

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the September 11, 2007 Meeting**

7:00 p.m. – 7:40 RSA 91-A:2 I (b), Labor Relations session.

1. **CALL TO ORDER** by Chairman Jasper at 7:44 p.m. in the Selectmen's Meeting Room at Town Hall, noting that a Nine-Eleven Observance was held at Library Park this evening at 6:30, and will be shown on cable TV. He asked everyone to join him in a moment of silence in memory of the victims of that horrific event that occurred six years ago.

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; Patti Barry, Town Clerk, Tax Collector; Shawn Murray, Fire Chief; Neal Carter, Deputy Fire Chief; Rob Buxton, Deputy Fire Chief; Richard Patterson; Andrea Perreault; Howard Dilworth, Jr; and Tom Tollefson, HLN

4. **PUBLIC INPUT**

Richard Patterson, 2 Madison Drive, said he read an article in the HLN that the Board of Selectman was considering an e-mail policy. His understanding is that any incoming e-mail to a Board member would get forwarded by that Board member to the rest of the Board and to the Town Administrator and to the Executive Assistant, and a copy of that correspondence would be put into a file for public inspection. Chairman Jasper said there may have been some discussion along those lines, but he didn't think that's where they were at. If there was a question contained in the e-mail that asked about a policy or what the town was going to do, then Mr. Patterson's assessment was correct, but if someone was just mailing a specific member of the Board, lambasting or praising him or her, it wouldn't need to go any further. If it was a decision that ultimately needed to be made, or information being requested, so all members of the Board would be on the same page, then his assessment would hold true.

Mr. Patterson asked if he had a question for any member of the Board, and went just to one person, if that would then become a matter of public record. Chairman Jasper said Selectman Massey was working on that policy and this is where they really have to figure things out. If someone was to e-mail him, asking where they could find some information, that wouldn't rise to a level of having to share it with someone else, but if the question was asking what the Selectmen were to do about, for example, the potholes on Barretts Hill Road, then that would be the type of question one Selectman couldn't answer—or something of that nature. If someone asked what the Board was going to do to reduce the tax rate this year, and he answered what he was going to do, it would be helpful for the rest of the Board to know where he was coming from, as they march down that path.

Mr. Patterson said there have been occasions where he has buttonholed members of the Board, by e-mail, by telephone, or in person, with a quick question, or to voice an opinion. He suspects what might be bringing this issue of e-mails to the forefront is the concern of not violating the open meeting law, promulgated by state law. As he understands that, it is correspondence, and that would be a telephone call, meeting for breakfast, or it could be e-mails that take place between a number of Board members that could constitute a quorum, thus constitutes a meeting, which needs to be properly noticed, according to state law. With that being said, as a constituent, he would object to his e-mail question, or opinion on a topic—he would expect, if he had a question, that person would answer him to the best of their ability, recognizing that that was that person's personal opinion and not the position of the entire Board, and if the issue was appropriate enough to be brought at a future point in time, it could be raised by him in public input, or by the Board member, who could say he's spoken to one or more constituent and this is something we may need to address on an agenda at an appropriate time. He would feel uncomfortable if any correspondence he would have by e-mail, and thinks he speaks for many other constituents, is shared with the Town Administrator, Executive Assistant and stuck in a file for public inspection. He would also, ironically, note that if the forward button to his e-mail was pressed and every other member of the Board of Selectmen received a copy of his e-mail, he'd daresay that a quorum has then been addressed and a discussion has been held and, therefore, by merely by forwarding his e-mail, they have, inadvertently, without intention, violated the letter of the law. He's not a lawyer, but that's his position. He also voiced what he spoke about earlier on his desire not to have a private conversation done, in that, why if they would do it by e-mail, would they not require phone conversations to be taped, conversations that might take place in a coffee shop, bump into after a public event, or in a church? If they have to do it for e-mail, then it would have to be done for the rest of the conversations. Those are the points he raises. If he, as a constituent, didn't have a problem with it being shared with anybody else, he'd say if you want to bring this up to anybody else, not a problem. But, if it's something he wanted to voice to a separate individual, such as the Chairman, he didn't think it would be appropriate to go beyond a private conversation.

