

## HUDSON, NH BOARD OF SELECTMEN

Minutes of the December 23, 2003 Meeting

7:00 p.m. Labor Relations Session.

1. **CALL TO ORDER** by Chairman Pro Tem Teresa Stewart at 7:30 p.m. in the Selectmen's Meeting Room at Town Hall.

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

3. **ATTENDANCE**

**Selectmen:** Teresa Stewart, Kenneth Massey, Shawn N. Jasper and Ann Seabury. (Chairman Cole was recovering from surgery.)

**Staff/Others:** Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Fire Chief Shawn Murray, his wife, Dottie and two children, Casey and Allie; Kevin Burns, Road Agent; Tom Sommers, Town Engineer; Camille Pattison, NRPC; Jean Serino; Leo Bernard; Ray Rowell; Marilyn McGrath; Nominations & Appointments applicants; Paul Yarmo; James Hoffman, QROE Farms; Anne Lundregan, TEL

Chairman Pro Tem Stewart administered the Oath of Office to the newly appointed Fire Chief, Shawn Murray.

4. **PUBLIC INPUT**

**Marilyn McGrath, River Road re Committee Appointments** – Ms. McGrath spoke highly in favor of the reappointment of Planning Board members George Hall and Richard Maddox, reappointment of Suellen Quinlan to the NRPC member and appointment as a Conservation Commission alternate and of the reappointment of Brad Seabury to the ZBA.

**Jean Serino, Robinson Road** praised Selectmen Jasper and Seabury for their many years of service and dedication to the Town. An advocate for open space preservation, she presented the Town with a check for \$1,000 to put towards that purpose. Chairman Pro Tem Stewart thanked Ms. Serino, saying a public hearing would be held on January 13 to accept this generous donation.

5. **NOMINATIONS AND APPOINTMENTS**

A. **Building Board of Appeals** (1 Member, Term to expire 12/31/06) There were no applicants.

B. **Cable Committee** (2 Members, Terms to expire 12/31/06)

Harry Schibanoff (Incumbent) Interviewed 12/9.

Michael O'Keefe (Incumbent) hoped to be reappointed.

John Kruk said he was semi-retired and with his extensive background in telecommunications, he thought this would be a good way to contribute his time.

*Motion by Selectman Jasper, seconded by Selectman Seabury, to appoint Harry Schibanoff and Michael O'Keefe to the Cable Committee, terms to expire 12/31/06, carried 4-0.*

It was explained to Mr. Kruk that these two individuals have served on this committee for some time and their expertise and knowledge contributed to the success of this board, that his not being appointed was not a reflection on him or his abilities, and hoped he'd consider applying for other vacancies on other boards. He said he would do that.

C. **Conservation Commission** (2 Members, Terms to expire 12/31/06; 3 Alternates, Terms to expire 12/31/06, 12/31/04, & 12/31/05)

Sandra Rumbaugh expressed her wishes to be reappointed.

Robert Haefner Interviewed 12/9.

*Motion by Selectman Massey, seconded by Selectman Jasper, to reappoint the incumbent members to terms to expire 12/31/06, carried unanimously.*

Donald Gowdy (Incumbent Alternate) Interviewed 12/9.

*Motion by Selectman Massey, seconded by Selectman Seabury, to reappoint Donald Gowdy as an alternate, term to expire 12/31/06, carried unanimously.*

Suellen Seabury Quinlan Interviewed 12/9.

*Motion by Selectman Massey, seconded by Selectman Jasper, to appoint Suellen Seabury Quinlan to an alternate position, term to expire 12/31/05, carried 3-0.* Selectman Seabury abstained.

D. **Nashua Regional Planning Commission** (1 Member, Term to expire 12/31/07; 1 Alternate, Term to expire 12/31/07)

Suellen Seabury Quinlan (Incumbent Alternate) Interviewed 12/9.

*Motion by Selectman Jasper, seconded by Selectman Massey, to appoint Suellen Seabury Quinlan to a membership position, with a term to expire 12/31/07, carried 3-0.* Selectman Seabury abstained.

E. **Planning Board** (2 Members, Terms to expire 12/31/06; 1 Alternate, Term to expire 12/31/06)

George Hall (Incumbent Member) Interviewed 12/9.

