

HUDSON, NH BOARD OF SELECTMEN

Minutes of the September 13, 2004 Meeting

1. **CALL TO ORDER** by William P. Cole at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE** led by Chairman Cole.

Presentation of Flag Fire Fighter/SPC Gerry Carrier, home on leave from the Middle East, presented a flag that flew over his unit's camp in Iraq in appreciation for the Town's support of the troops. SPC Carrier is with the 1-172nd Forward Field Artillery and will be returning to Iraq on September 21. Chairman Cole, on behalf of the community, wished him and his unit Godspeed.

3. **ATTENDANCE**

Selectmen: William P. Cole, Teresa Stewart, Kenneth J. Massey, Kathleen R. MacLean and Richard J. Maddox

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Richard Gendron, Chief of Police; Shawn Murray, Fire Chief; Jim Michaud, Assessor; Bill Krajewski of New England Municipal Consultants; Sean Sullivan, Director of Community Development; Tom Sommers, Town Engineer; Leo Bernard; Ray Rowell; Manny Sousa; Atty. Morgan Hollis; FF Gerry Carrier; Fire Lt. Dave Morin; Harry Schibanoff; Denise Babcock; Steve Boucher; Coleman Kelly; Rep. David Buhlman; Deanna Fitzpatrick and Conner; Susan Nutting and others from the Ottarnic Pond Cooperative; Lynn Booth from NH Community Loan Fund; Dave Yates, Recreation Director; Mike Bolduc, Hannaford; Tom Glasheen, April Industries; Anne, TEL

4. **PUBLIC INPUT**

There was no response when Chairman Cole asked if anyone in the audience wished to address the Board at this time.

5. **NOMINATIONS AND APPOINTMENTS**

A. Nashua Regional Planning Commission (2 Alternates, terms to expire Dec 31, 2006 & 2007) (No applicants.)

B. Solid Waste Study Committee (1 Member, term to expire December 31, 2005)

James Vayo, 172 Bush Hill Road (Was not present.)

C. Zoning Board of Adjustment (2 Alternates, terms to expire December 31, 2005 and 2006)

1) **Deanna Fitzpatrick, 20 B Chandler Court** said she and her family moved to Shepherd's Hill in April and she is interested in becoming involved in the community. When Selectman Maddox asked if she'd ever attended a ZBA meeting, Ms. Fitzpatrick said no, but knows others who have in other cities and has spoken with them. Selectman Massey said ZBA meets on the fourth Thursday of the month and as needed on other Thursdays. They have five members and five alternates and alternates are expected to attend all of the meetings. If there is a vacancy on a given night, one of the alternates is seated as a voting member. Ms. Fitzpatrick said, if appointed, she would have to bring Conner to the meetings with her, but her husband could pick him up when he gets out of school around 9:30. Selectman MacLean said in her church, people are not denied an opportunity to become involved because of their children—and this is a government by the people and for the people. Selectman Maddox said some of the

ZBA meetings go as late as midnight. Chairman Cole thought it was admirable that someone new to Town wanted to get involved and he wouldn't have a problem with her bringing Conner to the meetings; they could work around it.

2) **Dave Buhlman, 11 Bond Street** said he's lived in Hudson for six years and is a State Representative. He has 35 years of experience in engineering and, although he hasn't attended a ZBA meeting, he keeps up with what is going on by reading the HLN.

3) James Vayo, 172 Bush Hill Road (Was not present.)

Chairman Cole asked if the Board wanted to waive their procedures and make the appointments tonight. Selectmen Maddox and MacLean preferred to wait. Chairman Cole stated the Board would make the appointments on Sept. 28.

D. Cemetery Trustee (1 Member, term to expire 2006.) (No applicants.)

6. CONSENT ITEMS

Motion by Selectman Stewart, seconded by Selectman MacLean, to accept the consent items, A-C, as noted, carried unanimously.

A. Assessing Items

- 1) Application for Disabled Exemption, 5 Boyd Road, w/recommendation to grant.
- 2) Current Use Lien Releases, Map 138/Lots 5/1 – 5/8, w/recommendation to approve.

B. Acceptance of Minutes

Board of Selectmen Minutes of the August 24, 2004 Meeting (to file, as presented.)

C. Committee Announcements

- 9/14 NH Primary
- 9/15 6:00 Library Trustees @ Annex
- 9/15 1:00 Matt Lehey from Sen Gregg's Office
- 9/16 7:30 Budget Committee in BOS
- 9/18 9:00 – 2:00 Benson's Cleanup Day
- 9/20 6:30 School Board in BOS
- 9/20 7:30 Conservation Commission in CD
- 9/21 7:00 Public Hearing re Webster Street @ Lions Hall
- 9/22 7:00 Planning Board in CD
- 9/23 7:30 ZBA in CD
- 9/28 7:00 Board of Selectmen in BOS

7. OLD BUSINESS

A. Stop & Shop

1) Sewer Acceptance

Town Engineer Tom Sommers said everything was in order, with respect to the sewer. It has been tested and is operational and he was recommending acceptance, as part of the process.

Motion by Selectman Massey, seconded by Selectman MacLean, to accept the Stop & Shop sewer, as recommended by the Town Engineer and the Sewer Utility Committee, carried unanimously.

2) Off-site Improvements/Certificate of Occupancy

Town Engineer Tom Sommers said his role in this was to provide the Board with assurance that the off-site improvements were substantial and complete. He and Gary Webster were out there most of today and, as of 5:00, they were operational, with minor items left to be done, such as thermal plastic painting. The traffic signals are working pretty well, but will need tweaking over the next couple of weeks. If there is any work left after tomorrow, a punch list will be generated. He recommended that the off-site improvements be approved so the applicant can move towards a certificate of occupancy.

Chairman Cole didn't have a feel for where this project stands with any of the other punch list items for a CO. Community Development Director Sean Sullivan said from the perspective of the site plan, as approved by the Planning Board, there are some items that remain to be done, such as landscaping. The Building Inspector spent most of the day out there today and in his opinion, the site is ready for occupancy from a structural standpoint. The only thing remaining are some items that can be handled administratively within the Community Development Department.

Chairman Cole asked if there was an issue with regard to an easement for a possible future ball field location. Mr. Sullivan said the Town Attorney advised him today that he has received from Atty. Hollis, who represents Stop & Shop, several legal documents—the license for the ball field; the buffer easement on the left hand side of Stop & Shop; drainage easement; another easement deed; a right of way easement deed and an easement plan. The license is the access to the ball field, though the Stop & Shop parking lot, which they do have and is being reviewed by the Town Attorney. Chairman Cole asked if that license was one of the items that has to be checked off for the CO. Mr. Sullivan said absolutely. Chairman Cole's understanding that, in lieu of actually building the ball field, a \$25,000 has been made to the Town. Mr. Sullivan said that was correct, along with impact fee monies that were required by the Planning Board, totaling \$469,000. Chairman Cole said tonight the Board was to decide whether or not the off-site road improvements have been substantially completed.

