

HUDSON BOARD OF SELECTMEN
Minutes of the April 22, 1997 Meeting

1. CALL TO ORDER by Chairman Seabury at 7:00 p.m.
2. PLEDGE OF ALLEGIANCE led by Selectman Shawn N. Jasper
3. ATTENDANCE

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

Staff/Others: Paul Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Mike Reynolds, Town Planner; NH DOT; Executive Councilor Jim Normand; Keith Bowen, Recreation Director; Coleman Kelly, Cable Committee Chairman; Joe Wozniak; Howard Dilworth, Jr; Ben Nadeau; John Drabinowicz; Tim, SUN; Andy, HLN; Signe, TEL

4. ELECTION OF OFFICERS

Nomination of E. Lorraine Madison to Chairman by Selectman Jasper, seconded by Selectman Charbonneau, carried unanimously.

Nomination of Shawn N. Jasper to Vice Chairman by Selectman Charbonneau, seconded by Selectman Madison, carried unanimously.

Selectman Seabury turned the gavel over to Selectman Madison. Chairman Madison thanked Selectman Seabury for the three years she served as Chairman.

5. NH DEPARTMENT OF TRANSPORTATION

Discussion of Transportation Enhancement Project (Route 102 Sidewalk Project) Town Planner Mike Reynolds introduced Nancy Mayville, a Project Manager at NH DOT, who was substituting for Don Lyford, who was unable to attend. She introduced Bill Cass, who is overseeing the design of the 102 sidewalk project. Ms. Mayville said in 1994, Hudson applied for ISTEA funding to put in some sidewalks, bike paths, crosswalks, speed control signage, and pedestrian signals on both sides of 102 near Alvirne, from Old Derry Road to Evergreen Drive. She said the design work is nearly half complete and plan to advertise for bids for construction in late August. They may have additional public meetings to inform the public about the project. After the project is approved by Governor and Council, they hope the actual construction will begin in mid-October. She asked the Board to make DOT aware of any special scheduling considerations they might need to take into account, particularly during the construction of the project, such as special events that they would need to make arrangements to plan around. The original application for the enhancement funds submitted by the Town of Hudson was for a total amount of \$420,000 with the feds paying 80% (\$336,000) and the Town, 20% (\$84,000). Their latest revised estimate of the work, however, is \$470,000. It includes the cost of overlaying that section of Route 102. They will be doing constructing on the sides and cutting and matching the pavement. Since that is a state highway, they will pick up the cost of the match for the overlays (\$20,000). The potential exists for a \$6,000 additional amount the Town would have to provide for the local match. They will need the total Town-match funds prior to the construction contract by Governor and Council in the fall. (The DOT has to have the match in hand prior to award of contract.) After construction is completed, they will balance out their books and the Town will have to pay more or the State will give back some. She didn't anticipate any big over-runs.

Ms. Mayville asked if the Board wanted to provide further opportunity for public comment. When they implement a project, they typically do three types of meetings. They first do a town officials meeting (Selectmen, Planning Board, Conservation Commission, Fire Chief, Police Chief) which is usually rather informal. The second meeting is a general public informational meeting where the abutters are notified. The intent is to solicit input and answer questions. Finally, a public hearing for the purposes of eminent domain can be held. However, with this project, they don't anticipate right of way impacts. There are a few slope easements, but they don't warrant a public hearing. Continuing, Ms. Mayville said another area they were asking for the Board's assistance was with dealing with right of way impacts. On Town-sponsored projects, they find it works better if the town gets the easement with whatever assistance is necessary from the state.

Ms. Mayville turned the meeting over to Bill Cass, who explained the colored markings on the wall map. He said the project entails 3,200' of sidewalk on each side of Route 102 in the vicinity of Alvirne HS. It also includes a raised curbing, separating it from the roadway. The existing roadway is 32' of pavement containing a 12' wide travel way and a 4' wide shoulder. They've proposed locating the raised curb 17' off the center line of the road, or 5' off the travel line, using the 5' for both a bike lane and shoulder, and 5' sidewalks, separated from the road by a 6" granite curb. In the vicinity of the entrances to the high school, they will widen out the shoulder to 10' to allow vehicles to bypass

any cars stopped to turn left into the high school. Heading south, at the intersection of Old Derry Road and Route 102, they will start the sidewalk and proceed southerly to the high school. In front of the high school there is a 10'-14' wide paved section with utility poles out in front of a granite curb, behind which is a row of nice trees. They propose taking out the curbing to right in front of the utility poles, providing a 10' shoulder and construction the sidewalk in front of the high school, behind the poles and in front of the existing row of trees. Adjacent to the parking lot, they'd maintain the sidewalk. One of the problems is the existing drainage from the roadway that just goes in ditches alongside of the road. They will need to put in underground drainage structures to pick up the water and carry it away from the road. The majority of the road has a 66' wide right of way and, for the majority of the project, all the sidewalk is contained within the existing right of way. At the southern end of the project where, in order to construct the sidewalk, they have to get slope easements from three properties in order to construct the 10' wide bypass shoulder.