Richard Maddox (Incumbent Member) Interviewed 12/9.

Vincent Russo, Jr. (Incumbent Alternate) Interviewed 12/9.

*Motion by Selectman Massey, seconded by Selectman Jasper, to reappoint the two incumbent members and alternate, terms to expire 12/31/06, carried unanimously.*

F. **Recreation Committee** (3 Members, Two terms to expire 12/31/06 and one term to expire 12/31/05)

Edward Caban (Incumbent Member) Interviewed 12/9.

Michael Regan (Incumbent Member) asked to be reappointed to the committee.

Motion by Selectman Seabury, seconded by Selectman Jasper, to reappoint the two incumbent members, terms to expire 12/31/06, carried unanimously.

Susan LaRoche Interviewed 12/9.

Motion by Selectman Jasper, seconded by Selectman Seabury, to appoint Susan LaRoche to a membership position, term to expire 12/31/05, carried unanimously.

**G. Sewer Utility Committee** (2 Members, Terms to expire 12/31/06)

Catherine Valley (Incumbent Member)

Donald Gowdy (Incumbent Member)

Motion by Selectman Jasper, seconded by Selectman Massey, to reappoint the two incumbent members, terms to expire 12/31/06, carried unanimously.

**H. Solid Waste Study Committee** (2 Members, Terms to expire 12/31/03 and 12/31/05) There were no applicants.

**I. Zoning Board of Adjustment** (2 Members, Terms to expire 12/31/06; 1 Alternate, Term to expire 12/31/06)

Brad Seabury (Incumbent Member)

Charles Bracket (Incumbent Member)

Motion by Selectman Jasper, seconded by Selectman Massey, to reappoint the two incumbent members, terms to expire 12/31/06, carried 3-0.  
Selectman Seabury abstained.

(Start Tape 1, Second Side)

**6. CONSENT ITEMS**

There was no response when Chairman Pro Tem Stewart asked if anyone wished to remove anything from the Consent agenda  
Motion by Selectman Massey, seconded by Selectman Seabury, to receive the Consent items, A – E, as appropriate, carried 4-0.

**A. Assessing Items**

- 1) Veteran's Credits and Applications for Abatement, w/recommendation to grant. (32 Glen Drive, 34 Clement Road, 10 Sanders Road, 6 Rita Avenue)
- 2) 2003 Application for Abatement, w/recommendation to grant. (Map 017/Lot 008/Sublot 002)
- 3) 2003 Abatement Application, w/recommendation to approve. (26 Griffin Road)
- 4) Applications for Abatement, w/recommendation to grant. (4 Berkeley Drive, 30 Westchester Court, 3 Daniel Webster Drive, 79 Barbara Lane, 97 Ferry Street)
- 5) Application for Elderly Exemption, w/recommendation to grant. (10 Glasgow Circle)
- 6) Veteran's Tax Credit Applications, w/recommendation to grant. (43 and 10 Glasgow Circle)

**B. Sewer Utility Items**

- 1) SUTL0408 23 Executive Drive and SUTL0409 9 Birch Street, w/recommendation to grant
- 2) SUTL0410 4 Roy Drive and SUTL0411 58 Bear Path Lane, w/recommendation to grant
- 3) Sewer Acceptance, Bowe's Circle, Map 23/Lot 25, Club House & Units 1-22, w/recommendation to accept
- 4) Glen Drive Sewer Betterment District w/recommendation for public hearing for mid-February and approval of recommendations

**C. Licenses and Permits**

Request from Hudson Heat to collect monies for Youth Softball at NH Liquor Store on Lowell Road. (Approved.)

**D. Acceptance of Minutes**

Minutes of the Board of Selectmen's Meeting of December 9, 2003 (No corrections; referred to file.)