Selectman Maddox said it's an easement that goes nowhere, except over an embankment that drops 12'. Atty Hollis said he was representing Stop & Shop and the owners of the site, Manuel and Kathleen Sousa. He distributed copies of the site development agreement and the approval letter from the Town Planning

Board. The relevant condition of approval is condition 12, which is on the development agreement which is recorded in the Registry and in the Conditions of Approval. "In the even the Town of Hudson shall obtain from the State of NH, a license easement or other permission to allow use of the so-called circumferential highway area for athletic fields, prior to the issuance of the CO, the applicant shall design and construct a gravel access driveway from the applicant's site or Lowell Road, per stipulation 11, and that was anticipating the possibility of a curb cut from Lowell Road, directly on to the circumferential highway site, to the area of the athletic field, construct a gravel parking area for parking for one athletic field, construct one athletic field on the circumferential highway area. The design of the field to be at the direction of the Town's Parks and Recreation Department. The construction shall be completed within two years of the date or receipt of the license easement or other permission allowing the use of the circumferential highway by the State of NH, provided however, in the event said easement license or other permission is not obtained prior to the issuance of a certificate of occupancy, the applicant shall contribute the sum of \$25,000 to the Town of Hudson Recreation Fund and be released from this obligation." Condition 11 had read, "Prior to the issuance of a certificate of occupancy, said property owner shall grant to the Town of Hudson, a license to cross the site on existing driveways to the southwest corner of the site for the purpose of public accessing land now known as the circumferential highway in the area identified on plan B, provided such use shall be limited to access to a single use athletic field." At this point, access to the ball field falls to the Town. If there is no easement license or permission from the State in hand, it does not call for them to build the road. The plan, as approved by the Planning Board, does not reflect the contours of the driveway. It was to be built *only if* a license was obtained, and there is no indication of such. If and when the Town will use the license, the Town will have to build the driveway, the ball field and ramp up to the back of the parking lot, where there is a retaining wall. That was the designed approved by the Planning Board. It wasn't designed to slope or trespass onto the circ highway, which would be necessary in order to build up that ramp.

Selectman Maddox said his recollection of the Planning Board's intent was a little different. The Town was supposed to benefit by the use of the easement. A phone call tomorrow could indicate that the Town did have the land, but there's no way to do it the way the parking lot is currently configured. The Town wanted to see a ball field, not \$25,000 sitting in an account. He is disappointed, but he thinks something can still be worked out by using the land next to the loading dock. There is a pump station that is going to go in and, hopefully, there is a way to access the ball field area through the use of some of the store's driveway and on the other side of the fence between the wetlands buffer and the lot line. He hoped the applicant would work with them to get the desperately-needed ball fields in.

Chairman Cole asked what triggered the \$25,000 being put into an account at this time. Atty. Hollis said as a condition to get the CO, along with some other administrative items to be cleared up. Chairman Cole asked why it wasn't done as the last order of business. Atty. Hollis said about two weeks ago, there was a pre-Certificate of Occupancy meeting at Town Hall with staff and they went thorough each item on the checklist—the easements, the items—and he instructed his client to bring the checks so they could go through the punch list and deliver the checks. At that time, they asked if there was any permission and the answer was no, so then they deposited the check for \$25,000.

(Start Tape 1, Side B)

Chairman Cole asked what would happen if the Town received something from Commissioner Murray tomorrow, saying the Town could have the land. Mr. Sullivan said, providing a CO hadn't been issued, they would contact the applicant and refund their \$25,000 and require them to build a ball field. He and the Town Administrator requested several months ago use of that portion of the circumferential right of way for a ball field, but they never heard back from Commissioner Murray. Chairman Cole asked how access was going to be made to the ball field, regardless of who built it. Mr. Sullivan said it would be via the Lowell Road side of Stop & Shop. There is a retaining wall about 15' tall from ground elevation that would need to be modified, with some sloping and grading done to make the rear portion of the circumferential accessible by means of some sort of driveway or gravel access road. Fill would need to be brought in. It can be engineered and done, but not without some effort. Chairman Cole asked if there would be some assurance from the property owner that that would be something the Town could do in the future. Mr. Sullivan believed that's what the easement language meant. He asked if the 15' problem was circumferential property. Mr. Sullivan said the retaining wall is on Mr. Sousa's property; adjacent to that is the circumferential property. Chairman Cole said the Town would have to get permission from the State to do part of it, and permission from Mr. Sousa to do part of it. Mr. Sullivan said that was correct. He asked if Selectmen Maddox thought there was an alternative to look at. Selectman Maddox said the Planning Board did look at this issue when it was offered and he thought there were going to be modifications, but he'd had to listen to the tapes to verify that. He recalls that Mr. Hall asked how the elevation changes were going to be addressed. He believes that the response was, "we will take care of it." The other option is something he and the Town Engineer looked at this afternoon, which was going to the left of the Stop & Shop by the loading docks and utilizing that space between the property line and the wetlands buffer. Before he gets too wound up, he thought there should be a balance they could strike. He thought Stop & Shop could be a good neighbor and work with the Town in order to get some desperately-needed recreation space without getting into a contest.

Chairman Cole said if the Board moves forward with approving the off-site roadway improvements, there are still punch list items to be addressed, other than the easement, which the Community Development Director confirmed was not an issue.

Motion by Selectman Massey, seconded by Selectman MacLean, that the Board of Selectmen determines the off-site road improvements on Lowell and Wason Roads at the Stop & Shop Supermarket are substantially complete and operational carried unanimously.

Selectman Maddox said another item on the list was the policeman that needs to be on Wason Road four hours a day, six days a week. When he spoke with the Chief about this the other day, the Chief indicated that he didn't have the manpower for that. He wondered if the applicant was aware of the fact that the Town would have difficulty providing an officer. Atty. Hollis passed out copies of the site plan development agreement and notice of approval. Item #17 says, "Upon the opening of the grocery store, if determined by the Town of Hudson Police Department to be reasonably necessary and appropriate, due to traffic safety concerns, the applicant shall pay for the cost of a single policeman or private police detail to be maintained at the intersection of the private driveway entrance/exit of the DeMoulas Market Basket Shopping Center on Wason Road

for up to four hours per day, six days per week, excluding Sunday." He wrote a letter today to the Chief, after this matter was called to his attention, a copy of which he distributed. The letter stated, in part, "while my client does not anticipate a need for a private police detail for traffic control, should you receive complaints concerning the site, and upon your review you determine it is reasonably necessary and appropriate due to traffic safety concerns to maintain a policeman or private police detail at the intersection as described in the above condition, please be advised that my client stands ready to pay for such police detail and requests that coordination be made through the on-site store manager." The condition is that *if* the police determine it is reasonably necessary and appropriate, then it will have to be paid for, with coordination through the store manager, or through Atty. Hollis. That was how he understood the condition and he attended all of the meetings, too. Selectman Maddox said it was amazing how two people in the same room could hear two different things. Atty. Hollis said he was just stating the record, and knew that Mr. Maddox had some unhappiness about the approval. Selectman Maddox said and now he knows why. It was Atty. Hollis' office that brought this before the Planning Board, to mitigate some of the traffic issues that were brought up; it wasn't something brought forward by the Planning Board. It was offered by the applicant to mitigate a significant traffic issue on Wason Road. He just wanted to make sure the Police Department knew about this and that they may be asked to provide manpower at this location. The Chief was completely unaware of this stipulation when he spoke with him about it and didn't know if he'd be able to provide the manpower. Selectman Maddox wanted the Board to know that this was an issue.