Continuing, Mr. Cass said another main issue was pedestrian access and pedestrian safety. Currently, there are crosswalks at either end of the school. There's an existing blinking light and flashing beacon with a school crossing signage. Part of the application had asked for pedestrian activated traffic signals in front of the high school. They consulted with the Bureau of Traffic, and they feel that due to the open characteristics of the road, and their past history with pedestrian-activated signals, they would not recommend that as a means to stop traffic on Route 102. There is also the potential for stacking traffic with that type of signal. They recommended flashing 30 mph school zone speed limit signs at either end of the high school to be activated by the school when school is in session. He said he's discussed some of the issues with the Chief of Police. There are no issues with the utilities. The existing fire hydrants are set back far enough not to interfere with sidewalk construction. The utility poles will be at the back edge of the sidewalk.

Selectman Seabury mentioned that Old Home Days would be held in August (15, 16 & 17). Mr. Cass said there was a concern on whether there would be any constraints on construction in front of the high school during school hours when school is in session. Selectman Seabury asked if the road was going to be torn up. Ms. Mayville said no, just the sides. Mr. Cross said if they have to put in any cross pipes to connect the drainage, one-way traffic at limited times during the day would occur. Selectman Seabury is looking forward to the project, saying that it would be quite an asset to that section of Town.

Ms. Mayville thinks they can have a contractor working by mid-October and finished by spring of '98. She anticipates it being a three month contract. She did not think Old Home Days would impact the schedule. Selectman Jasper thinks working directly in front of the high school may be a problem. There is a week for school vacation that could work around. Ms. Mayville asked if there would be enough of a concern to limit construction to summer of '98. Paul said sure, it wasn't a major project. Chairman Madison said they would forward the state a school calendar.

Selectman Jasper thought that putting construction off till the summer might be a good thing to do, as that type of work will create a lot of dust and noise. He asked how much of a problem it would be to limit that portion until June '98. Ms. Mayville asked if he meant doing the project from June - Labor Day. Selectman Jasper thought that might be the sensible thing to do. Selectman Jasper said if it was started in May from Old Derry Road, it could be scheduled so the high school's academic building is not impacted until school is out. Ms. Mayville said that they could get in touch with school administration to discuss that with the officials. Selectman Jasper said if that wasn't a concern with the administration, it wouldn't be with the Selectmen. School Board member Lars Christiansen was in the audience. Selectman Jasper asked if he would relay that to the school. Mr. Christiansen asked for something that he could bring to the school department so they could see it, adding that it might be something they could handle over the phone.

There being no further comments, Chairman Madison thanked Ms. Mayville and Mr. Cass for the presentation.

Change in the Order of the Day (Discussion with Councillor Normand re. Circumferential Highway)

Chairman Madison stated that Executive Councillor Jim Normand was present tonight to talk to the Board about the Circumferential Highway. In that he was scheduled to make a presentation at another function, she asked for a motion to change the Order of the Day and talk to Councillor Normand. Selectman Jasper so moved, seconded by Selectman Seabury. Motion carried unanimously.

Councillor Normand thinks the Circumferential Highway will be built, but it takes time for things to happen. When the connection to 3-A is done, that will generate more traffic on Lowell Road and will severely impact southern Hudson for some time, so there will be issues regarding that. He wanted to convey to the Board that he was available to meet with them. Commissioner Kennison is aware of that. Although he doesn't know exactly how they will be able to help, but they are willing to work with the Town. Ms. Mayville said the plan that has generated a lot of talk starts in the north and heads back to 111. The controversial part is getting from 111 to 3A. Councillor Normand said until that highway is constructed, there are a lot of cars that have to be

accommodated.