**E. Committee Announcements**

- 12/25 Christmas Day—Town Hall Closed
- 12/29 7:00 Budget Committee in BOS Meeting Room
- 12/30 7:00 Budget Committee in BOS Meeting Room
- 1/1/04 New Year's Day—Town Hall Closed
- 1/5/04 7:00 Budget Committee in BOS Meeting Room
- 1/5/04 7:00 Friends of Hudson's Natural Resources in CD Meeting Room
- 1/6/04 7:00 Budget Committee in BOS Meeting Room
- 1/6/04 7:30 Library Trustees in Ferry Street Annex
- 1/7/04 7:00 Planning Board Workshop in CD Meeting Room
- 1/8/04 6:30 Recreation Committee @ Rec Center
- 1/8/04 6:30 Pennichuck Regional Water District Cmt. In Bedford
- 1/8/04 7:00 Budget Committee in BOS Meeting Room
- 1/8/04 7:30 Sewer Utility Committee in Community Development Office
- 1/8/04 7:30 ZBA in CD Meeting Room
- 1/12/04 6:30 School Board in BOS Meeting Room
- 1/12/04 7:30 Conservation Commission in CD Meeting Room
- 1/13/04 7:30 BOS in BOS Meeting Room
- 1/13/04 Last day to post bond hearing notice
- 1/13/04 Last day to accept petitions
- 1/13/04 7:00 School Budget Public Hearing at Library Street School
- 1/14/04 6:00 Benson's Committee in BOS Meeting Room
- 1/14/04 7:00 Planning Board in CD Meeting Room
- 1/15/04 7:00 Town Budget Public Hearing at Library Street School

- 1/19/04 Town Hall closed in recognition of Martin Luther King Day
- 1/20/04 7:30 Library Trustees in Ferry Street Annex
- 1/20/04 Last day to hold bond hearing
- 1/21/04 First day to file for Candidacy
- 1/22/04 7:30 ZBA in CD Meeting Room
- 1/22/04 6:30 Pennichuck Regional Water District Cmt. In Bedford
- 1/26/04 Last day to post the Warrant
- 1/26/04 7:30 BOS in BOS Meeting Room
- 1/27/04 State Primary
- 1/28/04 7:00 Planning Board in CD Meeting Room
- 1/30/04 Last day to file for Candidacy
- 1/31/04 9:00 a.m. Town Deliberative Session @ Lions Hall

**7. OLD BUSINESS**

**A. Public Hearing on Receipt of Donation of a Granite Bench by the Planning Board in Memory of Leonard Smith**

Chairman Pro Tem Stewart opened the hearing at 8:01 p.m. No one spoke on this, so she closed the hearing.

*Motion by Selectman Massey, seconded simultaneously by Selectmen Seabury and Jasper, to accept the donation of a granite bench from the Planning Board, with an appropriate inscription in memory of Leonard A. Smith, and that it be placed at Library Park, facing towards the Kendrick Victorian House; and further that implementation of this project be coordinated through the Town Administrator, carried 4-0.*

**B. Pennichuck Regional Water District Charter**

Ms. Stewart recognized Selectman Massey, who said the Pennichuck Regional Water District Committee met over the last month and had a public hearing on the Charter, as it was voted on on November 20. As a result of those meetings, the committee is going to take under consideration several requests for either improvements or changes to the existing language. The committee won't meet again until January 8, which would be too late for the Board to act on at their meeting on January 13. The updated Charter should be available to the public after January 13. He will also make available a synopsis of the Charter in easy-to-understand language. The public hearing is to obtain input into the advisability of the Town joining the district. Based on a legal opinion from the Town Attorney, RSA 53-A says the Selectmen have the power to enter into an inter-municipal agreement, such as this, and he recommends that subsequent to the hearing, that the Board of Selectmen vote to join the district. If that passes, then in 2005, the Town would have to present a Warrant Article that would approve the purchase.

*Motion by Selectman Massey, seconded by Selectman Seabury, that pursuant to RSA 53-A, the Board of Selectmen hold a public hearing on Monday, January 26, for the purpose of taking public input on the Town of Hudson joining the proposed Pennichuck Regional District, and to take appropriate action, carried unanimously.*

