

HUDSON, NH BOARD OF SELECTMEN
Minutes of the May 8, 2007 Meeting

6:30 – 7:40 p.m.--Attorney-Client Session, pursuant to RSA 91-A:2 I Consultation with Legal Counsel

1. **CALL TO ORDER** by Chairman Shawn Jasper at 7:40 p.m. in the Selectmen's Meeting Room at Town Hall, saying the attorney-client session lasted longer than anticipated.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Doug Robinson.
3. **ATTENDANCE**
Selectmen: Shawn Jasper, Ben Nadeau, Ken Massey, Rick Maddox and Doug Robinson
Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Kathy Carpentier, Finance Director; Dave Yates, Recreation Director; Richard Gendron, Chief of Police; Howard Dilworth, Jr; Mary Ellen Davis; Tom Tollefson, HLN
4. **PUBLIC INPUT**
There was no response when Chairman Jasper asked if anyone in the audience wished to address the Board on any subject at this time.

Motion by Selectman Massey, seconded by Selectman Robinson, to change the Order of the Day and take up Item 7-C because the Recreation Director had an 8:00 commitment carried 5-0.

Second Public Hearing on Proposed Ordinance 07-03 Skate Park Rules

Chairman Jasper opened the public hearing at 7:48 and asked if anyone in the audience wished to speak on this. There was no response, so he closed the hearing. He said the first public hearing on 07-03 was held on April 24, 2007, and there was no input at that hearing, either.

Motion by Selectman Nadeau, seconded by Selectman Massey, to adopt 07-03 Skate Park Rules, as recommended by the Recreation Director.

Selectman Robinson asked if there was a date this ordinance became effective. Selectman Massey pointed out the last paragraph of the ordinance, which indicated it was effective 14 days after adoption. Selectman Maddox didn't recall seeing a positive recommendation from the Chief of Police. Mr. Yates said the original ordinance draft was forwarded to Chief Gendron and, at that time, he recommended changing the hours from "dusk" to a specific time, i.e., 8:00 p.m. That was the only comment the Chief had, either way. Mr. Malizia confirmed what Mr. Yates said. Dusk could be anywhere from 7:00 to 9:00, but 8:00 is 8:00. The Chief believes this is one way to help clean up the skate park, which is a resource—an asset—of the town. Right now, the officers can only talk to people. With prescribed rules in place, there are some penalties. There could be a misdemeanor trespassing charge, subject to some sort of removal from the park. Without some penalty, sometimes it's hard to get kids to move along when asked to do so.

Selectman Robinson said he has spoken with Chief Gendron and Capt. Breault regarding the ordinance, specifically the skate park hours and the use of helmets and he concurred with the Town Administrator regarding the hours. Relative to the helmets, the ordinance will all him to give teeth to trespassing and not following the rules to issue the paperwork to the kids who are not wearing helmets. He'd rather not go down this road; he'd rather stick with the ordinance. However, he and Capt. Breault understands the issue at the park. As it stands now, if kids are there and the police will be called and do what needs to be done. If kids are there without helmets and the police are called, this assists them a little bit in doing their job a little bit better. As far as the police being helmet police at the park, that's probably not a fun focus of the Police Department. They are there to partner with the Rec Department and partner with the citizens to make it work.

Selectman Maddox said he planned to vote for this, but he'd also like them to follow up with a subsequent motion to ask the Recreation Director to come back with a plan for securing this at 8:00, getting the lights fixed because after the last Board of Selectmen's meeting at 11:15, he drove by there and it was pretty much in darkness, with kids using the park, and the security system that a previous Board spent a lot of money on needs to be repaired, fixed, adjusted, etc. They need to do all of those things because he didn't want to be taxing the police officers with chasing people from the skate board park. Mr. Yates said as of today, the security system was back up at the park. He went by last night, as well. There are four security lights and three are working. One of them is out, due to someone throwing rocks at it. He has a call in to an electrician to repair it. He will bring this up to the Recreation Committee. When the park was opened four years ago, the committee members each took one night to go by and lock the park up. He'll bring this up at their meeting on Thursday.

Selectman Nadeau thought that a police officer, who was in the area, could go by and lock it. Chairman Jasper said he was thinking about the same thing and thought Selectman Massey, the police liaison, could ask the Chief that—both the skate park and Robinson Pond. If there are combination locks, any cruiser can do it. If it doesn't happen at exactly 8:00, so be it. It's better than having a volunteer have to go out to the pond every night. When cruisers are going by, it would seem that that's a task they could take on. He asked Selectman Massey to check that out with the Police Department and then report back to the Board.

Mr. Malizia said the park is the whole park, not just the enclosure. Selectman Robinson asked if the summer interns could also work there on a rotating basis, not only to police the park, but to assist the Recreation Department. Mr. Yates said the summer program starts June 25, so for the eight weeks, they could send over some summer staff, maybe from noon to 4:00, which seems to be the peak usage hours. Selectman Robinson said that would be a great help. Mr. Yates said they do have some plans in place that will, hopefully, help.

Vote: Motion to adopt Ordinance 07-03 carried 5-0.

5. **NOMINATIONS & APPOINTMENTS** (There were none tonight.)

6. **CONSENT ITEMS**

Chairman Jasper asked if any Board member wished to remove any item(s) from the consent agenda. There was no response.

Motion by Selectman Nadeau, seconded by Selectman Maddox, to approve the Consent Items, A-E, carried 4-0. Selectman Jasper abstained because his mother applied for a Veteran's tax credit.