Selectman Charbonneau asked about the airport access road. Ms. Mayville said it was further north than the northern crossing of the Circumferential. The bridge that's part of the Circumferential Highway would cross between southern Merrimack and southern Litchfield. Selectman Charbonneau thought it was very costly putting in two bridges. Mr. Cass said yes, but there is approximately 10 miles between the bridges and the circumferential would deal with traffic coming from Windham, Derry, etc. It will be an expensive road but, in the long term scheme of things, it will be beneficial. It would be nice for it to connect with I-93, but Londonderry doesn't want anything to do with it. If it did, it probably would eliminate some local traffic.

Ms. Mayville said, relative to the piece of the Circumferential they are talking about, they have a plan to do improvements to the Wason Road-Flagstone Drive-3A intersection. They had brought it to the Selectmen before and would be glad to do that again. They will have to hold a public hearing for property acquisition for that additional work. Their target date for that public hearing, which will be held in Hudson, is around the first or second week in July. There's three projects to do that work. The bridge is under construction already. The road project will probably be bid late summer, early fall of '97, and the plan to fix the existing bridge is fall of 1998. They will open it all up with the new interchange on the F. E. Everett turnpike in the fall of 2000. At that point, Hudson should be able to access the turnpike directly. Selectman Charbonneau said they'll have to get down Lowell Road first!

6. PUBLIC INPUT

A. Howard L. Dilworth, Jr., 36-A Old Derry Road, sharply criticized the Selectmen for not 'selling' the warrant articles pertaining to the highway garage, cable equipment and the re-val at Town Meeting and suggested they start the budget process earlier this year. He also criticized the Town Attorney for the way the warrant articles were written.

B. Joe Wozniak, 7 Sycamore Street, wanted to start the process to implement the signalization project for the Birch Street-Lowell Road intersection that was approved at Town Meeting. He asked the Selectmen to schedule the project for the current construction season, to assign appropriate staff to start the process, to prepare an engineering RFP, and to initiate the bid process.

7. CORRESPONDENCE RECEIVED

A. FROM: Residents of Alvirne Drive
RE: Request for Ordinance to ban parking on Alvirne Drive
REFER TO: Highway Safety Committee w/request for a draft Ordinance prepared for the May 13, 1997 BOS Meeting

B. FROM: Nottingham West Lions Club
RE: \$100 Donations to HPD's Dare Program and HFD's Smokey Project
REFER TO: Public Hearing/New Business

C. FROM: Executive Councilor Jim Normand
RE: Circumferential Highway
REFER TO: New Business

D. FROM: Keith Bowen, Recreation Director
RE: Hudson Youth Baseball
REFER TO: New Business

E. FROM: Steve Malizia, Finance Director
RE: Award of Bid for Computer Move
REFER TO: New Business

F. FROM: Mr. & Mrs. Rich Dauber
RE: Request to Purchase Town-Owned Property
REFER TO: New Business

G. FROM: Leo Lessard, Road Agent
RE: Sagamore Park Pumps
REFER TO: New Business

H. FROM: Jim Michaud, Assessor
RE: Various Assessing Items
REFER TO: New Business

I. FROM: Coleman Kelly, Chairman, Cable Committee
RE: Request for Direction
REFER TO: New Business

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

Alvirne Drive -- Because she noticed several people in the audience from

Alvirne Drive, Chairman Madison commented that this issue was referred to the Highway Safety Committee, who will draft an ordinance and then the Selectmen will hold a public hearing on May 13th. The residents will be able to make their comments at that time. Dennis Dupont asked if they could add something to the petition going to the Highway Safety Committee. Selectman Jasper said the time to provide input would be at the Highway Safety Committee meeting. He suggested that the Chief inform Mr. Dupont when the meeting is scheduled. Chief Carpentino, a member of the committee, will let Mr. Dupont know the date the meeting is scheduled.

8. NEW BUSINESS

A. \$100 Donations to HPD's DARE Program and HFD's Smokey Project

Chairman Madison opened the Public Hearing at 7:45 p.m. and asked if anyone in the audience wished to speak. Sue Toomey, President of the Nottingham West Lions Club, said they wanted to donate \$100 to each department for the DARE program and Smokey project. There being no further comments, Chairman Madison closed the public hearing at 7:50 p.m.

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

Chairman Madison mentioned that the Fire Chief was in the audience and would be able to accept the donation. Ms. Toomey said she didn't have the checks with her. Chairman Madison asked if the Board should accept the donations formally at the next meeting. Selectman Jasper thought the request was for the two chiefs to attend the Lions Club dinner. Ms. Toomey confirmed that that was the intent. Chairman Madison said that was the way they would handle it then.