Selectman Stewart said she was on the Planning Board when this application first came before them. She wondered why an officer wouldn't be provided on Sundays, too, as that was one of the busiest traffic days at Market Basket. Selectman Massey said discussions on that was held prior to his time on the Planning Board. Selectman Maddox said that's what the applicant offered, but there was much discussion on the issue. The applicant had stated there wouldn't be that much traffic on Sundays. Atty. Hollis said since he doesn't have his records of the entire history with him, his recollection was that this stipulation was offered by the applicant, not in response to a traffic concern and despite the traffic consultant's determination that there wasn't a traffic issue to be addressed at that intersection, but in the event that there is a traffic problem. The abutters complained about it and the Planning Board members had concerns about it. The applicant was prepared to pay for a traffic detail, if it was determined, after the opening, that it was necessary. He can't recall why Sundays were not included. Selectman Stewart said her understanding was that if it is determined that there is a problem on Sundays, nothing will be done about it. Atty. Hollis said there were no traffic reports by either the Town's consultant or the applicant's consultant indicating that intersection would be a problem. This was something that was freely offered, not a response to a request. Selectman Stewart didn't like the way this was written because Sundays were going to be a problem for Market Basket.

Selectman MacLean wondered if a traffic guard could be hired, or if it had to be a police officer. Atty. Hollis said the wording is for a single policeman or private police detail, but he didn't know what the regs were as to who could do that. Chairman Cole said there are retired members of the force who do detail work, so it doesn't have to be an active duty member of the police force. He didn't know how the monies would flow, but assumed they would go through the Town to the detail. The details would have to be worked out by the Chief of Police. Selectman Massey said he talked to the Chief about this on an unrelated issue several weeks

ago, and there is no State law or Town requirements that any traffic control individual be a sworn officer. The major requirement the Chief would impose on any traffic control individual was that they have proper training. In the past, on some of the major arteries, PSNH and Verizon have been out there with their own traffic control people. The Chief has actually sent some of those individuals home when he determined that the traffic control wasn't appropriate. The agreement before them allows the Chief to hire private police details, so he didn't think there would be a problem. The only question might be how the details get paid.

Chairman Cole asked Mr. Sullivan for a recap. Mr. Sullivan said the Board of Selectmen has voted that the offsite improvements are substantially complete; the certificate of occupancy will be issued when the punch list items are complete, which Stop & Shop would like to do sooner than later; subsequent to issuance of the CO, approximately four to five weeks before the store opens for business; his understanding from the Building Inspector today is to get people into the store to stock the shelves and, from a safety standpoint, meets the building code; and he spoke with Steve Dube of the Fire Department today, who has advised that the building is suitable for occupancy from the Fire Department's standpoint. There are some punch list items left that are expected to be completed and the Town will hold their feet to the fire so that they are completed. It is anticipated the project will proceed in a positive manner.

Selectman Massey said if the Town does not obtain a license from the State to use the circumferential as a ball field by the time all the other check items on the CO are done, it is his understanding that the Board would grant them a CO and the Town's rights would cease regarding an easement to the circumferential highway. Mr. Sullivan said that was not correct. Should the Town, at some point in the future obtain the right to build in the circumferential highway, that access would be available through the Stop & Shop parking lot. It would be similar to the old Thompson's Market, with access to the ball field in the rear. Atty. Hollis said the intent is that the license is given and remains, in accordance with the approval at whatever point access is needed. Selectman Massey asked for an explanation of the language in item 12, Notice of Approval, "... provided, however, in the event said easement, license or other permission is not obtained prior to the issuance of a CO, the applicant shall contribute the sum of \$25,000 to the Town of Hudson Recreation Fund and be released from this obligation." His understanding is that if the Town doesn't have that grant from the State on the day all of the other check points on the CO are ready, the applicant would be released from any obligation to provide an easement." Atty. Hollis called his attention to the first five lines of item 11 that indicates, "Prior to the issuance of a certificate of occupancy, the property owner shall grant to the Town of Hudson, a license to cross the site on existing driveways on the southwest corner of the site, for the purposes of the public accessing land now know as the circ highway, provided that such use shall be limited to access to a single-use athletic field." Therefore, the obligations of 12 doesn't terminate 11. 12 is silent about the license. 12 is the obligation to design and construct the gravel access driveway from the site to the area of the athletic field; construct the gravel parking area for parking of one athletic field; and construct one athletic field. The intent is to keep the license access across the parking fields open to the Town so that when and if they ever did get a ball field, they would have the right to cross over there.

Selectman Massey said that if, in fact, before all the other checkoffs are completed for the CO, they do get permission from the State to construct a ball field, is the cost of constructing that ball field, including the access at the applicant's expense.

Mr. Sullivan said that was his understanding. Selectman Maddox hoped Rhona Charbonneau was watching.

B. Non-renewal Notification to Pennichuck Water Service Corporation

Chairman Cole said this was deferred by the Board on July 27 relative to a formal notification to Pennichuck that the Town wasn't going to automatically renew the operations and maintenance contracts. If the Town does not intent to renew the contract, notification must be given to Pennichuck on or before the 9th of October. Selectman Massey said this was in no way meant to imply any lack of satisfaction with Pennichuck, but the contract is five years old, has rolled over twice and there are things that need to be addressed that aren't in the current contract. Pennichuck is encouraged to bid on the new proposal.

Motion by Selectman Massey, seconded by Selectman Maddox, to authorize the Board of Selectmen Chairman to send written notification to Pennichuck Water Service Corporation that it does not intend to renew the O & M Services Contract for Planned Maintenance or for Unplanned Maintenance, in accordance with §XII of the current contracts carried 5-0.

(Start Tape 2-A)

C. Second Public Hearing/Reading of Ordinance 04-03 to create a Water Utility Committee

Selectman Massey said at a previous meeting, the Board determined they wanted to create a Water Utility Committee, similar to the Sewer Utility Committee. A first public hearing was held on August 24th, and tonight is the second required hearing in determining whether or not to create the committee.

Chairman Cole opened the public hearing at 7:55 p.m.

Leo Bernard, 3 Bungalow Avenue, said he was interested in serving on this committee and has already submitted an application. He asked what the duties of the committee would be. Selectman Massey said the committee hasn't been formed yet. Chairman Cole said if and when the committee is formed, positions would be advertised. Once all of the applications are in, the applicants will come before the Board for appointment. Further questions should be directed to Selectman Massey or the Town Engineer.

There being no further speakers, Chairman Cole closed the hearing at 7:59 p.m.

Motion by Selectman Massey, seconded by Selectman MacLean to adopt 04-03 to create a Water Utility Committee.

Amendment by Selectman Maddox, seconded by Selectman MacLean, to remove the language that was inserted last week to B-3, "a capital improvement plan," as being redundant, failed 1-4 by roll call vote. Selectman Maddox voted in favor.

Vote: Main motion carried 5-0 by roll call vote.

