are doing it, also, in the best interest of the Town, but I do want them to work with the Jacksons on this."

### **B. Sale of Scrap Metal**

Chairman Madison said this was a housekeeping issue. When they were working on Glen Drive, there was some aluminum that was extracted and it was sold to Merrimack Metals. The Board just needs to accept the check in the amount of \$1,074.50 to be applied to the 96-97 General Fund.

*Motion by Selectman Stewart, seconded by Selectman Seabury, to approve.*

Selectman Charbonneau asked if anyone else bid on it. Chairman Madison said as far as she knew, he was the only one.

*Vote: Motion carried unanimously.*

### **C. Donation of a Canine to the Hudson Police Department** (Public Hearing and Board Action)

Chairman Madison opened the Public Hearing at 8:45 and asked if anyone in the audience wished to comment on the donation of a dog by Bonnie Gentile. There was no response, so she closed the Public Hearing.

*Motion by Selectman Seabury, seconded by Selectman Jasper, to accept the donation, with thanks, carried 4-1.* (Selectman Charbonneau voted in opposition.)

This will be the second canine. The previous dog that he came to the Board for approval on had hip dysplasia.

### **D. Bid Recommendation for Birch Street & Lowell Road Signalization**

Chairman Madison asked for a motion to award the bid for the Birch Street-Lowell Road signalization project, as recommended by the Town Engineer and Finance Director, to the low bidder, CLD, in the amount of \$9,200.

Mike Gospodarek, Town Engineer, said CLD did something a little different. (Some of his comments were not picked up by the recorder.) If the Board wishes, they can waive their bidding procedure and work with CLD as a design-build for \$35,000. The money is in the budget and the advantage of a design build is getting the project done quicker, probably before school starts. Selectman Seabury said \$65,000 was approved for this project and wondered if CLD could really get it done for so much less. Mike said they'd have to come back with hard numbers, but probably somewhere between \$35,000 and \$40,000, because they aren't familiar with the hardware that was just installed.

Selectman Jasper had questions of how to work the motion relative to the design-build. Mike said the Board would have to waive their procedures, otherwise they've have to start this all over again. Paul explained that the proposal was for design only. He supported what Mike was trying to do because it would be a better, quicker and cheaper project--but the Town didn't go out and ask for design build. Mike said if the Board chooses to go with CLD's design build, he'll contact CLD tomorrow morning to do the research on the Town's system and they will come back with a final number. Selectman Jasper said he'd be hesitant to award the contract without the final number.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to waive the bidding procedures and solicit design build proposal from CLD carried unanimously.*

Selectman Jasper asked, in order to tie up loose ends, if they should reject all bids. Paul said a better motion might have been to accept CLD's proposal for design, as amended, which would have accomplished what Selectman Jasper wanted to. A discussion ensued, centered around the proper motion to make, or if a follow up motion was necessary with respect to the other bids. Mike said the Board will have a design-build price in time for the next meeting, based on the previous motion.

*Motion by Selectman Jasper, seconded by Selectman Seabury, to reject all the proposals for the design of the Birch Street-Lowell Road signalization project.*

Chairman Madison asked the Town Administrator to recap for them. Paul said the Board rejected all of the bids that had been solicited for the design work and voted to waive the other requirements related to this project on soliciting bids and to negotiate a design-build price from CLD to be brought back for the next meeting.

*Vote: Motion carried unanimously.*

**E. Warrant for the Collection of Yield Taxes**

(Michael & Cathy Donaher \$35; John Jacobs \$287; Atwood Avenue Realty Trust \$247; MDS Builders \$14; Alcro Limited \$79; High Watt \$18; Henry Frenette \$391; James Petersen \$15)

*Motion to sign the Warrant, as recommended by the Assessor, to collect yield taxes by Selectman Jasper, seconded by Selectman Stewart, carried unanimously.*

**F. Pondview Sewer Extension, Phase I, Map 29, Lot 27-1**

*Motion by Selectman Charbonneau, seconded by Selectman Jasper, to accept the Pondview sewer extension, as recommended by the Sewer Utility, carried unanimously.*

**G. Grant Writer**

Chairman Madison said this is just something she'd like the Board to think about and at budget time, they might include a request to hire a grant writer. There are a lot of grants around and the Town doesn't pursue anywhere near the number of grants it would be able to receive. Someone who wrote grants for all of the Town departments would earn his or her salary by what was brought in in grants.

**9. OTHER BUSINESS**

**A. Work performed by the Department of Corrections**

Selectman Charbonneau said it has just been brought to her attention that the Manchester Department of Corrections has been painting Hudson schools. She thinks it's a good program. They also did a lot of the landscaping at the Police Department and they've helped Public Works. The Selectmen should thank the DOC because this valuable resource should be recognized.