B. Discussion w/Executive Councilor Jim Normand re. Circumferential Highway

(Taken up earlier on the Agenda, just prior to Public Input.)

C. Recreation Committee

1) Hudson Youth Baseball

Keith Bowen, Director, informed the Board that Hudson Youth Baseball has been turning away 6, 7 & 8 year old children interested in playing ball. He contacted the league director to ask him why they were turning away the kids. The answer was not enough money, sponsors or help. Keith believes the support is there and they can get the necessary help and sponsors. Although it is not part of the Recreation Department, they do use Greeley Field for this program. If the Town and the Hudson Youth Baseball can't reach an agreement, he was seeking authorization to disallow the use of Greeley Field by Hudson Youth Baseball and the Rec Department would create a program for the kids.

Selectman Jasper said if Hudson Youth Baseball is using a Town-owned field, they should be providing programs that allow all of the children who want to participate to do so.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, that the Recreation Director enter into discussions with Hudson Youth Baseball, with the intent of reaching an agreement to allow all those who wish to participate to do so and if an agreement cannot be reached, it is the intent of the Board of Selectmen to not allow the baseball league to use Greeley Field carried unanimously.

2) Recreation Committee's request to waive Lions Hall fee for a Teen Dance

Len Lathrop stated he was present on behalf of the Recreation Committee, seeking approval of waiver of fees to hold a monthly dance for Hudson teens at Lions Hall. He was asking for input from the Board on the appropriate age level and how to limit admission to Hudson teens only. They also have talked with the Police Department and feel that there should be police details there for traffic and any other issue, if needed. The band, "Justice," would be willing to play for the first dance, based on their availability. Most Friday nights are available. The hall has a capacity for 485, he thinks it should be limited to 350. The goal is to make this a self-funding event, but it is not currently in the budget. A small fee would be collected at the door to cover the police detail officers and any promotional costs. Based on

a 4-hour dance, the cost would be about \$350 if they were granted a waiver for the use of Lions Hall. With a \$2 cover charge, they would need 175 teens to break even. This proposal was brought to the Recreation Department by Selectman Stewart and the Committee was looking for ways to make it happen.

Selectman Jasper thought it was a good idea. Since it would be run by a Town department, he didn't think that there would be any fees assessed. There doesn't appear to be a conflict on renting the hall, which would be his only concern. Mr. Lathrop said that Richard Young informed him that Lions Hall is available most Friday nights throughout the summer. There was only one Friday night in May that was taken.

Chairman Madison said that the Recreation Department needed to fill out the application to use Lions Hall and if it's something for use by the Town, it probably wouldn't even have to go before the Board; it would be automatically approved. Mr. Lathrop said that he was told only the Selectmen could waive the fee. He said they have had great success lately working with the Police Department's DARE program and the 5th through 8th grades. This proposed project is a natural extension for the older teens. They are working on a method to limit access only to Hudson kids.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to waive the fee for Lions Hall to hold teen dances carried unanimously.

(Start Tape 2, Side A)

Selectman Jasper thought they should hold a public hearing at their next meeting to amend the fee schedule for the Rec Department. He said he has a concern as to how to set up the account so the money collected can go back to the Recreation Department, since income goes into the general fund. Chairman Seabury said they could do it like they did with the Fire Department. Selectman Jasper said the \$5,000 doesn't go directly to the Fire Department; it goes into the general fund, so they have to find it from someplace else and transfer it. You cannot increase the bottom line budget by revenue. Paul said this was a different issue. A fee would be established to cover the actual costs of an event. This is no different than going to Canobie Lake or roller skating. Selectman Jasper thought it was a little different than that. Paul said it's all a revolving fund. He said they would handle the special detail like they would a contractor. Selectman Jasper said with a contractor, you have to have a bottom line to spend money. Paul said the contractor is paying the officer; the Town is only taking an administrative fee off the top for handling it. Selectman Jasper said but the Town is the one cutting the check. Paul said they do that all the time. Selectman Jasper said budgets have line items for expenses and there is none for this one. Mr. Lathrop said they have a miscellaneous line item that was over funded this year and he asked if they could use that to pay the police detail. Paul said yes.

Motion by Selectman Jasper, seconded by Selectman Stewart, to hold a public hearing on May 13 to establish a fee for dances at Lions Hall carried unanimously.