A. **Assessing Items**

- 1) Re-granting of Exemptions (Disabled: 125 Belknap Rd, 2 Greenfield Dr, 259 Webster St, 54 Willow Creek Dr, 148 Robinson Rd); (Elderly: 98 Derry St, 99 Webster St, 10 Haverhill St, 38 Clement Rd, 88 Ferry St, 28 Wason Rd, 26 Adelaide St, 56 Highland St, 8 Clark St, 12 Henry Dr, 18 Sunland Dr, 18 Joel Path, 27 Bowes Cir, 5 Wagner Way, 7 Alpha St, 10 Greentrees Dr, 106 Robinson Rd, 97 Lowell Rd, 32 Library St, 107 Central St, 23 Cottonwood Dr, 13 Dugout Rd, 12 Lexington Ct, 17 Ridgecrest Dr, 10 Ridge Ave, 68 Ferry St, 25 Rena Ave, 1 Mockingbird Ln, 106 Pelham Rd, 1 Chapin St, 51 Melendy Rd, 9 Nottingham St, 4 Hayward Pl, 23 Scottsdale Dr) w/recommendation to approve.
- 2) Veteran Tax Credit (83 Old Derry Rd, 160A Robinson Rd); Disabled Exemption (5A Hedgerow Dr); Elderly Exemption (15R Burnham Rd, 838 Fox Hollow Dr, 24 Ledge Rd); Blind Exemption (17 Ridgecrest Dr) w/recommendation to grant.
- 3) Residences in Industrial/Commercial Zones (112 Derry St, 137 Ferry St, 196 Central, 202 Central, 204 Central, 31 Ferry St, 97 Lowell Rd, 88 Lowell Rd, 104 Lowell Rd, 143 Lowell Rd, 201 Lowell Rd, 288 Lowell Rd, 81 River Rd) w/recommendation to deny.
- 4) Residences in Industrial or Commercial Zones (287 Derry Rd, 224 Derry Rd, 2 Old Derry Rd, 3 Sullivan Rd, 3 Sullivan Rd, 108 Derry St, 2 Clement Rd, 6 Clement Rd, 18 Clement Rd, 24 Clement Rd, 98 Derry St, 100 Derry St, 132 Ferry St, 134 Ferry St, 136 Ferry St, 152 Ferry St, 154 Ferry St, 159 Ferry St, 7 Burnham Rd, 11 Burnham Rd, 139 Ferry St, 129 Ferry St, 156 Belknap Rd, 171 Central St, 169 Central St, 15R Burnham Rd, 21 Burnham Rd, 19 Burnham Rd, 180 Central St, 17 Burnham Rd, 15 Burnham Rd, 13 Burnham Rd, 10 Kimball Hill Rd, 201 Central St, 37 Ferry St, 29 Ferry St, 149 Belknap Rd, 89 Lowell Rd, 70 Lowell Rd, 155 Lowell Rd, 149 Lowell Rd, 171 Lowell Rd, 285 Lowell Rd, 283 Lowell Rd, 2 Davenport Rd) w/recommendation to grant.

B. **Water/Sewer Items**

C. **Licenses & Permits**

- 1) Block Party Permit on Richman Road by Michael Girouard for May 19, 2007 w/a rain date of May 26.
- 2) Raffle Permit by Hannah Dustin Quilt Guild on May 1, 2008 for a Machine/Handmade quilt to benefit HDQG, David's House and New England Quilt Museum
- 3) Tag Day/fundraiser cookout by Hudson Senior Council on Aging at SAM's Club on June 9 & 10 to benefit the Council on Aging Building Fund
- 4) Tag Day/fundraiser at SAM's Club and Dunkin' Donuts on August 11 & 12 and 18 & 19 by Nashua Elks Crusaders Football and Cheerleading organization.
- 5) Tag Day/fundraiser cookout by Hudson Chamber of Commerce on June 2 at SAM's Club for scholarship fund
- 6) Tag Day/fundraiser at SAM's Club on May 18 & 20 by the Nashua Seniors
- 7) Tag Day/fundraiser at SAM's Club on May 19 and June 16 by the Salvation Army
The following two items were added:
- 8) Raffle Permit by St. Kathryn Church for June 17, 2007 at St. K's Hall
- 9) Raffle Permit by St. Kathryn Church for June 22, 2007 at Passaconway Golf Course

D. **Acceptance of Minutes**

- 1) Board of Selectmen's Minutes of April 24, 2007
- 2) Board of Selectmen's Minutes of May 1, 2007

E. **Calendar**

- 5/09 7:00 Planning Board in CD Mtg. Rm.
- 5/10 6:30 Rec Committee @ Oakwood Facility
- 5/10 5:30 Sewer Utility Committee BOS Mtg. Rm.
- 5/10 7:30 ZBA in CD Mtg. Rm.
- 5/12 Celebrity Softball Game @ Jette Field (HPD vs former Bruins, Red Sox & Patriots)
- 5/14 7:00 Conservation Commission CD Mtg. Rm.
- 5/14 7:00 Recycling Committee in BOS Mtg. Rm.
- 5/15 7:00 Cable Committee in BOS Mtg. Rm.
- 5/16 5:00 Water Utility Committee BOS Mtg. Rm.
- 5/16 7:00 Library Trustees in BOS Mtg. Rm.
- 5/16 7:00 Senior Council on Aging in CD Mtg. Rm.
- 5/17 7:30 Budget Committee in BOS Mtg. Rm.
- 5/19 7:30 Comedy Night at Community Center
- 5/21 6:30 School Board in BOS Mtg. Rm.
- 5/22 7:00 BOS in BOS Mtg. Rm.
- 5/23 7:00 Planning Board in CD Mtg. Rm.
- 5/24 7:30 ZBA in CD Mtg. Rm.
- 5/28 Memorial Day—Town Hall Closed

5/30 7:00 Conservation Commission Workshop in CD Mtg. Rm.
5/24 7:00 Open Space in BOS Mtg. Rm.
5/31 1:00 Trustees of the Trust Funds in CD Mtg. Rm.
5/31 7:00 NRPC in CD Mtg. Rm.

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on April 24, 2007

▶ Motion by Selectman Massey, seconded by Selectman Robinson, to authorize the Fire Chief to increase the amount of the grant request in order to get a truck with a larger crew cab and a 2,500 gallon capacity water tank carried 5-0. (After the Board exited from nonpublic session on April 24, the aforementioned vote taken following a discussion in open session on the item.)