**B. HEDCorp Nominations**

Selectman Stewart said HEDCorp applicants, who were not at the previous meeting, were present to talk to the Board, including John Beike, Bob Clegg and Bob Vokes. All three individuals are involved in Town affairs and have been for some time. Chairman Madison said her understanding is that the HEDCorp Directors (Fidele Bernasconi, Terry Stewart and Lenny Smith) would like to appoint all five applicants, and the staff representative would be Mike Reynolds (a carry-over from the old HEDCorp).

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to appoint five members: David Alukonis, Daniel Shubelka, John Beike, Bob Clegg and Bob Vokes to HEDCorp carried unanimously.*

**10. ACCEPTANCE OF MINUTES**

**A.** Minutes of the June 24, 1997 BOS Meeting

**B.** Minutes of the July 8, 1997 BOS Meeting

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

**11. COMMITTEE ANNOUNCEMENTS**

7/23 7:00 LMR Planning Board

7/24 7:30 LMR ZBA

7/24 7:30 Sewer Utility (Place to be determined)

7/28 7:00 LMR SWSCOM

7/31 7:00 Trustees of the Trust Funds

8/06 7:00 LMR Planning Board Workshop

8/07 7:30 Sewer Utility (Place to be determined)

8/12 7:30 LMR BOS

Chairman Madison confirmed with Leo that he would be in attendance for the SWSCOM meeting on July 28th. He said he would.

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

Selectman Seabury said the Board owes Lorraine a special thanks for carrying on while Paul was out. It was a lot of extra work, she spent a lot of hours at Town Hall and she did a great job--and they all owe her a debt of gratitude.

Selectman Stewart said she'd like to echo those remarks and also extended a big thank you to Priscilla for handling the office every day, along with Linda. Selectman Seabury said she had a special thanks to Priscilla, too. Chairman Madison said she did a wonderful job. Continuing, Selectman Stewart said the real flowers in the barrels look wonderful and thanked the Fire Department, Leo and Harry Piper.

Selectman Jasper said when they sit back and look at the Big Picture, they will see that Hudson has reached a monumental period. The most controversial thing in Town is whether to have real flowers or plastic ones. He's pleased to be sitting on the Board at this particular time.

Chairman Madison thanked Priscilla for the time she put in with the extra duties she assumed, adding that it has been super working with her. She then turned the gavel over to Selectman Jasper, saying that she was going to be going on vacation for two weeks, and asked him to please not let things get out of control!

## **13. NONPUBLIC SESSIONS**

*Motion by Selectman Jasper, seconded by Selectman Charbonneau, to enter Nonpublic Session under RSA 91-A:3 II (a) The dismissal, promotion or compensation of any public employee; (b) The hiring of any person as a public employee; (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; 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 membership 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 9:10 p.m. and was terminated at 10:20 p.m. The following votes were taken in Open Session:

### **A. SMART Team**

Motion by Selectman Seabury, seconded by Selectman Stewart, to authorize the Hudson Fire Department to switch from Southern New Hampshire Hazardous Material Mutual Aid District to Souhegan Mutual Aid Response Team (SMART) carried 4-0. Selectman Jasper abstained because it was a Fire Department issue.

### **B. Hiring 3 Fire Fighter/EMTI's**

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Motion by Selectman Seabury, Seconded by Selectman Stewart, to authorize the hiring three Fire Fighter/EMTI's (Mark Myers, Robert Glasset and Derek Kelleher), effective August 3, 1997 at Step 1, \$23,114.36 contingent upon passing all of the employment conditions carried 4-0. Selectman Jasper abstained because it was a Fire Department issue.

### **C. Lockwood Place**

Chairman Madison said recently the Planning Board discussed the Lockwood Place site plan and they made some decisions related to the traffic patters outside of the development and, because of that, some questions of safety have arisen. The Planning Board reversed a decision that they had made previously and they made the new decisions without any staff input on some of the issues. The Selectmen would like the Planning Board to take another look at this. In order to do this, the Selectmen needs to appeal the Planning Board's decision to Superior Court on or before July 25. The Selectmen are not trying to second-guess the Planning Board, but do think they made a mistake.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to appeal the decision of the Planning Board to Superior Court on or before the 25th of July and ask the Planning Board to take a second look at what they have done carried unanimously.

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Paul said he and Mike Gospodarek would get together first thing tomorrow morning and conference call John Ratigan's office.

## **14. ADJOURNMENT**

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to adjourn at 10:30 p.m. carried unanimously.

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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**