Mr. Lathrop said this was something they wanted to do by the middle of May. Selectman Jasper said if it is going to be before the 13th, they could plan on the \$2. The public hearing would be a formality. Mr. Lathrop said someone has already booked Lions Hall on the 16th, and the following week, the 23rd, is prom weekend and Memorial Day. That leaves the 2nd, 9th & 30th. Selectman Jasper said the Town already let the Recreation Department raise the fees prior to a public hearing. Mr. Lathrop said they should plan on waiting till June, under the circumstances. Selectman Jasper didn't think someone would object to the Rec Department charging \$2 to hold a dance even though a public hearing wasn't held.

D. Award of Bid for Computer Move

The Purchasing Agent's recommendation was Statewide Communications, the low bidder, for \$13,335. Paul said they have this one big-ticket item left to do, which is the wiring for changing over the computer system and for creating a separate telephone system downstairs. At this point, they are looking at only the wiring and telephone system (\$11,190) and not the actual move of the computer itself. That rewires the computer system in all of Town Hall and it provides high quality data and separate voice lines. He mentioned that the wheelchair lift should be complete and operable by Thursday.

Motion by Selectman Jasper, seconded by Selectman Seabury, to award the bid for rewiring to Statewide Communications in the amount of \$11,190

carried unanimously.

E. Mr. & Mrs. Rich Dauber's Request to Purchase Town-Owned Property,
5 Brook Drive, Map 9, Lot 34-15

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to write to the Daubers and explain to them that, as part of the original development to the Town, the land was to be used for certain purposes and, as such, they cannot put the property out to bid carried unanimously.

F. Sagamore Park Pumps

Road Agent Leo Lessard was requesting the release of \$5,000 from Reserve Account 5564-450 for the work on the rebuilding of pumps #1 and 2 at the Sagamore Park pump station. Paul said this is work that has been done and it was an appropriate request.

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the request by the Road Agent carried unanimously.

G. Various Assessing Items

1) Tax Lien Interest Redemption, 11 Groves Farm Road

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to sign, as recommended by the Assessor, carried unanimously.

2) Totally and Permanently Disabled Property Tax Exemption

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to grant, as recommended by the Assessor, carried unanimously

3) Abatement Application, Lockheed Sanders, 65 River Road

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to sign Notice of Decision, as recommended by the Assessor, carried unanimously

4) Intent to Cut, 142 Kimball Hill Road, "Town Forest"

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to sign, as recommended by the Assessor, carried unanimously

5) Warrant for Collection of Yield Taxes

Todd Graham, Map 14, Lot 177-1, 67R Burns Hill Road; Robert Bacon, Map 27, Lot 52, Town Forest; Jane Walcott, Map 19, Lot 9, Bush Hill Road; Crowley Land Clearing--NHDOT--Sagamore Bridge

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to sign, as recommended by the Assessor, carried unanimously

6) Elderly Exemption (Ernest Doucette)

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve, as recommended by the Assessor, carried unanimously

7) Disabled Tax Deferral Applications (Lorraine Carlstron; Susan Walterbach)

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to sign, as recommended by the Assessor, carried unanimously

H. Birch Street/Lowell Road Signalization Project

Paul said it would be helpful to get a sense of the Board's priority preferences. Selectman Stewart said the voters voted to do this, so they shouldn't wait six months to get started. Selectman Jasper said the voters also voted to do other things through warrant articles that Engineering has to do before they move onto new ones. There is land taking on Bush Hill Road and 3A. If they put it off again, they may lose the money because they can't encumber the funds two years in a row. Selectman Seabury asked who was going to do the work for the 102 ISTEA project. Paul said Mike Reynolds is the point person for getting the slope easements on 102.

Selectman Charbonneau, reading from a paper given to her by Mr. Dilworth, said they could solve it right now. First of all, they cannot do anything until July 1. And what about trying to complete what is already in the works? What

about the \$7,000 for engineering/construction to complete the parking lot at Robinson Pond? The money lapses in June. (It only took four years to get someone to do some follow-up work there.) There is \$75,000 in bridge work that will also lapse in June because staff didn't get around to doing the work until it was too late. \$50,000 for Windhaven Drive culvert almost didn't get done for the same reason, and there's no guarantee the project will be completed. \$56,000 for right-of-way acquisition for work that has not been started yet and \$198,000 for right-of-way acquisition which is in process.

Selectman Jasper said they are a little behind and the Board has to trust that staff is doing the best they can with what they have to do on a daily basis. It appears some of the money is in danger of lapsing. Chairman Madison said that even though they'd like to do this project tomorrow, it has to fall into line behind the others that are first. Selectman Charbonneau agreed, saying their plate was pretty full and there are many projects out there that need to be done. Selectman Jasper said this signalization project can be the first on the list on the new items, after the old ones are done.