▶ Motion by Selectman Maddox, seconded by Selectman Nadeau, to hire Vinnie Scurini as substitute counselor/Robinson Pond gate personnel for the summer at \$8.50 per hr, effective May 26, 2007, as recommended by the Recreation Director, carried 5-0.

▶ Motion by Selectman Nadeau, seconded by Selectman Robinson, to hire Robert Buxton as Deputy Fire Chief of Support Services, an exempt position in the Supervisors' Association, Step 3, with an hourly rate of \$34.35, effective May 6, 2007, and to Step 4 after a six-month probation, as recommended by the Fire Chief, carried 5-0.

▶ Motion by Selectman Maddox, seconded by Selectman Nadeau, to adjourn at 11:00 p.m. carried 5-0.

B. 6 Clement Road Betterment Assessment

Howard Dilworth, Jr. of the Sewer Utility Committee was recognized and he passed out the latest correspondence from the attorney about this item with the updated language. They had requested the attorney take a look at what they recommended. The difference between this legal opinion and the earlier one is the language relative to sewer use, what constitutes a type of sewer use, whether it be porta-potties, or whatever. The request tonight was from the Sewer Utility to make a change to the betterment assessment at 6 Clement Road. The owner of the property would like to be able to lease it to someone to be able to store landscaping material on it. The question was forwarded to the attorney asking if the parcel would be leased for temporary use and if that triggered the requirement in the betterment assessment that the assessment be paid upon the property being used for commercial purposes, and would the town consider capping the amount of the assessment. The committee felt that, where there would be no sewer use on it, it did not rise to the level of being a commercial use, even though it may be construed as that. They were willing to say yes, things could stay as they were, but at the time that it is used for commercial use, such as putting up a building to do a commercial activity, or that some kind of sanitary sewer activity would be put there, then they would have to pay the assessment. The other item was capping the assessment. The committee discovered that the parcels in the Clement Industrial Park were pretty much paid off after 10 years and this was originally written in such a way that there was no ending date. It was a residential property that was in a commercial district that was sewered some number of years ago, but there was no cap put on it, so this thing has been accruing charges of interest to the owner at 6% a year and is now up to \$72,000. The committee was recommending a 10-year cap on the cost of the assessment.

Selectman Maddox asked what they were getting on the investment these days, in the sewer funds. Mr. Dilworth wasn't sure, but in talking with the Town Engineer today, he said at the time this was set up, this was an interest rate you wouldn't see today. Selectman Maddox said if they put the \$48,000 in the sewer capital fund, it would be earning some amount of interest. If they say this money is capped at that, and that money doesn't go into the fund, they aren't getting anything. At some point, \$48,000 might not be worth much when this is sold in 20 years, and the town will have gotten nothing for that. He didn't think six was the right number, but wasn't sure zero was, either. Mr. Dilworth said that was fine, but the committee did not feel that, since it's up to \$72,000 they could envision that if this was to continue at this rate and the property was not developed for commercial use for another 15-20 years, this could easily be over \$100,000 which they didn't feel was an appropriate thing to do. At the time this was established, they should have put a cap on the number of years, but things weren't always done that way in the old days.

Chairman Jasper thought it's the old Clement homestead lot that has been subdivided. The house is still on one parcel, with the whole parcel being a little over three acres, so each lot is about an acre and a half. It's not part of the park, per se, so it doesn't have direct access. Somebody would have to go down Clement Road to connect, so there would be substantial additional expense for them because it's not something the town would do. They'd still have to pay \$48,000 and then go down there, so he questioned if that would be a terribly viable commercial lot. It may be at some point, but there are going to be a lot of improvements to Clement Road. It's getting expensive, but if it sits there for another 20 years, the value of the lot is going to increase substantially, but the \$48,000 is not going to—and that's his quandary. The intent was that a house would be built there, but \$48,000 per septic system per house was pretty expensive. There were a lot of factors to think about.

Mr. Dilworth agreed, saying the cost of the betterment is \$27,091 and right now, because it's being compounded, it 6% per annum, beginning in '89 with no cap, it's already up to \$72,000. In another 15 years, the \$27,000 betterment, with interest, would be over \$100,000 and the committee felt that wasn't appropriate. Chairman Jasper said if nothing happens with this in 15 years, that lot may be worth who knows what. He's not sure what a happy medium was, but at some point, it becomes totally ridiculous. Selectman Maddox said they were all trying to do the right thing, so if they reduced the \$48,000 to the 10-year number and continue it from today at 1%, at least there's something coming in and everybody walks away with a piece.

Motion by Selectman Massey, seconded by Selectman Maddox, that, subject to all applicable town zoning and site plan regulations, the storage of equipment and materials on the property located at 6 Clement Road does not invoke payment of the sewer betterment assessment on the property and directs that a revised notice of sewer betterment assessment be filed, stating that in order not to invoke payment of the assessment, the use of the property shall prohibit any domestic or process wastewater disposal on the property, as recommended by the Sewer Utility Committee, carried 5-0.

Motion by Selectman Massey, seconded by Selectman Maddox, to cap the sewer betterment assessment on the property located at 6 Clement Road at \$48,517.37, which represents \$27,091.84 of principal and \$21,425.53 of interest; the interest amount represents the original 10-year payment time period of the Clement Road sewer betterment assessment district, as recommended by the Sewer Utility Committee.

Selectman Robinson said he could see where the Chairman was going with this piece of property 50 years from now, and he could see where (Selectman Maddox) was going with 1%. He asked if splitting the baby would be keeping up with other property in town. If the average property in town goes up 2%, 3%, that's what this would go up. Chairman Jasper thought that might be a little difficult. Mr. Malizia said they'd be looking at more at what they make in interest in the bank because it's the opportunity costs. This money isn't in a bank account earning interest. It doesn't really matter what property rises or falls. Selectman Robinson suggested the prime rate, or something of that nature. Mr. Malizia suggested some investment rate. The prime rate is probably higher than this rate. Chairman Jasper said if they ignore the interest on the interest and just have an annual interest on the \$27,000 which is what the original investment was... Mr. Malizia said a district was drawn up and people had a 10-year repayment schedule, so they've got to leave the 10 years alone. Chairman Jasper said if they say the amount owed today is \$48,517, but that any future interest would be earned only on the \$27,000, that way it doesn't get out of hand because the interest would always be the same.