Chairman Cole asked Selectman Massey and Priscilla to work on a public notice for the membership positions and a realistic time schedule of when the committee can get started.

D. Establishing a Hudson Community Access Television Committee

Selectman Maddox said this should be called the Hudson Cable Utility Committee to be consistent with the Water and Sewer Utility committees. This committee should be looking at the renewal process and overlooking the entire system, not just access television, even though

that is the major portion. The committee should have control of all aspects of cable access, reporting to the Board of Selectmen. This would get a committee set up. That committee would then take the documents that have been already presented to the Board and develop a policy and procedures manual that would address the issues pertaining to cable.

Selectman Massey said in A-3 and 4, "cable" should be changed to "Hudson Community Television (HCTV)." Chairman Cole asked if the title under A should be changed, as well. Selectman Massey said no, he thought it should stay as Selectman Maddox suggested. One is the name of the operation; the other is the name of the committee that oversees it. Chairman Cole asked Coleman if he'd like to interject why it shouldn't be that way. Coleman Kelly said his major concern is that affiliating this as a utility could possibly cause the committee to come under the purview of the PUC and, if so, then the franchise fee is in jeopardy. Other things might be, as well. They would be setting an unsafe precedent because the PUC in NH has no legislative or operational role with access television. Selectman Massey said that, on that basis, it might be wise to use Hudson Community Access Committee, but keep the name of the entity as the Hudson Community Television, which is what it is today. He asked if that would present a problem. Mr. Kelly said his recommendation would be not to use the word "cable" because they are dealing with access television. Cable is under the purview of the provider, i.e., Adelphia. Selectman Massey said they could just change the word "cable" to "access television." Coleman suggested Hudson Community Television or Hudson Community Access Television Committee. Selectman Maddox opposed that suggestion, saying it is the Cable Utility Committee that is going to be tasked with the renewal and other cable issues that they might not even know about at this point. He couldn't envision that the word "utility" in the name of a committee would be an issue with the PUC. There is no need for big, long committee titles. They are dealing with a cable utility, and one of the committee's primary functions is access television, but that's not its sole function. The committee needs to look at the entire picture as it pertains to cable. The Cable Utility Committee's charge is to look at the entire operation and, unless the lawyer says that name is not doable. Chairman Cole asked for a motion so they could get something on the table.

Motion by Selectman Massey, seconded by Selectman MacLean, to establish a Hudson Community Access Television Committee, as outlined in the submittal put forth in the agenda packet.

Amendment by Selectman Maddox to change the title to the Cable Utility Committee did not receive a second.

Chairman Cole said that the makeup of the proposed committee does not include a member of the Board of Selectmen or the School Board, which represent two of the three legs of this stool. Selectman Massey said he was prepared to offer such an amendment.

Amendment by Selectman Massey, seconded by Selectman Stewart, to add Item 4 to §B. "The Board of Selectmen and the School Board shall each appoint one representative as a voting member of the committee and the Board of Selectmen shall appoint the five citizen members.

Selectman Maddox thought the two liaisons should be voting members, which would give their input more weight. Selectman Massey said other committees in Town don't have voting liaisons, except for the Planning Board and Budget Committee, which are both by statutory requirement. Right now, the Board of Selectmen would appoint all five members which, in effect, would be a six to one vote. Chairman Cole said that's not necessarily true. The Board of Selectmen appoints individuals to a great many boards and they don't vote the way he'd like them to sometimes. Selectman Massey said he was talking about the perception, to which Chairman Cole said in Hudson, perception is something you learn to live with. Selectman Massey said if the Board feels it is important that they be voting members, it would not be a

deal breaker for him. Selectman Maddox said that would make sense from his perspective. Chairman said this operation is somewhat different from others—there is a school side, a government side and a public side. To not have all three represented by a vote seems to be self-defeating. Selectman Maddox redrafted his amendment to include one voting School Board member, nominated by the School Board, and one voting Selectman member, plus five voting citizen members, appointed by the Board of Selectmen. Coleman Kelly said with the school having one-third of the content of access television in Town under their purview, the six to one voting would be a little skewed. Chairman Cole said the logical conclusion of that is just not workable, and he didn't think there was a six to one block in Hudson on anything.

Coleman said he had another concern and wondered what the overall role of the committee, in view of Selectman Maddox' comments that this committee would have an expansive role of everything with regard to cable. His concern is that recent Supreme Court decisions have suggested that one of the elements that is on cable, called Broadband Internet, is not a cable service, but an information service. Therefore, this committee would have no role on the internet, although it is on the cable system. He asked what else it was envisioned that this committee be involved with. Chairman Cole said if and when this seven-member committee is established, he will call for a workshop between the committee and the Board of Selectmen to hash out this whole issue. He hopes they will be able to iron out exactly what it is the Board of Selectmen, on behalf of the Town, wants that committee to address.

Coleman said one of the first roles the committee will be faced with is offering a decision with a soon-to-be-delivered FCC Form 394, which is a transfer of ownership from Adelphia to whomever buys them out. All the trade information is suggesting that Adelphia is soon to be sold. Chairman Cole asked what the implication for the Town of Hudson was. Coleman said Hudson will be delivered an FCC Form 394, which is a request to transfer ownership from Adelphia to either Time Warner or Comcast or whomever buys them out. Chairman Cole asked what that meant for Hudson. Coleman said this committee would be faced with offering a decision as to how the Board of Selectmen should vote. Either yes, they would accept the request for transfer, or put obstructions to that transfer. Chairman Cole said the committee would be making a recommendation to the Board of Selectmen. Coleman said yes, because the Board is the franchising authority and signs off on the 394. Chairman Cole asked again what the concern was. Coleman said he was just saying that would be the committee's first major activity. Chairman Cole said if the committee isn't in existence, the Board will just have to take on that responsibility.

Selectman Maddox asked if B-1 would be changed from five to seven. Chairman Cole said yes, 7 members, one of which will be a School Board member and one of which will be a member of the Board of Selectmen, and they will all be voting positions. Selectman Maddox said a concern was that it says members shall reside in dwelling units served by cable, so that is something they would have to address when they make the appointments, or they could remove that wording. Chairman Cole said that's what happens when you use a template. Selectman Maddox said it's something that can be adapted as they go along, such as the Sewer Committee, which allows for one member to be a non-sewer user. Chairman Cole thought they should leave the wording as is for the time being, then asked if all of the Board members had cable. Selectman Maddox said he doesn't have a Rodgers Brothers home and he doesn't have cable. Chairman Cole said to look on the bright side—he won't be on the committee.

Selectman Maddox said he had the pleasure to talk with Mike Leone, Director of Community Relations, at Adelphia. He has been in the industry for over 20 years and said he'd be more than willing to speak with the Board and work with the committee to present a more interesting product. His function at Adelphia is to help towns like Hudson get their cable committees set up and supported. He thought the Board could invite Mr. Leone to the

workshop the Chairman plans to hold between the Board of Selectmen and the new cable committee. Chairman Cole said he'd appreciate that.

Vote on the amendment carried unanimously.

Vote on the main motion carried unanimously by roll call vote.