**C. Water Supply and Transmission Agreement Amendment (Pennichuck)**

Town Engineer Tom Sommers said this was an amendment to an agreement signed by Pennichuck and the Town in 1998. The Town has established a new safe yield level for the wells in Litchfield, which is somewhat more restrictive than the original yield on them in order to protect the aquifers and surface water in that area. The Town voluntarily agreed to do that, in conjunction with Litchfield and with NH DES. Also, the Town now has meters which allows the ability to monitor the water that crosses to and from Litchfield and Pelham. These items allows the Town to claim the imbedded costs for water taken for the purposes of serving Litchfield, above the 15% guarantee mark, which they've given Pennichuck for their operation in Litchfield for a variable cost. The Town assesses a variable cost for the first 15%, up to a field number of 283,000 per day, and an imbedded cost for any water they purchase through Hudson for either of those towns. The imbedded cost the Town has come up with is the Town's tariff retail rate, plus 20% and that will probably increase the amount of money the Town will collect by a factor of four or five over what has been collected versus what the Town has been paying. Selectman Massey thanked Mr. Sommers for his outstanding job, that his work will yield a significant increase in the amount of revenues received from Pennichuck for providing the transmission of water to Litchfield and Pelham.

*Motion by Selectman Massey, seconded by Selectman Jasper, to approve the Supply and Transmission Agreement between the Town of Hudson and Pennichuck Water, as amended, carried unanimously.*

**D. Warrant Articles**

- 1) Highway Union Contract
- 2) Administrative & Support Union Contract

*Motion by Selectman Seabury, seconded by Selectman Jasper, to forward the Highway Union Contract and Administrative & Support Union Contract to the Warrant carried unanimously.*

**8. NEW BUSINESS**

**A. Hazard Mitigation Plan for Hudson w/NRPC**

Chair Pro Tem Stewart recognized Camille Pattison, a Transportation Planner from NRPC and Fire Chief Shawn Murray, who said that about a year ago, Ms. Pattison was tasked to come up with a Hazard Mitigation Plan for the Town which, along with being a planning tool, it is required in order for the Town to apply for emergency management grants. A group was formed, which included Town departments and NRPC, which resulted in this plan. They would like to release the draft for public review and input. Ms. Pattison said the Mitigation Plan is a FEMA requirement. At the local level, NH OEM works with FEMA and NRPC to assist in developing the plan. OEM also provides grants to fund the development of the plan, such as in Hudson. The goal is to assess resources and identify critical facilities and areas of concern. The plan proposes mitigation measures, intended to provide benefits to the Town in case of an emergency situation, such as flooding, hazardous materials spills, etc.

Selectman Massey referred to Page 52, Implementation Schedule, "releasing this document in its current form," and asked what commitments the Selectmen would be making as to priorities, time frames and whether or not any or all of them will be done. Ms. Pattison said the Board is not committing to anything by adopting the plan, but it enables the Town to be eligible for Federal and State funding. Without the plan in place, there is no eligibility. The only requirement is to update the plan, a minimum of every five years. Selectman Massey asked if the Board would be able to change the priorities, even after it is published. Ms. Pattison said yes, adding this would be a baseline, then as things change, or priorities change, the plan can change, as well.

Selectman Jasper asked about the process to receive public input. Ms. Pattison said if the Selectmen approve the plan, it could be released to the public tomorrow and would run until about January 9. At that time, they would review the comments received and make any changes, as appropriate. The intent is to get the completed plan back to the Selectmen in early February. They need to get a final plan to OEM and FEMA by the end of February. Draft plans will be at Town Hall, the Library, NRPC and their web site. A notice will be in the Telegraph, as well, because the HLN isn't being published this week or next. Selectman Jasper said in skimming over the plan, he noticed that Table 3 on Page 19, the fire stations' names and locations are not identified; Page 22 lists the Post Offices as being municipal, but they are Federal and don't belong to the Town; and on the same page, school house is not identified. Chief Murray said there is another plan that provides more detail, available through OEM. Selectman Jasper said all the apartments on Page 25 are identified, with the exception of the one at the top, which just says, "apartments, two to 20 unit buildings."

Selectman Seabury said she didn't have time to read the plan because she has been too busy with Christmas. Chief Murray said the Board can always contact him with any questions. Ms. Pattison said they can contact her, too--that is why they are allowing for a two-week viewing period. After the final plan has been adopted by the Board, FEMA will undoubtedly make some changes, so it will have to come before the Board again. Selectman Massey suggested extending the viewing period to January 16 because of the holidays. Ms. Pattison agreed to that. Selectman Massey said he'd like this to be on Hudson's web site, too, or a pointer, telling people where it can be found.