Amendment by Selectman Maddox, seconded by Selectman Massey, that says they start from tomorrow, accruing 1.5% interest on \$48,517.37.

Chairman Jasper restated the motion -- to reduce the amount owed on the property located at 6 Clement Road to \$48,517.37 and that, henceforth, the interest shall be calculated at 1.5 per cent per annum until such time as the amount owed is paid.

Selectman Maddox thought this was a balance, being fair to the people and to the sewer users. He hoped this split the baby. Selectman Robinson asked Mr. Dilworth if this option was discussed at the committee level. Mr. Dilworth said no, but he thinks he can sell it to the committee because they are all trying to be fair to all parties involved, and this is a reasonable compromise.

Vote: Motion carried 5-0.

C. **Second Public Hearing on Proposed Ordinance 07-03 Skate Park Rules**
(This item was taken up earlier on the agenda, after #4.)

8. **NEW BUSINESS**

A. **Liaison Reports**

Selectman Nadeau said the Recreation Committee is trying to work with the Seniors in getting them settled for the summer.

•Movie night is Friday at 7:00 on May 11 at the Rec Center.

•Repainting of the Community Center will be done on May 12 by an Eagle Scout project, painting the front gable and trim and will install the new sign that says *Community Center*.

•Comedy Night is May 19 at the Community Center. Tickets are available at the Town Clerk's Office and at the Rec Center.

•CIP has ended.

Selectman Massey said the Board of Directors of the Hudson Seniors is meeting tomorrow night at 4:00. They are going to look at the option of the Oakwood Avenue facility. He anticipates, on the basis of that, they will have a recommendation from them to the Board of Selectmen on May 22. He asked them to do this because he wanted to make sure that whatever they get from the Seniors is a collective decision and not the decision of one or two people, so they agreed to hold the meeting tomorrow night. They are going to go over to Oakwood, look at the facility and then make a recommendation that they will vote on that will be their organization's position.

•Last Friday night, he attended the VFW annual Loyalty Day ceremony, at which they honored several town employees—Priscilla Zakos from the Highway Department, Group 3 Firefighter Marty Conlon and Sgt. Chuck Dyack and Officer Mike Niven from the Police Department. Congratulations to them for being selected as this year's Loyalty Day award recipients.

•The police conducted an alcohol compliance check Friday night, the night before the prom. They checked 24 establishments in town. Three of them failed, one of which was a repeat offender, so the Chief may be looking at some corrective action on

that one, but the positive news is that 21 establishments that sell alcoholic beverages complied with the law of having to be over 21 to purchase it.

•Last Tuesday, the Police Department held a drug awareness seminar for parents in town. They decided that, rather than do a police academy, they had a lot of requests to do something different, so they broke it into two pieces. Last week, they did a drug awareness seminar in which they had parents be able to see and smell marijuana, some of the symptoms to be looking for and some of the general educational facts so parents will be able to work with their children relative to the use of drugs. Next Tuesday, on the 15th, they are going to repeat their internet safety program. If anybody wishes to attend, it's going to be in the Ann Seabury conference room at the Police Department. Call Jamie Allen at 886-6011. This program is well worth the time and effort for all parents to attend. It will open their eyes up to why it's important to be vigilant.

•Chairman Jasper asked Selectman Massey if he'd seen the e-mail from Kevin Burns. Selectman Massey said yes, and he had a conversation today with several seniors. That's going to be part of tomorrow night's discussion. One option they are going to look at is if it will be worthwhile to consider the Oakwood facility as a year-round Senior facility, as opposed to just the 9 weeks. He's seen the estimate, but they have to be careful about something. Because the warrant article says to raise and appropriate \$15,000 for the purposes of an expansion to the Community Center for the purposes of a senior center, he didn't believe they'd be able to use the \$15,000. They'd have to find the money somewhere else. Chairman Jasper said he concurred, but he wanted to make sure these were going to come up as points for discussion and if any or all of them help satisfy their needs. Selectman Massey said Mr. Burns wouldn't be able to do what he was talking about this summer. They'd have to look at something different because he's looking at doing that in July, halfway through the program, at that point. Mr. Burns has made a proposal to do some work there to make the thing more amenable to the Seniors and his total estimate was about \$15,000. Chairman Jasper said they won't be there every day of the week, so some of the things could be accomplished during the summer, but that's a point of discussion. He just wanted to make sure they were aware of the proposal so they could discuss it. Selectman Massey said some of them are because he and Selectman Robinson met with several of the seniors today, who have a lot of questions.

Selectman Maddox said Community Development will be at the Board's next meeting as there are a number of issues they need to look at. He'll get with the Community Development Director and Town Administrator so they will be prepared.

•Selectman Maddox said he needed some guidance or input from the Selectmen for the Planning Board. Some residents came in, looking to rezone a section of town from General to Residential. The Planning Board decided to take it under their auspices and have town staff do all of the legwork. He didn't vote on this because he wasn't comfortable committing staff to this process. He didn't think it was a bad thing, but he didn't want 25 groups coming in, trying to rezone a particular neighborhood without doing all of the legwork they need to do and expect staff to be able to do it for them. He asked for input from the Selectmen on what his position should be on this relative to expending staff time.

Selectman Massey said it's a very significant zone, not by any means a spot zone, and the individuals, themselves, too it upon themselves to pull together the entire area. Staff would be asked to do research on a piece of the property that indicates it's an existing part of an adjacent area that was rezoned Residential not too long ago. It appears that either the map is inaccurate or they are going to have to add that to the zone. It's the strip along Robinson Pond. All of the lots that are on Robinson Pond look like they're not a part. There is some work that the staff would have to do on this.