Chairman Cole said they would be advertising for the five citizen positions to this committee. He'll bring forth the name of the Selectmen's member for consideration at the next meeting. He thought the current Cable Committee should be left intact for the time being, and hoped the members would be applying for the new committee.

(Start Tape 2-B)

Motion by Selectman Stewart, seconded by Selectman Maddox, for a recess at 8:30 p.m., carried 5-0. Meeting resumed at 8:35.

8. NEW BUSINESS

Chairman Cole stated, with no objection, he would change the order of the day and take up Item D.

D. Public Hearing on the Acceptance of Donations, pursuant to RSA 31:95-b, and Article 36 of the March 1994 Town Meeting, and RSA 31:95-e, and Article 12 of the March 1993 Town Meeting, \$4,450 from Hannaford Bros. to purchase 12 replacement soccer goals and \$4,700 from April Industries to manufacture, deliver and install them; and donation of \$1,000 from Wal-Mart to purchase supplies for the Animal Control Division and put towards the purchase of a net gun.

Recreation Director Dave Yates introduced Mike Bolduc, Store Manager for Hannaford's in Hudson and Tom Glasheen, CEO for April Industries. Chairman Cole said the Town was very appreciative of these gifts and it is helping the Recreation Department perform its outstanding accomplishments to the youth of Hudson. Selectman Massey asked if these goals would be used on the HUSC field. Mr. Yates said no, they would be used at Alvirne and, when not in use, would be locked away.

Chairman Cole opened the public hearing at 8:38 p.m. There being no speakers, he closed the hearing.

Motion by Selectman Maddox, seconded by Selectman Stewart, to accept the donations, with the Board's thanks and deep appreciation carried unanimously.

A. Assessing

1) Property Value Update Presentation w/Assessor Jim Michaud and Bill Krajieski, Project Manager of New England Municipal Consultants. Mr. Michaud presented a handout to the Board of statutory information. He said the last change in values was in 2002 and, at that time, the voters approved doing a value update in 2004, and Bill Krajieski was hired to help. He was key in the 2002 evaluation when he was with Patriot Properties. In addition, they hired a public utilities consultant, George Sansoucy. This process was started in late spring of last year. The contract involved going out to properties that sold and physically inspecting the interior and measuring the exterior. This was done to evaluate the quality of the data already on file. If the data was significantly inaccurate, they would have called for additional data collection in order to get the update done for this year. The sales data collection did not reveal anything out of whack; it revealed the

data on record was very good, so it served as a pilot study to determine the quality of their data. With this study, they were able to form conclusions about the market—where condos are, where single families are, commercial-industrial property, neighborhoods, land value—everything concerning market value that any appraiser would do, but on a grand mass-appraisal scale. The hard cost to conduct the project was around \$65,000 or about \$7 per parcel. This doesn't compare exactly to the fee appraisal you may get on your home, but those appraisals cost in the range of \$300 a parcel, and they used only three comparables. They looked at a number of properties in Town that had sold and ultimately relied on about 835 properties from April 1, 2003 to April 1, 2004. That's a pretty significant number of sales to occur in a community the size of Hudson. It was close to 13% of the total residential parcels that transferred in the prior year, with much of that being new construction (with 130 in Shepherd's Hill), but it helped lead them to credible conclusions. The State has set statutes on how property is assessed. They talk about market value and 75 8 A, the five-year evaluation. The DRA will review the assessments to see if the Town has achieved market value. That is the primary purpose for the value update for 2004—to meet the State requirements to be between 90-100% of value for Hudson's year of review. The five-year evaluation statute is fairly new, in which they laid out the entire State into four quadrants. Each year, 25% of the State gets reviewed, and 2004 is Hudson's year. They are going through the community and their primary focus is to achieve market value. Beyond that, 75 8 A deals with revised inventory. What do we do in a year in which we are not trying to achieve full market value? Every year, the Town needs to be proportional so that if residential property is at 95%, then commercial property needs to be within 5% of 95%. This doesn't go away after 2004. This is a continuing responsibility on the part of the community for the State. 75-7 is an oath on the part of the Board of Selectmen when they sign the warrant to send out the tax bills. Under ASB Guidelines are the assessing standards, set up by the legislature. State reviewers are going out now in Hudson to evaluate whether or not those standards have been met.

Mr. Michaud then referred to another handout, *Assessment Update 2004*. This is a PowerPoint presentation that people will be able to access on the Town's web site. It provides answers to FAQ's. Another handout was a letter he received on Friday from the State Department of Revenue, hand-delivered by Tom Welch, the person who reviewed the work done by Bill Krajewski, his staff and the Assessing Department staff. In the letter, Mr. Welch stated it was his belief, from the evidence provided, "this evaluation update from 2004 was performed with extraordinarily defensible analysis to ensure that all values generated from the sales analysis will be accurate and proportionate." Mr. Michaud said that's a very technical way of saying they did a good job by an unbiased evaluator. He then referred to the handout called, *Property Value Update Statistics*. They look at average single family home assessments, where it came from in 2002 till now, what the average residential lot sale has been, what the shift in the tax base has been, Townhouse-style condo averages, the number of sales from January 1 through August—over 1,000 and condo development statistics, etc. Another document was a press release, the estimated tax rate for 2004, a high-end estimate. In 2003 the rate was \$19.18 per \$1,000 of assessed value. They are anticipating the new rate will be \$16.50 or 14% lower than 2003. The valuation data they got last week on public utilities makes him think it will be less than \$16.50. The average assessment increase for a single-family property was 26%; condominiums followed at 25%. Their data indicates the valuation was done in a fair and equitable fashion. They don't have a choice in NH for commercial and industrial property to try to mitigate the shift that occurs where industrial property

is not performing very well and when you do a new valuation, it is just not keeping pace, so residential owners are paying more money than in prior years. It's a function of depreciation in the residential market. There is a heavy component of industrial property. Commercial property is not as negative. This information will be sent out in an evaluation mailing to property owners in Town at the end of the week. It says this is your new valuation that will be used for the final tax bill. Everyone's assessment will be available on the web site and there will be an insert in the HLN this Friday. The abatement process starts as soon as the final tax bills are mailed, around the end of October. However, the abatement applications will be available at the end of this week so people will have some way to look at how they can address a perceived error. He asked if Mr. Krajieski had anything to add. Mr. Krajieski said no, that he pretty much covered it all.

Selectman Maddox said it was interesting to see that there are over 1,000 valid real estate transactions, not just refinancing. He wondered why a reval was done this year, after having just gone through it in 2002. Mr. Michaud said it was by State requirement. One-fourth of the State is to be reviewed annually, starting in 2003, and 2004 was Hudson's year. The year of the evaluation, Hudson was at 92%. The market continued to appreciate after April 1, 2002. In 2003, the ration dove to 82%. If the Town did nothing this year, they'd be in the low 70's, clearly not in compliance with State guidelines and DRA might possibly force them to change the values in order to be in compliance. Selectman Maddox said some of Hudson's bordering communities haven't done an update for a dozen years. What is the benefit to do the valuation? Mr. Michaud said there are several reasons, but mainly to be fair and equitable to the tax payers. Staying current helps the Town keep their excellent bond rating. Bond rating companies look at how accurate you represent your tax base. They also want to keep the abatement overlay down. Any community gains by keeping their values up to date. Mr. Krajieski said he does a lot of appraisals in a lot of towns and one of the things you see in the aftermath is that often as you look back, you create new values by looking at the real estate market, building a model that works in the community, and one of the last things you do in a project is you look backwards and say ok, let's compare our new value to our old value so that we give you, as the Selectmen, a vision of what's about to occur. One of the big things you see is that inequity, how it stands out. All of a sudden you look at waterfront property that might be selling for \$200,000 that was assessed for \$50,000 and yet something else in town that was assessed for \$75,000 and sold for \$100,000 so you see those inequities when you don't stay close. Communities that haven't revalled for 10, 15 years typically you will find classes of property that are severely under or over-assessed when you compare them to like valued properties.