Selectman Seabury asked if the Board should prioritize the list. Paul said the Executive Drive signalization currently carries an extremely high priority and it's in the design phase. Even though it's a fairly simple project, the in-house Town Engineer shouldn't be expected to do it.

Chairman Madison asked staff to put together a prioritized listing of all of the projects, and the current status for each one, for the next meeting so they will know exactly where they are at.

I. Cable Committee's Request for Direction

Coleman Kelly, Chairman of the Cable Committee, said he wanted some direction as how to proceed with the evaluation and the upcoming negotiations with Americable. The first meeting with the Consortium is May 5 and the first negotiation session is May 12. A significant portion of what they hoped to do was rejected by the voters at Town Meeting. In 1995, a survey was conducted and one of the questions focused on Public/Educational/Government access. The overwhelming response indicated people were in favor of this access. The survey results also indicated people were in favor of local programming and a separate channel.

(Start Tape 2, Second Side)

With the voters rejecting the warrant article authorizing the purchase of cable broadcasting equipment, he asked in which direction the Board wanted the committee to go. He said he is confused because the survey said one thing and the voters said something else. He said the proposal from Americable was a piece of trash and was full of what they were not going to do for Hudson.

Selectman Madison felt that the voters did not understand this would not be costing them anything, that the \$68,000 was a part of the franchise fee. Selectman Jasper said, in reality, it does cost them something because if they take the \$68,000 away, it will have to be found someplace else--and most people realize that. Given the choice of watching the Selectmen on t.v. or save \$68,000, the voters opted for the money. He thinks people are interested in seeing Town Meeting, School Meeting, Candidates Night and maybe a couple forums. People clearly said they didn't want to look at the Selectmen every other week, or the Planning Board. These aren't things worth spending money on. Essentially they were proposing televising all of the meetings and people said they weren't interested. Now they have to find a happy medium, but he didn't know how that works into the process. He gives the voters a lot of credit for studying the ballot; people were very selective and they understand more than some people give them credit for.

Selectman Charbonneau said the average person that read the article assumed the voters would have to raise \$68,000 to purchase the equipment. The article did not explain that the franchise fee would pay for the purchase. She said she has been on cable for 17 years and resents the fact that she has to pay a franchise fee that helps to reduce taxes for everyone. She thinks meetings should be televised for the benefit of the homebound who do not have the opportunity to see government in action. If they cannot televise meetings, she doesn't want to have to pay the franchise fee at all. The money is supposed to be used for that purpose, not to reduce taxes.

Selectman Jasper said he couldn't really disagree with Selectman Charbonneau. In terms of wording the warrant articles, they Town did what was right; they didn't play around like the School Department did, who went way out of the bounds of propriety. They can probably do something in terms of selling it, but maybe they have to scale back what they were looking to do. If they can't do that, then maybe they shouldn't collect the money just for the sake of collecting it.

John Beike said if they do something less than what was proposed, they should probably adjust the franchise fee to something less. Coleman said if they were to continue with the 3% and not the proposed 5%, within two years, they would have enough franchise fee capital to cover all of the needs of a good system with post-production editing capability to make a competitive product. If they cannot produce high technical quality, people won't watch it.

Chairman Madison asked if they should seek authorization from voters at Town Meeting to establish a special fund for the franchise fees and not use them to reduce the taxes.

Motion by Selectman Jasper, seconded by Selectman Stewart, to rescind the action where the Selectmen approved increasing the franchise fee from 3% to 5%.

Selectman Charbonneau asked how long the contract would be for. Coleman said that was his next question. He said they could include language in the contract which would adjust the franchise fee, which could be reviewed on an annual basis or every other year. He said he also wanted direction as to the franchise length. With the state of flux technology is in today, he would not recommend a lengthy contract. Conversely, they can't go for too short a period of time because they won't get other elements that have been asked for in the RFP. He felt the absolute shortest contract would be three years, maybe five. In the year 2002, analog goes away and in comes digital. One transmitter is shut off and another is turned on.

Vote on the motion to lower franchise fee from 5% to 3% carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Seabury, to negotiate for a contract not to exceed five years.

Chairman Madison wondered if that might be too long, in view of all of the problems they've had with the current provider. It might be a wake up call to Americable. Coleman said Americable has said they've done nothing wrong, that the complaints are a figment of his imagination. He went on to say their Attorney spent 40 minutes going through the material, claiming he couldn't find anything, notwithstanding the fact he didn't choose to look.