Selectman Maddox said he wasn't talking about the one they already voted on; that has already been done. Those citizens went to the Assessor's Office and got all of the information. Most of the neighbors signed the petition for this. What he didn't want to happen was to hear, "Oh, if the Planning Board will do it," three neighbors get together and say, "rezone my three lots." That's why he needs to have some guidance, whether it should be done through Steve and the Community Development Director, or whatever. He was uncomfortable with the Planning Board agreeing to expend staff time to do all of the legwork for future ones. He was ok with the current one; it's the future ones he is asking for guidance on.

Chairman Jasper said it's important for the Planning Board to recognize that staff does not work at their direction; staff is there to assist them in doing their job, not for them to direct staff to go off in other directions. While the Planning Board has the ability to do rezoning, traditionally, they have done those in their workshops, or whatever. But for the Planning Board to start saying staff would work with the people to rezone things is a very bad precedent. The five Selectmen may be in a neighborhood, and four of them may want the zone changed, but one may not, and for the town to do that really is not proper. It's proper for the other four people to petition to go through the process and for that one person who objects to go forward to the Planning Board to voice their concerns, going forward by petition as either recommended or not recommended through the normal process. That is an important part of the process they have in town and to start directing staff to start doing these things is improper and he didn't want to see that happen. He supports the rights of the residents to do it. Staff is always ready to help people who come in with zoning questions or questions regarding the process. It's the job of staff to assist those people in getting the information they need to do it properly, but that's where the town's involvement should end. That would be his direction to Selectman Maddox.

Selectman Massey said, with regard to the current case, the Planning Board actually told those folks to do all of the homework, and they did it, but it became pretty clear, when they came back, it was such a significant change that it really was something the Zoning Board really wanted to get involved in. Under normal circumstances, absolutely, if someone wants to rezone, they have the petition route. If somebody wants to do a petition, (staff) should not be in a position of writing that petition for that individual. Chairman Jasper agreed. Selectman Massey said they shouldn't even be advising them on the

language. Chairman Jasper agreed, saying he was talking about the process. How do I get from Point A to Point B? Any particular zoning technical questions, not writing the petition.

Selectman Massey said maybe they should see if they could interest that individual in signing up for the Planning Board. The individual who did this work said that it turned out to be an extremely valuable learning experience. They spent a lot of time working on it, so they tried to enlist them that night, but it might take another call. That might be an opportunity to recruit.

Selectman Maddox asked if the other two Selectmen had a position, or if they already saw where he, the Chairman and Selectman Massey were going. Selectman Robinson was also in agreement.

Selectman Robinson said the new totes for solid waste will be coming around June 15. In the top part of the tote will be the instructions, the phone numbers and information the homeowner will need to know. The committee and Corcoran are working diligently with the schools and the newspapers, getting the information out. They will start seeing a lot more of that. There are two, three openings on the committee and invite folks to apply and get on board. Last weekend, there was a cleanup day and, according to Mr. Burns, he gave out over 600 recycle bins at the landfill. Of the hundreds of people who went there, most of them were in favor of the recycling. He did have three or four complaints, but everybody who went to the landfill that day knew of the new recycling program, so the word is getting out.

- Regarding Information Technology, Lisa and Steve have gone through the seven applications. One came from as far away as Maryland. Most of the interviews have been completed, and then Lisa will come before the Board in the future with her choices of whom she wishes to join her team.

Selectman Jasper said, relative to 7-Eleven and the parking at Greeley Field, that site plan is going to be done in-house. The Town Engineer and Cynthia May are working on that, so that's moving forward.

- The site meeting at Benson's is scheduled for the 15th with the Historic Preservation people at 10:00 to take a look at the buildings and, hopefully, break that log jam.

- On Stop & Shop, the attorney is working on the indemnification agreement for the state so they can move forward to get the final letter of approval. Those three items are moving forward, but at a snail's pace.

Motion by Selectman Massey, seconded by Selectman Maddox, to change the Order of the Day and taking up E, Ordinance 07-04, carried 5-0.

E. Public Hearing on Ordinance 07-04 installation of 25 mph Speed Limit Sign on Nathaniel Drive

Police Chief Richard Gendron said this item was brought to the Highway Safety Committee and they spent a lot of time on it. The road character of Nathaniel Drive is kind of different, almost like an S curve between Musquash and Dracut Road. The Police Department has gone there countless times regarding speed enforcement. Even if someone went 30 mph, they could not maneuver the curves because a driver tends to go into the opposite lane. It's a problem for the residents, especially those with kids, even on the side of the road. Different ideas were discussed at the committee meeting, including a speed reduction. The only way that can happen is through an engineering study, so Tom Sommers went out to look at the road. He agreed that, based on the character of the roadway, it definitely meets the criteria for a reduction, and it can only be reduced by five miles, so that's why 25 is recommended. For safety reasons, the committee is recommending that the speed be reduced. They looked into speed humps, which are not as severe as speed bumps. Nashua has several speed humps in various areas. The Nashua Chief of Police said they are very effective, but the Public Works Director isn't thrilled about them. Hudson may look at these in the future, but for now, they are recommending the speed limit reduction, which will give some relief in that area. If these speed limits are enacted, the Police Department will go down there because it is a cutoff. People coming down Musquash Road cut right through to get to Dracut Road.

Selectman Massey asked if the two humps on Temple Street in Nashua were what they were talking about because he finds them to be very unobtrusive, but they do have to slow down. Chief Gendron said yes, but those are the Cadillac's of speed humps. There are portable speed humps available, and maybe something for the future. Speed bumps are very noisy, and they wouldn't want them in a residential neighborhood.