Selectman Massey said a comment that is going to be made to residents is for them to take their new valuation and multiply it by the estimated \$16.50. The natural inclination is going to be to divide that by two and say that's the December bill when it will be that number less what was paid in July. It could be more than double, half the calculated number. That information should be made available to people so they are not surprised when they do their calculation. Selectman Stewart asked if the \$16 was just the Town's portion. Mr. Michaud said no, it's all inclusive—Town, School & County. Chairman Cole asked how this was going to be handled for future years. Mr. Michaud said he is preparing his budget now and he is looking at being ready to update values in 2006. The budget will bring them to June 30, 2006 so this is the budget to consider funding necessary resources to keep the values up to date. They need to be in a position to be able to handle whatever comes down the road. He wants to be in a position to

be able to adjust values in 2006. The Board of Selectmen is the Board of Assessors and when the contract comes up and the communication comes up and they are sitting in a meeting in 2005, the Board of Selectmen may make the decision to either do it, not do it or delay it, etc.

2) Proposed Warrant Articles:

- a) Revised Elderly Property Tax Exemption
- b) Revised Totally and Permanently Disabled Property Tax Exemption
- c) Revised Blind Property Tax Exemption

Mr. Michaud wanted to make the Board aware of these warrant articles, even though it is a little early in the process, but they are talking about new assessments and significant increases on them. He has put forth a proposal to keep the exemptions level with the same percentage value of that exemption to the new assessment. They were exempting approximately 43% of the average assessed value in 2002. He thinks it's incumbent upon them not to decrease the value of that exemption by not adjusting it upwards when they adjust the assessments. He looked at the area averages and was also recommending increasing the amount of the income limit. When they did a requalification for income-based exemptions, they came in over income, but not by a lot, so they lost their exemption for this year. In looking at the area communities, Hudson is under the average. This is an attempt at fairness to this group of taxpayers that were recognized in the past. He wasn't asking for Board action tonight, other than to introduce it prior to the budget process in October. There will be a separate memo for Veterans' tax exemptions. Selectman Massey asked what the definition of income was, for the purposes of this exemption. Mr. Michaud life insurance of an insured, proceeds from the sale of assets and net income from the cost of conducting a business operation does not count as income. Interest and dividends counts toward income. Selectman Massey asked about IRA's. Mr. Michaud said it depends on how it was distributed.

(Start Tape 3-A)

B. Warrant Article – Highway Union Contract

Town Administrator Steve Malizia said contracts have been entered into with the Highway Union, using the same parameters that were negotiated last year, which had failed at Town Meeting in 2004. Selectman Maddox said since it didn't pass last year, it's not in the budget for this year. He asked if the money for 05 and 06 would have to be combined. Mr. Malizia said that was correct. Selectman MacLean said the contract didn't pass, so the highway workers didn't get a raise during the current fiscal year, but this upcoming contract contains the raise that they didn't get, that the voters voted against. Mr. Malizia said that was what the Board had agreed to for parameters. Selectman MacLean said the voters chose not to give a raise one year, so it seemed odd to her that the next year they get double to make it up. She wanted to record to reflect that she wouldn't vote in favor of that.

Motion by Selectman Stewart, seconded by Selectman Massey, to forward to the Fiscal Year 2006 Warrant the multi-year contract negotiated between the Hudson Board of Selectmen and the Highway Union for wage and benefit increases, carried 3-2 by roll call vote. Stewart, Massey and Cole were in favor; MacLean and Maddox were opposed.

C. Feasibility Grant Application—Ottarnic Pond Cooperative

Chairman Cole recognized Susan Nutting of 8 Village Lane, Secretary of the Board of Directors of the Ottarnic Pond Cooperative, which is a manufactured housing park located on Ferry Street, across from Dairy Queen and Lynn Booth of the NH Community Loan Fund, 7 Wall Street in Concord, who was present as the OPC representative and advisor. Chairman Cole asked them for an explanation of their request and what they were looking for from the Board tonight.

Ms. Nutting said they'd like the Town's support in applying for a Community Development Block Grant to do a feasibility study to improve their infrastructure, namely the sewer and water system, which they would like to hook into. Ms. Booth said the purpose of their being there was to ask for the Board's support and to give them information on how the Board would go forward in the process. Feasibility studies are often granted to non-profit organizations and towns for the purpose of studying what needs to be done for certain projects. If the Board does support it, there is a requirement for a hearing, at which time the Board would either approve or disapprove the application submittal to the NH Community Development Finance Authority, through the CDBG.

Selectman Stewart asked if the Town would be responsible for any matching funds. Ms. Booth said no. The feasibility grant itself is for \$12,000. Of that, they expect to receive \$10,000 for the actual study, \$2,000 of which would be available to the Town for administrative costs and for hiring a grant administrator, which is a requirement under the grant process. Selectman Stewart asked how the grant writer was chosen. Ms. Booth said he was chosen by the Cooperative for his experience in this field. Selectman Stewart said this grant writer was employed by the Town for a brief period and didn't have good luck with him. Ms. Booth said that has not been her experience; she has been very pleased with his ability. If the Town chooses to go forward with the grant process and is successful in being awarded the grant, it is up to the Board of Selectmen to choose the grant administrator.

Selectman Maddox asked if this group was affiliated with the group that came before the Friends of Hudson's Natural Resources with concerns about milfoil growth in the pond. Ms. Nutting said no, they were different groups. Mr. Malizia said this park used to be owned by someone else. He was bought out and now this is like a condo association; the residents own the park and this is the name they've given themselves. Ms. Booth said they are a 301-A not-for-profit organization. They base their rents to each individual to their actual costs of running the corporation, which is running the park. Selectman Maddox believed the Town Administrator has a good handle on how this works administratively. Mr. Malizia said the Town has done grant administration before, such as with the people working with Robinson Pond.

Selectman Massey asked if the OPC was responsible for any possible additional associated costs. For instance, if they determine the money they've asked for isn't enough, and they need additional funds. Mr. Booth said the agreement would be for the amount the Selectmen would decide upon. Generally, the engineering work is done for the amount of money that is available. Selectman Massey asked if the grant administrator would be paid by the Town or from the proceeds of the grant. Mr. Malizia said the proceeds of the grant; the Town doesn't take on any expense. Ms. Booth said the Town would negotiate with the grant administrator his fee and would set forth their expenses for administering the in-house activities, such as writing checks, etc; whatever is left from the expenses is what would be used for the actual feasibility study. Selectman Massey said it was his understanding that if it was determined that \$3,000 was needed for the grant administrator, the actual contractor who would do the work would be eligible for only \$9,000. Ms. Booth said that his understanding was correct. Selectman Maddox asked for further clarification. Ms. Booth said the grant administrator is required under the feasibility study to administer the grant, to follow up to see that everything

has been done, including checks, etc. That grant administrator would be paid from the grant itself and any of the Town's administrative costs would be part of that. Prior to the Town actually submitting the application, they would have a hearing and those costs would be determined prior to that.