Selectman Jasper said, in reading government-type magazines, five is on the short end and they don't talk about anything shorter than that. Some go as high as 10. He felt five was the minimum they could expect to reasonably negotiate. Selectman Charbonneau asked what the other towns were doing. Coleman said Litchfield is currently in their third year of a five year contract. (As Coleman was explaining about other towns, background coughing masked what he was saying.) Most of them expire around the same time as Hudson's.

Paul felt that five years was reasonable and it would give them an opportunity to get competitive by the end of that franchise. He didn't think they would see any improvements at all if they go with a three year contract. Coleman said Americable has answered no substantive questions. Their plans for expansion will be decided later by them; they didn't specify what technology they would use, just that they would explain it later; they would not share any financial information when the Town wanted to get a feel for their capability of fiscally accepting change; and that, Coleman said, was the tenor of their response.

Vote on the motion to negotiate for a five year contract carried unanimously.

Selectman Madison said their next meeting isn't until May 13, after the negotiation session and the meeting with the consortium are scheduled. She spoke with Selectman Jasper previously and he has agreed to be the Board's liaison, replacing former Selectman Dilworth. Coleman said he will be working closely with the Selectman as negotiation discussions continue. He said in discussions with the General Manager and Americable's attorney, he said the goal is the same--to deliver high quality service to Hudson subscribers. Lifting the document supplied by Americable, he commented, "With this piece of trash, I don't know if that is going to happen."

Chairman Madison stated that Howard Dilworth, Jr., wanted to address the body and, with the agreement of the Board, she would allow it. They agreed. Mr. Dilworth said on 7/23/96, the Selectmen voted him as the franchising agent for the Board of Selectmen. Chairman Madison said he was a Selectman at that time, who was the Cable Committee liaison, that ended with his term of office. Mr. Dilworth said if the Board wanted to pick someone else, he would resign. Chairman Madison thanked him and then accepted his resignation. Chairman Madison said Selectman Jasper had agreed to be the cable representative and franchising agent. She said in speaking with others, including Board members, everyone felt that it was the intent that Mr. Dilworth was serving as the franchising agent in his capacity as Selectman. Motion by Selectman Seabury, seconded by Selectman Jasper, to accept the resignation of Howard Dilworth, Jr. as the franchising agent, carried

unanimously.

Selectman Jasper said he appreciated Mr. Dilworth's remarks but, as the franchising authority, it's important that the franchising agent be a member of the franchising authority, not a member of the general public. He did respect and appreciate the work that Mr. Dilworth did for the committee. But it always the intent that the franchising agent be someone from the body.

Motion by Selectman Stewart, seconded by Selectman Seabury, to appoint Selectman Jasper as the Cable Committee liaison and the franchising agent for his term of office carried unanimously.

Selectman Jasper said that next year, they should have a warrant article to create a capital reserve fund with the franchising money, and not have the Selectmen as agents to expend. Chairman Madison said that was fine.

J. Request for Transfer of Funds to cover Over-expenditures for Legal Services

There was not enough funds in the legal line item to cover expenditures for legal services and services related to the taking of the water company. The request was to transfer \$70,000 from 5910-117 (Workers Comp) to 5200-218 (legal).

Motion by Selectman Jasper, seconded by Selectman Seabury, to approve the transfer of \$70,000 from 5910-117 to 5100-218.

Paul said this was on the agenda because of a discussion he and Selectman Jasper had. The legal budget is currently at its appropriated level for the current year. The legal services expenditure is actually under budget, but the related costs for the water company have put it over. He said the transfer was appropriate and that amount should be sufficient to carry them through the fiscal year. Selectman Jasper said he was aghast at the \$70,000 because when they had the discussions of what it was going to cost for the water company takeover, they were told \$40,000 would be plenty. He thinks it is worth it to take over the water company, but they failed miserably in estimating what it was going to cost. He feels more than a little bit uncomfortable, having gone to Town Meeting and saying that, only to consider a potential \$70,000 over-expenditure. And he knows this is not the end. His concern is that it was so badly underestimated by the experts. Paul said it was a tough thing to estimate. Chairman Madison agreed, but said this was way off.

Vote on the motion to approve the transfer carried 4-1. Selectman Charbonneau was opposed.