Chairman Jasper opened the public hearing at 8:40 p.m. on 07-04 and asked if anyone in the audience wished to speak on it. Selectman Maddox called for a point of order and asked what was published, if it was the Musquash Road or Pulpit Drive. Mrs. Boisvert said Pulpit Drive was what was in the paper, but that information was incorrect, so it was changed to Musquash Road. Mr. Malizia said the Musquash Road notice was on the agenda and was posted internally and on HCTV. Chairman Jasper ruled that it did not change the intent of the ordinance; it was still on Nathaniel Drive, from Dracut Road to Musquash Road instead of Pulpit Drive, and the hearing was still in order. A technical deficiency did not change the purpose.

Mary Ellen Davis, 14 Nathaniel Drive, handed out an informational flyer on speed humps.

Chairman Jasper objected, saying that wasn't what the public hearing was about. She could talk to the Board about that during Public Input, or some other time, even after the public hearing, if the Board wanted to allow her that latitude.

Ms. Davis said Nathaniel Drive has a very dangerous reverse S curve in it and traveling greater than 25 mph, you end up in the other person's lane. They have many speeders come through. It's basically a cut-through and if people don't know that area, they don't realize how dangerous the curve is until they are into it, and they end up on the wrong side of the road. It has been the scene of three accidents, one very recently. She hoped the Board adopted the ordinance which, in addition to the "Dangerous S Curve" warning signs that are already posted, it would help to make the area more safe.

There being no further speakers, Chairman Jasper closed the hearing at 8:44 p.m.

Motion by Selectman Massey, seconded by Selectman Robinson, to adopt 07-04, as recommended by the Highway Safety Committee.

Selectman Massey said if anyone has been in that area, it's a heavily residential area and it's a major cut-through from Musquash to Dracut. It's one of those problem intersections, so it is well justified to reduce the speed limit. Putting up the reverse S curve signs is also a valuable piece of the pie.

Chairman Jasper said he is one of those who uses that as a cut-through on his way to church on Sunday mornings and 25 mph is really the maximum speed you want to go through those S curves. The only spot on the road where you can go above that is at the end, where it's a straightaway for about 500' and then you come up to a stop sign. 25 mph is the maximum speed you can go on that area.

Vote: Motion to adopt 07-04 carried 5-0.

Chairman Jasper asked if there was any objection from the Board members to listen to Ms. Davis' presentation on the speed humps. Ms. Davis said the Police Department will monitor the activity for the next two months, June through August. In there isn't any relief at that time, the Highway Safety Committee would entertain some sort of a speed hump solution. She did some research on speed humps and there are some solutions out there. She spoke with a man from Tag International and he is willing to do a pilot with the town and they will lend the town one or two speed humps, which are removable. They can be taken out in the winter so they wouldn't be an issue with the snowplowing operations. They are not intrusive and they don't make any noise. They will also make it through the winter, if they are left in place, and are guaranteed for 10 years. She thought that there might be other areas in town where these speed humps would be useful. She was suggesting them for this area, only if they don't get relief from the speed reduction.

Chairman Jasper said that's why he liked it when they used to just oil the roads instead of repaving them. The bumps, humps, unevenness and potholes slowed traffic down. Selectman Maddox quipped that the Conastoga wagons didn't build up much speed, anyway. Chairman Jasper said if they put out speed humps, he'd like one in front of his house, where there is an accident every year. Someone asked if they were going to ask about pricing. Chairman Jasper said that would be left up to the Highway Safety Committee.

B. Request by Hudson Youth Baseball to waive fee for use of the Community Center for a Fundraiser Dinner on June 9

Motion by Selectman Maddox, seconded by Selectman Nadeau, to approve the request carried 5-0.

C. Auditor Engagement Contract

Finance Director Kathy Carpentier said she was asking the Board to sign a three-year auditor's engagement contract with Plodzick and Sanderson. They gave the town a range of prices this year. In the last two, three years, there were some staff changes and changes in elected officials. The Trustees of the Trust Funds was an example, which was a big one, and they had to pay an hourly rate. That's why they've provided a range, from low to high, for the year. Her goal is for the low, but they have to be prepared for the high. This doesn't include becoming GASB compliant, which wasn't budgeted. If they are to receive over \$500,000 in federal grant money, they would have to have an additional audit, and that's not included, either.

Selectman Maddox said he didn't win on the lawyer, so he'd try on this one. He understands why they are reluctant to change horses, but at the very least, they should go out and get pricing. This (pricing schedule) has a \$5,000 delta between the low and the high, and then there is a sentence that states if none of that applies, there is a per diem rate from \$75 to \$165 an hour. They should go out and find what other people are charging. These may be nice people that have done our stuff in the past, but there are other people out there that may give a fixed price, not a floating price. To simply give these people a three year contract with a float that goes from seven five to thirty two five in the first year to twenty nine to thirty five in the third year... he thinks, at the very least, they should see if this is a good deal for the town of Hudson.

Selectman Massey said he used to think they should do GASB 34, which is the Government Accounting Standards Board, the governmental equivalent of the financial accounting standards board, which all private companies have to use, but the only real use he can see for GASB 34 is you have a replacement value on all of your capital assets and, quite honestly, given the "glacial speed" at which they change capital assets in town, he didn't think knowing what the replacement value and the cost to do it was justified. The school district became GASB 34-compliant four years ago, and it was a guesstimate by the audit firm of \$25,000. They said there was no way that could do that for the town at that price, that it would be substantially higher. He would have been far more willing to go out to bid for a legal firm that he would for an auditing firm. You change your auditing firm only after some indication that there may be reasons why you didn't want them back again. He appreciated Selectman Maddox's sentiments, but any new company that came in would have to be taught the entire town's system

because no two businesses run their chart of accounts quite the same way. It would be a steep learning curve. He thinks it might be prudent this year to have the auditor prepare a to-do list for the Trustees of the Trust Funds so that they know ahead of time what they need to have prepared so the auditor can do it more efficiently than what happened last year.

Ms. Carpentier said she had an initial conversation with Plodzick reviewing what happened in the past and talking about the engagement contract, and she put out a memo to the Trustees, asking to get together to decide how they can make things transition a little smoother through the audit.