Chairman Cole asked what the feasibility study would tell them that they don't already know. He thought there were three logical possibilities: one, drain the pond; two, maintain the status quo; three, hook up to Town sewer. He couldn't imagine any other possible feasible solution to the problem. Ms. Booth said she would agree with that and the feasibility study would determine what the costs are so they could go forward at some point and try to find the funds to hook up to Town sewer. Chairman Cole thought a ballpark figure could be provided by the Town, without having to get a grant writer and pay \$10,000 go through a feasibility study. He asked for input from the Community Development Director. Mr. Sullivan said some sort of feasibility study would need to be done. He thinks the applicant could be able to determine how much a sewer line would cost, but the question would be how they would pay for it. He thought by going this route, via the feasibility study, would be a good opportunity for them to secure the necessary funds. Chairman Cole said a feasibility study wouldn't necessarily provide the actual project cost. Ms. Booth said the feasibility study would give an estimation of actual construction costs. Selectman Massey said it didn't sound like a feasibility study to him; it sounded like it was a study to determine what it would take to remediate the problem, and the cost of that remediation. Ms. Booth said that was correct, but under CDBG, it is called a feasibility study. Chairman Cole said he may be over-simplifying it, but they were already part of the sewer district, so it didn't seem that hard to figure out the cost to run the sewer line to them, although he didn't want to add work to the Community Development Department. He just didn't think it would be that difficult to tell these people how much it would cost to hook up to Town sewer, or where they could go for the funding. On the surface the request sounds simple, but it will involve some amount of work by various Town departments and staff. It is simply a matter of this cooperative needing to hook up to Town sewer, and he was sympathetic to that. What they need to know is how much it is going to cost so they can figure out the avenues that might be available to fund it. He thought that a simple problem was being turned into something larger than necessary. Ms. Booth said there is also a problem with water lines in the park, not just the sewer. She didn't think there would be that much staff time spent on this. They've already spoken to Town Engineer Tom Sommers, and he supports their efforts to have a feasibility study done.

Selectman Maddox said he agreed with the Chairman's comments, and he was amazed that they could spend \$12,000 going in circles, but was going to vote in favor of the study because he believed the Community Development Department had enough work on their plate and if this could be done by others, he was in favor of that—especially not knowing if other issues might surface.

Chairman Cole asked for a clarification of what they were looking for the Board to do tonight. Ms. Booth said nothing. They were there to explain what they are hoping the Board would do, i.e., submit an application, which has not been written yet. The Board would be required to hold a public hearing, under CDBG, and work with the grant writer that has been hired and he will present the information at the hearing. He has already been in contact with Sean Sullivan regarding that hearing. They were asking for the Board's support. If the Board says no, the cooperative won't go any further with it. Chairman Cole suggested a motion that the Board of Selectmen supports the concept and the holding of a public hearing, following a submission of an application. He asked who would hire the grant administrator. Ms. Booth said the Board would, and he would be paid out of the feasibility study fund. Chairman Cole clarified that the feasibility study was done out of the \$12,000; the Town would then hire an administrator. Ms. Booth said yes, for a nominal fee and any of the Town's expenses that are accumulated, i.e., advertising, check writing, accounting expenses, etc., come out of that

feasibility grant, so there is no cost to the Town whatsoever. Chairman Cole appreciated what she was saying, but felt that was correct only in a perfect world. He asked for the will of the body, or if anyone wanted to make a motion.

Selectman Massey said his understanding was that the expenses for time put in by any Town staff in helping develop the plan could be charged to the grant. Chairman Cole said that was correct, but they would almost have to project what the costs would be over the next six to nine months, because that will provide the delta on what the engineer would be paid for the feasibility. In all practicality, some limits will have to be set, if they get that far. In reality, if \$12,000 shows up, the Town Administrator and the Board of Selectmen will have to decide the disbursement of that money. Ms. Booth said the public hearing that would be held on the grant application will spell out the administrative costs and then they are, basically, stuck with that, with the remainder going to the engineers to do the feasibility study. Selectman Massey said he knew that they would have to estimate.

Chairman Cole asked if Selectman Maddox wanted to make a motion to support this effort, even though they weren't voting on anything, per se, but to give the organization a feeling from the Board, for the record. Selectman Maddox said the Town Administrator provided a draft motion in the packet. Mr. Malizia said from what he heard tonight, that motion wouldn't apply. Selectman Maddox said he didn't wish to make a motion.

Chairman Cole asked if there was a consensus that the Board supports the cooperative coming forward with a draft submittal for the Board's review and the possible holding of a public hearing. (There was no verbal reply.) Ms. Nutting and Ms. Booth both offered their thanks. Chairman Cole asked when this might be happening. Ms. Booth said they would be working with the grant writer to get this done as quickly as possible. The grant application is required to be submitted by October 30. Chairman Cole said they've got their work cut out for them on a number of fronts, not the least of which is the Board's schedule and a number of things they have to do. Ms. Booth said if they don't meet the deadlines for October, they'll do it in the April submittal.

D. Public Hearing on the Acceptance of Donations (This item was taken up prior to 8-A.)

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Terry Stewart: 1) Happy Birthday to Selectman MacLean, who was 'hit' by the anonymous 'Birthday Bandit.' 2) Selectmen Maddox has the opportunity to live in a Rodgers Bros. home because there are at least two in her neighborhood for sale, and two in Selectman Massey/Chairman Cole's neighborhood, all of which have cable. 3) She reminded folks to get out and vote tomorrow. 4) She read into the record a report from the Summer Rec Director:

The Hudson Recreation Supervised Play program, offered to youth ages 6-14, continues to be a popular summer activity. Participation was consistent with the previous year totaling 580 children enrolled. However, daily attendance has increased with daily attendance averaging almost 300 children. The staff of 16 full-time counselors and four part-time counselors-in-training provided outstanding supervision and a fun, upbeat atmosphere. Each week, the children participated in planned daily activities, such as arts and crafts, board games, ping pong, pool, basketball, four square and numerous contests. For an additional fee, weekly field trips and teen adventure trips, as well as lunches, sleep-overs and roller skating trips were offered. In addition, weekly walks were taken to Dairy Queen and 7-Eleven. The summer was a great success, with little complaint. One obstacle that has been faced for many summers now is lack of space. With so many kids attending on a daily basis, space does become an issue. I highly recommend and support an extension to the Hudson Recreation Center to ensure a safe and suitable atmosphere. Also, with the increase in daily attendance, I recommend the hiring of one or two additional staff members for continued acceptable

counselor-to-children ratios. In closing, it has been a pleasure working as the Summer Director for my fourth summer. I would like to give my deepest thanks to the staff, parents, volunteers, fire fighters, police officers, Dave Yates and Reggie Provencal. Sincerely, Heather Murphy.