*Motion by Selectman Jasper, seconded by Selectman Massey, to authorize Nashua Regional Planning Commission to release the draft Town of Hudson Hazard Mitigation Plan to the public for review and comment from December 24, 2003 through January 16, 2004 carried unanimously.*

**B. Health Officer appointment**

*Motion by Selectman Jasper, seconded by Selectman Massey, to re-appoint William Oleksak as the Health Officer and Sean Sullivan as the Deputy Health Officer for the Town of Hudson, NH carried unanimously.*

**C. Set Public Hearing for Bond Items**

*Motion by Selectman Jasper, seconded by Selectman Massey, to set a public hearing for bonded items on the Town Warrant for January 13, 2004, during the Selectmen's regular meeting carried unanimously.*

(Start Tape 2, Side A)

**9. OTHER BUSINESS/REMARKS BY THE SELECTMEN**

**Selectman Shawn Jasper** said he was, regrettably, going to give his many critics an early Christmas present, but he feels like the man, when asked why he was beating his head against the wall, he said because it feels so good when he stops. He has concluded it's time for him to stop beating his head against the wall and he will not seek re-election in March. He does not feel that he is able to contribute to the Town in the way he'd like to. Far too often, he is in the minority on many issues, so he does not enjoy this any longer. He never thought it would come to this, as he has always loved being a Selectman. When he leaves in March, it will have been 20 years since he was first elected to the Board of Selectmen. He appreciates the voters' confidence by electing him four times, the last three consecutively and feels that he would be re-elected again, but that's not what he wants to do at this time. He thanked everyone for bearing with him, for those who supported and encouraged him to reconsider, but he will not.

Selectman Jasper said he has a real concern about the call force. For some time, he has been saying there is a movement afoot to do away with the call force—and that is beginning to bear fruit. There has been another resignation from the call force and in that letter the individual references his diminished role. Recently, policies were changed so that the call fire fighters no longer go to motor vehicle accidents, or assist with emergency medical calls, or to structure fires on first alarm. Districts were expanded so Engine 1 out of Robinson Road responds to a call at Bell Tower. By the time they get to the station, Engine 2 out of Central will have arrived on the scene and declared the situation under control. Box alarms are about 90% false alarms, so while the districts that call companies go to have been expanded, most of the calls have been taken away. This latest individual who resigned put a lot of time and his own money into becoming an EMT, as others have. They have been virtually taken off all calls where they would be able to use their medical skills. People join the Fire Department to participate and provide a service. There is a certain element of excitement to being a call fire fighter, but they have to feel they are contributing. Right now, they are going to box alarms, which are false alarms for the most part, and are providing coverage. Consequently, participation is falling off. In 2002, there were 23 call fire fighters; now there are only 14, six of whom earned less than \$200 for the latest quarter and four under \$500. At \$10 an hour, that's not a lot of time. The drop-off rate is more dramatic when you look at the fiscal years. In FY 2001, they paid \$50,000 to part-time personnel; 2002, \$49,000; 2003, \$40,000. Through November 2003, they paid out less than \$20,000. The call force is, essentially, dead. The Board needs to take an active role in finding out what is going on. He believes this drastic change is because the policies now in place have made it less desirable for people to be call fire fighters. Over 50% of the fire fighters in the State and in this country are call and volunteer. It is more difficult in towns that have a full-time force, but it's because of the ways they are allowed to serve. Litchfield has a successful program, as do other communities in the state. The Selectmen need to be pro-active advocates for the call force, if it is turn around before it is too late—and it might already be.

**Selectman Ken Massey** said it is imperative that in early January, the Selectmen have a discussion with Chief Murray to pick up on some of the ideas they heard when they were interviewing for the position of Fire Chief. It would be timely to begin discussing a plan to revitalize the call fire force. If they delay too long, they run the risk of losing momentum. Chair Pro Tem Stewart said she'd discuss that with the Town Administrator.

Selectman Massey thanked the Town employees for another year and wished them a happy holiday, peace and prosperity and another year of excellent service to the Town and extended those wishes to all of the Townspeople.