Selectman Robinson asked how Plodzick and Sanderson had been auditing the town. Chairman Jasper said he was Selectman the first time around, back in the 80's. Selectman Robinson asked what their score card was. Mr. Malizia said they are very competent and a well regarded audit firm. The town has had a relationship with them since the 80's and it's pretty rare to change audit firms unless they go out of business or if you have something you don't want them to know, or something has changed. There may be three or four other audit firms in the state that are capable of auditing Hudson, but he didn't think they would save any money. These folks would be the most efficient. They've got the permanent files, they've got the relationship and they do the town and the school. Quite frankly, if they go out to bid, the town might be sending a signal that something was not right. He's loathe to change because, in the long run, he didn't think they would save money because the next firm is going to come in and start from zero. They are going to have to start a permanent file, learn the relationships and he's not sure the school isn't looking to change, to his knowledge. From a town's perspective, there would be two separate firms, and they do work in concert with the school, at times. It's like a relationship with your doctor. Unless you're dissatisfied with him, it doesn't make any sense to switch because of some perceived price savings.

Selectman Nadeau asked why there was a price range of 27-5 to 32-5 and if, in the past, they've had a fixed cost. Ms. Carpentier said they've had a fixed price in the past, but for the last two years, during the audit, he is spending more time than anticipated, and he had to do extra expenses. On the bills, he itemizes what those charges are, such as additional time reconciling annual trust fund reports of revenues and expenditures. That's because of the Trustees of the Trust Funds, and outside of her control, but it has to be done. It's not an expense she can tell them not to incur. Selectman Nadeau asked how much that charge was. Ms. Carpentier said there were three or four additional items, but that one was \$1,170. Another charge was for \$2,500 for another Trust Funds issue. There is a turnover of elected officials and they don't always know the proper procedures. They might be the best investors in the world, but if they are not familiar with government reporting, then there is definitely a learning curve. The auditors did sit with them and try to train them.

Selectman Maddox said if the town has been with them (the auditors) since he (Chairman Jasper) was a pup, it's not like the town is changing because they are trying to hide something. At the very least, they should see what else is out there. If they've been with the town as long as they have, it's not like they are changing every year. It is good fiscal management to go out and see what else is available and if you're an auditing firm, you have to meet all of the requirements to be an auditing firm and go through all of that criteria, so he thinks they should, at least, take a look.

Chairman Jasper said that's the way he felt yesterday and he had a conversation about that with Steve. He is still not sure they should change, but it's always prudent to see what's out there. At the end of the day, he might decide to stay with the current firm, even if someone came in at \$3,000 less. Nobody knows the last time this was put out to bid. He remembers when they were hired, so that would have been in 84-85. They've been with the town over 20 years. Going out to bid may not gain the town anything, but it may. Ultimately, there are good reasons for not changing the firm. Whether or not they should go through the gyrations is another question.

Motion by Selectman Massey, seconded by Selectman Maddox, to award a contract for audit services to Plodzick & Sanderson for fiscal year ending June 30, 2007, 2008 and 2009, as recommended by the Finance Director and Town Administrator.

Selectman Robinson said he understood the point Steve was making, comparing the auditing firm to one's doctor, but maybe it's time to see what others might charge. They won't know unless they ask. Chances are, they will stay with this firm, but it might be a good idea to go out and get three bids. Mr. Malizia said audit firms, like legal firms, have their client base and their schedules. The town's audit takes place in August. Putting a bid out will take a few weeks to get the numbers back. He is concerned that if they don't have a decision by some drop-dead date, the town's audit will slip. If the audit slips, the tax rate will slip because the paperwork won't be done for the state. Unless the town is serious about switching, they may be putting their whole schedule in jeopardy, all to look at other numbers. Plodzick is not going to come back with a different number. This is the number that it will cost him and his firm to do the audit. Good, bad or indifferent, whether they like it or not, or whether or not they think it is too high... they could get Melanson & Heath, or Vachon Clukay, etc... but they all have their client base. They are going to service their existing clients first. That's just the way things work; they town will get in the queue. His concern is that the town may not get in the queue in a timely fashion and, if so, the audit may slip and if it slips, the tax rate slips, and if the tax rate slips, the tax bills slip. It is a concern and, if he doesn't raise it, people will ask why he didn't say something.

Chairman Jasper asked if Selectmen Maddox wanted to split the baby again. Selectman Massey said yes, he wanted to award the contract for one year, which give them the time to do what is necessary and not put themselves in that peril.

Motion by Selectman Maddox, seconded by Selectman Robinson, to amend the motion by awarding the contract for only one year, ending June 30, 2007.

Selectman Massey asked what would happen if Plodzick and Sanderson refused a one-year contract. Selectman Maddox said then they weren't a great team player with the town. He can't believe they wouldn't do that. Chairman Jasper said if they throw Hudson out because they want to look at other numbers, then there is a real concern because they have to have a certain amount of confidence in their work. At some point, it's prudent to go out and test the waters. Selectman Robinson said bids are part of the business.

Ms. Carpentier said she'd call them tomorrow to tell them the Board's decision, but in the next year or so, there may still be a lot of turnover in elected official positions, so there may be a couple audits done during the year. If the Town Clerk/Tax Collector leaves, they need to have another audit. Chairman Jasper said they have the letter and the retirement is effective June 30, 2007. Ms. Carpentier said on March 13, no matter what happens in the interim, they may need another audit. She wasn't trying to sway the vote, but wanted to make the Board aware of that.

Vote on the amendment carried 4-1. Selectman Massey voted in opposition.

Vote on the amended main motion to award the contract for one year carried 4-1. Selectman Massey voted in opposition.

Selectman Maddox asked the Town Administrator to put together a bid package to go out in the middle of October. Mr. Malizia said that should be reasonable because they'd have an idea of the number of hours. Chairman Jasper asked if there was a second to that motion. Selectman Robinson seconded it. Motion carried 5-0.