Ken Massey: 1) Nine companies responded to the request for capabilities to design the south end water tank and looping transmission line and out of those submissions, three were selected to formally respond to a request for proposal to give the Town their cost for doing the design work. Those three companies were contacted last week. He expects the bid proposal for the operations and maintenance contract should probably be completed sometime at the end of this month or in October, so that will be able to be sent out to appropriate companies to bid on. 2) Once again, he'd like to give special thanks and call out—they've bent over backwards and spent long hours, not only in the field, but here in the Town offices on both the Lowell Road widening project and the Stop & Shop off-site improvements. The work that Civil Engineer Gary Webster, Town Engineer Tom Sommers, and Community Development Director Sean Sullivan have done over the last several months is a tribute to not only them, but to the people that they've been working with on both of those projects to keep them pretty much on schedule. He knows there has been a lot of traffic congestion on Lowell Road, but he thinks the work they have done has helped to mitigate that as much as possible, given the way it had to be constructed. A word of thanks, once again, to Gary Webster, Tom Sommers and Sean Sullivan. 3) It's nice to look in the abstract at the things you buy for the Town and what they may or not be used with, but there was an occasion a week ago where the thermal images that were bought for the Town came into great use. There was a fire in a residence, creating a dense, black smoke that you could not see in front of you. With the thermal imager that was on the engine that day, the fire fighters were able to locate the victims that were inside the facility and they were able to extract them safely. He thinks the thermal imager made a significant difference in that particular incident. Sometimes the abstract turns out in the positive and you can see what it really does for us.

Kathleen MacLean: 1) To address Selectman Maddox' concerns, finally and once and for all, the Town Clerk and her office being opened, she spoke with the Town Clerk one more time, and she said that most anybody that can't get into Town Hall when Town Hall is operating, from 8:30 to 4:30, can call her at 886-6003. Almost all the transactions that people go to Town Hall for can be done through the mail. She said she would bend over backwards to help anybody. She can send them the forms they need and they can mail them back. She even said that if people can get to Town Hall some time before 5:00 p.m., if they let her know that they are coming, she would be able to take care of them after hours, as well. A phone call is all that is needed if anyone has any trouble accessing the services from the Town Clerk—886-6003. 2) She has been away for awhile and she was glad to see that things have run smoothly without her. The PMA arches were gone and the Stop & Shop sign was up. She should go away more often. She thanked everyone for their birthday wishes.

Rick Maddox: 1) Hoped Coleman would put the Town Clerk's number up on the blue scroll in case someone missed it tonight. 2) On Saturday, they had the 9-11 tribute and for all the people that attended, it was a very moving experience and he hoped they can continue to remember the people that were lost and those that continue to serve. 3) He was at the NRPC meeting that was moved up to September 1.

(Start Tape 3-B)

... a report that had to be in by that date. It's a little disconcerting that the Town of Hudson didn't see the information they expected the NRPC to approve, as it was handed out the night of the meeting. He thinks it was poor planning to hand it out and expect them to approve it with almost no oversight and to take away members of the Planning Board from their regular meeting to go to this impromptu meeting of the NRPC. 4) He said Selectman Massey said what he was going to say, but would reiterate it. The Community Development staff has been burning the candle at both ends with all of the projects in Town, with the summer building going on, with Shepherd's Hill continuing to move forward, and every time he goes in there, staff is helpful, informative and you couldn't ask for a nicer group of people to step up to the window. He was driving by Stop & Shop at 5:00 and they were all standing there, still going over issues, still there working hard and had been there all day. It's a tribute to the people in Town Hall that

have really managed to make this project as painless as it could be for the residents of Hudson and he, and he is sure the Board, as well, thanks them.

William Cole: 1) Echoed birthday wishes to Selectman MacLean, adding that it was good to have her back. 2) Echoed the comments by Selectmen Massey and Maddox with regard to the Community Development and Engineering Office. It seems that the traffic has been better during construction than it was before they started. It seems to flow pretty well, and along with those remarks, as a segue into his next item, Gary Webster is celebrating his 15th anniversary with the Town on September 20. Hopefully, he will be around for many more years, doing the outstanding work he has done, not only as the Town's Civil Engineer, but his contributions to the community and his involvement in the American Legion. He led the firing detail at the 9-11 observance on Saturday. Gary is a true asset to the Town, both professionally and on a personal level. He congratulated him, on behalf of the Board, on the anniversary of his 15th anniversary. 3) A phone poll was conducted two weeks ago to amend the contract with Hudson Paving for the Wason Road water line extension by a \$7,000 increase to the \$13,474 that was approved by the Board of Selectmen on August 24, 2004, for a new not to exceed total of \$20,474, which was approved by a vote of 5 Selectmen in favor, none opposed. 4) Benson's Clean Up Day is this Sat, 18 Sep, 9 AM-2 PM He will be there, as well as Selectman MacLean and Selectman Massey. He hoped everyone would have a change to stop by. There was a good turnout the last two times. Esther McGraw and the committee have done a great deal of work in preparation for this and they are expecting a record turnout of volunteers from various organizations and agencies. Hopefully, the weather will cooperate and Ivan won't mess it up. However, not even Ivan can keep Esther away. He knows she will be there, regardless. 5) The Fire Chief asked him to announce that the new ambulance, the 2003 Ford "Ultimate Type III" Ambulance in service as of 10 Sep, which is replacing a 1994 model. It was voted for in the last Town Meeting, with funds coming from the Ambulance Capital Reserve Fund. Selectman Massey said two runs were made with it on Saturday. Chairman Cole said it's at Central Fire Station and the Chief invites any member of the public who would like to come by and see the new apparatus can do so. 6) Tomorrow is Primary Day--Polls open 7:00 AM to 8:00 PM. If there isn't a quorum of Selectmen present, the Moderator can designate individuals that are working there to fill Selectmen rolls. He knows the projections are low, but he encouraged everyone to get out and exercise their right to vote, prior to the General Election in November.

10. NONPUBLIC SESSION

Motion by Selectman Stewart, seconded by Selectman Maddox, to enter Nonpublic Session under 91-A:3 II (a) Dismissal, promotion or compensation of a public employee or the disciplining of such employee or the investigation of any charges against him; (b) Hiring of a public employee; (d) Real Estate issues and (e) Pending claims/litigation carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:46 p.m. and was terminated at 11:14 p.m.

Open Session motions:

Motion by Selectman Maddox, seconded by Selectman Stewart, to authorize the Fire Chief to hire Christopher Marich as a Call Fire Fighter Trainee at a rate of \$5.50 per hour carried unanimously.

11. ADJOURNMENT

Motion by Selectman Maddox, seconded by Selectman MacLean, to adjourn at 11:15 p.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert

Executive Assistant

HUDSON, NH BOARD OF SELECTMEN

William P. Cole, Chairman

Teresa Stewart, Vice-Chairman

Kathleen R. MacLean, Selectman

Richard J. Maddox, Selectman

Kenneth J. Massey, Selectman