K. Request by Association of NH Artists to hold art show on rain date of May 4, and establish a new rain date of May 18, due to inability of co-sponsor, NH Coalition for the Homeless, to attend on April 27.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve the request carried unanimously.

9. OTHER BUSINESS

A. County Budget

Selectman Charbonneau said the County Commissioner have worked very hard in reducing the county tax rate. It will now go to the Executive Committee and sub-committees and they hope they hold the line or, if necessary, make other cuts. She hoped the Representatives will go with the budget. If not, it won't be decreased. But some of them can't take the pressure from some of them who are out there crying. They also plan to look into other areas for cuts.

B. Chairmanship

Former Chairman Seabury thanked Chairman Madison for accepting the chairmanship for Selectman Jasper for accepting co-chair

C. Hudson Speedway

Chairman Madison asked for a formal motion to affirm the phone poll vote when they granted the Speedway license on April 18th.

Motion by Selectman Seabury, seconded by Selectman Jasper, to approve the permit.

Selectman Seabury asked if the pit area has been graded and filled in. Paul said the work has been done. Selectman Jasper said now it's a worse mud hole, spread out over a larger area.

Vote: Motion carried unanimously.

D. Landfill Closure

Chairman Madison wanted to ensure they were on top of this because it expires soon. Paul said all of the paperwork is in.

10. LICENSES AND PERMITS

A. Request for Outdoor Gathering Permit by Bruce Smick Amusements to hold a Carnival at Sam's Club, May 8-11, 1997

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to grant the permit carried unanimously.

B. Request by Aron Johnson for a Hawker/Peddler Permit to operate a Mobile Catering Truck for Spring Hill Catering

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

C. Request by Carlos Edes for a Hawker/Peddler Permit to operate a Mobile Catering Truck for Spring Hill Catering

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

11. ACCEPTANCE OF MINUTES

BOS Meeting Minutes of April 7, 1997

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

Paul mentioned that, thanks to John Beike and Ed Badger, the Minutes and the agendas are now on the web site for access from home.

12. COMMITTEE ANNOUNCEMENTS

04/23 7:00 LMR Planning Board
04/24 7:30 LMR ZBA
05/01 7:30 Sewer Utility
05/05 7:00 LMR Library Trustees
05/06 7:30 Rec Cmt @ Rec Center
05/06 7:00 BOS Nonpublic w/Labor Relations Consultant
05/07 7:00 LMR Planning Board Workshop
05/08 7:30 LMR ZBA
05/13 7:30 LMR BOS

There were no changes or additions to the listing.

13. REMARKS BY THE SELECTMEN

Terry Stewart said she looks forward to working with everybody and asked for their patience because she has got a lot to learn. She's anxious to get started.

Ann Seabury said she has got the office all cleaned out for Chairman Madison.

Shawn Jasper thanked Selectman Seabury for all of the work she put in as Chair for the last three years. A lot of times, it doesn't seem as if she took things seriously, but he knows that she took her job very seriously and was here nearly every day and spent a lot of time in the office. She put a lot of hard work into the job. He congratulated the new Chairman and new Selectman.

(Start Tape 3, Side A)

14. NONPUBLIC SESSIONS

Motion by Selectman Jasper, seconded by Selectman Stewart, 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 itself; (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; (b) The hiring of any person as a public employee carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:07 p.m. and was terminated at 10:30 p.m. The following votes were taken in open session, all of which were made by Selectman Seabury, seconded by Selectman Stewart, and carried 4-0, with Selectman Jasper abstaining because they were Fire Department issues:

- A. Promotion of Three Call Lieutenants: Jeff Emanuelson (Robinson Rod); Kevin Blinn, (Central Station); and Fred Brough (Burns Hill Station), all effective 4/23/97. (Base salary of 11.50/hr.)
- B. Call Firefighter John Chesnulevich hired @ \$10 per hour, effective 4/23/97.
- C. Acceptance of resignation of part-time Dispatcher, Julie Spencer.
- D. Approval of termination of Judy Sassak as part-time EMT.
- E. Neal Carter promoted to Captain, effective 4/27/97, with an annual salary of \$39,395.20.
- F. Steve Gannon promoted to Lieutenant, effective 4/27/97, with an annual salary of \$32,702.40.
- G. Jamie Paquette promoted to full-time fire fighter, with an annual salary of \$22,441.13, effective 4/27/97.

15. ADJOURNMENT

Motion by Selectman Seabury, seconded by Selectman Stewart, to adjourn at 10:34 p.m. carried unanimously.

Recorded & 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

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