D. Employees' Earned Time Fund

Finance Director Kathy Carpentier said the Board of Selectmen were the agents to expend this fund, so she requesting a distribution from the Employees' Earned Time fund from the Trustees of the Trust Funds for positions that have terminated in the last three months in the amount of \$64,344.20. Some senior people have left and they took their earned time upon termination and there's a capital reserve fund set up for this. She is a little concerned about the balance in the fund, which is dipping down. In the five contracts the town has, the employees have a chance in June to buy out earned time again at 100% in 40 hour increments, so there might be another request coming back to the Board in June or July for this fiscal year. The balance, if this reimbursement is made, will be \$63,000 which is less than 5% of the gross liability. With the proposed funding for 08 going in, leaving them at about 9%, which is still pretty low.

Chairman Jasper said he had a discussion yesterday with the Town Administrator about this because he is very concerned about this. Obviously, if they do this, they are going to be needing to fund a significant increase in the next budget, so he'd like to defer this to the Town Administrator's discretion and see if, they get closer to the end of the fiscal year, there are monies available so they need not transfer the entire amount. This is what they did last year, as well, and keep this fund balance a little healthier.

Motion by Selectman Maddox, seconded by Selectman Massey, to defer to the discretion of the Town Administrator carried 5-0.

E. (Public Hearing on Ordinance 07-04 installation of 25 mph Speed Limit Sign on Nathaniel Drive was taken up between New Business Items A & B.)

Chairman Jasper declared a recess at 9:08 p.m. The meeting resumed at 9:16 p.m.

F. Highway Safety Grant for Hudson Regional Sobriety Checkpoints Project

Police Chief Richard Gendron said this was a grant application through NH Highway Safety and this project is scheduled for Labor Day weekend. Last year, they did the same thing and the sobriety checkpoints were highly successful. They ended up making six DWI arrests, three arrests for possession of drugs, one arrest for possession of cocaine, one outstanding warrant for an arrest and several citations. The grant will be done at an undetermined location, at this point, because they still have to get a court order. It requires six police officers to run the checkpoint. All six positions will be paid by the Highway Safety grant. Their goal, as it was last year, is to have zero alcohol-related fatalities during the holiday weekend. Last year on that weekend, first time ever, they didn't even have a single accident that was alcohol-related. The sobriety checkpoints were not only run in the southern tier of NH, but also in the Lakes Region, with great results.

Motion by Selectman Robinson, seconded by Selectman Nadeau, to enter into an agreement with the State of NH Highway Safety Agency to receive the amount of \$4,244.33 in order to participate in a project entitled, "Hudson Regional Sobriety Checkpoints," as recommended by the Chief of Police, carried 4-1. Selectman Maddox voted in opposition.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau said he didn't have any.

Selectman Massey said he made one mistake tonight, and he left something out. The drug awareness program was tonight, not last Tuesday, but the Internet Safety program is next Tuesday, the 15th.

There is an upcoming alcohol compliance check at a date to be determined by the Police Chief for server facilities—restaurants or bars that serve alcohol. The previous one was for establishments that sell alcohol.

Selectman Maddox thanked Selectman Massey and congratulated him for running the Volunteer Ice Cream Social. He got scared when he heard Selectman Massey was buying five gallons for \$5, but that wasn't the right price, so it obviously wasn't WW II ice cream and was actually pretty good. There was a good turnout for the first time. People didn't know what to make of this. He complimented Selectman Massey on all of the hard work in putting this all together. The five Selectmen are a small cog in the wheel. Even though they have great people running the town full time, it is the volunteers on various boards and committees that keep this town the great place it is, and they are all appreciated, whether or not they got ice cream. As they saw with the Rec Committee the other night, when they do a great job, the Board doesn't hear anything, and they get taken for granted. That's not the intent, it's just human nature. He hopes the Ice Cream Social expands in following years with some sort of recognition for all of the hard work the volunteers put forward to make Hudson a great place.

Selectman Maddox asked for a consensus of the Board for him and Selectman Massey to meet with VHB and touch base with them on some issues, then bring something back to the Board. The other Selectmen were in agreement. Chairman Jasper preferred a motion.

Motion by Selectman Nadeau, seconded by Selectman Robinson, to appoint Selectmen Massey and Maddox as a committee to meet with VHB to discuss concerns and report back to the Board, carried 5-0.

Selectman Robinson thanked Laura Bedard and the group of six or seven seniors that he and Selectman Massey met with today at her home around lunchtime. She was very gracious. They discussed some of the issues concerning the seniors and he feels it was a productive, warm meeting. He thanked her for the opportunity to speak to them.

Selectman Jasper spoke about the passing of the Road Agent's mother. Her calling hours are Thursday night, 4 – 8, and if members want to carpool, they could go together. At the last meeting, he was remiss not to mention the passing of long-time Selectman Edwin Steckovich, who was also a business owner in town. He had a store across from Brook Plaza and a little market is still there. He served as Selectman from 1946 to 1958 and his brother was the principal of Alvirne High School, for whom the gymnasium was named. He attended the calling hours and Priscilla made sure flowers were there on behalf of the Board and they were appreciated by Mrs. Steckovich.

Selectman Jasper echoed Selectman Maddox's thanks to Selectman Massey for his work on the Ice Cream Social. He heard nothing but positive comments there. It was nice to have something and he hoped it would be continued. Whether it grows in numbers or not, for those who were there, they appreciated it and a good time was had by all and well worth doing.

10. NONPUBLIC SESSION

11. ADJOURNMENT

Motion by Selectman Maddox, seconded by Selectman Robinson, to adjourn at 9:26 p.m., carried 5-0.

Recorded and transcribed by Priscilla Boisvert
Executive Assistant

HUDSON BOARD OF SELECTMEN

Shawn N. Jasper, Chairman

Benjamin J. Nadeau, Vice-Chairman

Kenneth J. Massey, Selectman

Richard J. Maddox, Selectman

Douglas K. Robinson, Selectman