**Selectman Ann Seabury** said 20 years ago she and Selectman Jasper put their dollar down. After thinking about this for a long time, she decided not to run for re-election, either. She does this with a heavy heart because she truly enjoys being a Selectman. It has been fulfilling to give back to the community that has been kind and gracious to her. She has accomplished a lot of her goals—a new police station and a new public works garage. A third goal was a new library, and that is moving along at a steady pace, so she hopes that will become a reality. The Selectmen can be proud of their accomplishments, including the purchase of the water company, the new animal facility, the skate park, the purchase of Lions Hall and saving open space. All of those have given her a sense of accomplishment, and the voters supported her wonderfully. She couldn't have done it without the outstanding Town staff, who makes all of the Selectmen look good. In HLN's *Thumbs*, there was something about new ideas. She is the one who mentioned to Mr. Lathrop probably there are new ideas out there to, hopefully, serve the best interests of Hudson.

Mrs. Seabury thought the Board should buy new chairs for their meeting room; one is broken and the others are wobbly. If they find any money for them in the budget, don't tell the Budget Committee, or they will take it out, saying the Board was frivolous.

She attended a Library meeting this afternoon and it disturbs her that the Library doesn't get the support they deserve. People that participate might not use the Fire Department, the Police Department, or even the school system, but they do pay taxes so she feels they deserve the support of the Selectmen and the Budget Committee. She read in their minutes where they lost another position, the Assistant Children's Librarian. They are trying to write a warrant article that cuts a couple of positions and to get a full-time position. It will be at the Library for people who want to sign it. It is outrageous that the Budget Committee cut 10% out of their full-time salary account. No one else suffered like that. They are also going to request the \$75,000 the Budget Committee cut out of their bottom line for the computers. They are operating like a bird with a crippled wing. She hopes the community will support them. If the money is taken out of their budget, they will lose 121% of their materials budget, which is outrageous. From now until March, she is going to read a quote about America's libraries. Tonight's was, "Research shows the highest achieving students attend schools with good library/media centers. An American spends seven times as much money on home video games (\$7 billion) as they do on school library materials for their children (\$1 billion)."

**Chair Pro Tem Terry Stewart** said she was going to miss Selectman Seabury's humor and Selectman Jasper, although she didn't agree with him all the time. She said while everyone gives thanks for all they've received this holiday season to remember the following local servicemen, who are either in-country or being deployed--fighting for our freedom in Iraq/Kuwait: Gregory McCrady, Richard Melanson, Eric Guici, James Larkin, Scott LeBlanc, Joe Maryanski, Jerry Carrier (a Hudson Fire Fighter) and Police Chief Gendron's son, Jonathan. She apologized if she missed anyone.

Chairman Cole is on the mend, he is home and corresponding by e-mail--and she was sure he was watching them right now. He asked her to extend his best wishes to Town employees and their families for a blessed Christmas and a joyous New Year. She said, "Bill, it's 5:00 o'clock at least somewhere in the North Pole right now."

#### 10. **NONPUBLIC SESSION**

*Motion by Selectman Jasper, seconded by Selectman Massey, to enter Nonpublic Session under 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee; (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community carried 4-0 by roll call vote.*

Nonpublic Session was entered into at 8:50, following a brief recess, and was terminated at 9:47 p.m.

#### Open Session Motions:

*Motion by Selectman Jasper, seconded by Selectman Massey, to approve Police Chief Gendron's recommendations for merit increases, in accordance with the HPFPA union contract, carried 4-0.*

*Motion by Selectman Jasper, seconded by Selectman Massey, to hire William Davidson as Truck Driver-Laborer in the Highway Department, effective 12/28/03, at \$13.94/hr, Grade VIII, Step Minimum, in accordance with the Highway Union contract, carried 4-0.*

#### 11. **ADJOURNMENT**

*Motion by Selectman Massey, seconded by Selectman Jasper, to adjourn at 9:50 p.m. carried unanimously.*

Recorded and Transcribed by Priscilla Boisvert  
Executive Assistant

### **HUDSON, NH BOARD OF SELECTMEN**

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**William P. Cole, Chairman**

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**Kenneth J. Massey, Selectman**

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**Shawn N. Jasper, Selectman**

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**Ann Seabury, Selectman**

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**Teresa Stewart, Vice-Chairman**