Chairman Jasper said he would agree. What prompted this was the proposed law change which would have, essentially, prohibited them from having any e-mails conversations among the Board members, but the more recent one was an e-mail that did go to all five of them, and said, "Gentlemen," and asked them questions. How do you properly handle that? He didn't really foresee a one on one exchange that any of them have to be concerned about under the law, or anything else. That's where they are going, when it was amongst a quorum of the Board, to begin with. Mr. Patterson said it may well be, just to make it a little easier, as well, not to be just what he is afraid of, but help the Board accomplish its goal. As much as hitting the forward button, in his opinion, might be construed as holding an inadvertent quorum, it may well be that if there is something that warrants a discussion amongst the Board, that that e-mail could be conceivable forwarded to the Town Administrator, who then forwards it out to everybody else. At that point, there isn't a quorum being done because it is the Town Administrator. Chairman Jasper said actually, under the law, if the Town Administrator forwards it out to everyone else, even though it was from him, when they get to the part where they reply.... perhaps not, if they ignore it, but those are the issues. Sometimes, he puts an e-mail on the agenda, as he ultimately did with the one he was referring to, but there was quite a bit of back and forth, to begin with. Selectman Massey said he captured some of those thoughts and would probably be contacting Mr. Patterson.

5. **NOMINATIONS & APPOINTMENTS**

- A. **Building Board of Appeals** (one member, term to expire 12/31/09)
- B. **Conservation Commission** (one alternate, term to expire 12/31/09)
- C. **Energy Committee (Green Team)** (two members, terms to expire 12/31/07)
- D. **Recycling Committee** (two members, terms to expire 12/31/07)
- E. **Planning Board** (one alternate, term to expire 12/31/08)  
Cheryl Cummings, 17 St. Francis Place, was not be present. She will be invited to the meeting on September 25, 2007.
- F. **Zoning Board of Adjustment** (two alternates, terms to expire 12/31/07 and 12/31/08)

6. **CONSENT ITEMS**

Motion by Selectman Maddox, seconded by Selectman Nadeau, to approve the consent items, as noted or appropriate, carried 5-0.

- A. **Assessing Items**  
Current Use Lien Releases, Map 187/Lot 24, 14 Kara's Crossing Drive; Map 186/Lot 20-8 10, Kara's Crossing Drive; Map 156/Lots 6-46, 6-51 & 6-52, 8-B & 9-A & 9-B Taunton Lane, Sparkling River LLC, w/recommendation to approve.
- B. **Licenses & Permits**
  - 1) Block Party Permit, Woodridge Drive on 9/22/07, w/rain date of 9/29/07 w/positive recommendation by Chief of Police.
  - 2) Outdoor Gathering Permit for Harvest Fest on October 6, 2007 at the Hills House
  - 3) Raffle Permit by St. Kathryn Church on 9/16/07 at 4 Dracut Road
  - 4) Raffle Permit by St. Kathryn Church on 11/11/07 at 4 Dracut Road
  - 5) Tag Day request by the Hudson Hawks U14 AAU Travel Baseball Team to conduct fundraising activities at SAM's Club and at Market Basket on 9/22/07.
- C. **Acceptance of Minutes**
  - 1) Minutes of the Board of Selectmen's Meeting of August 7, 2007
  - 2) Minutes of the Board of Selectmen's Meeting of August 14, 2007
  - 3) Minutes of the Board of Selectmen's Meeting of August 28, 2007
- D. **Calendar**
  - 9/12 7:00 Planning Board in CD Mtg. Rm.
  - 9/13 9:00 – 10:00 a.m. Senator Gregg's Staff's Office Hours in BOS Mtg. Rm.
  - 9/13 5:30 Sewer Utility in BOS Mtg. Rm.
  - 9/13 6:30 Recreation Committee at Rec Center
  - 9/13 7:30 ZBA in CD Mtg. Rm.
  - 9/15 9:00 a.m. Town Auction at Highway Garage
  - 9/18 7:00 Cable Committee in BOS Mtg. Rm.
  - 9/19 5:00 Water Utility in BOS Mtg. Rm.
  - 9/19 7:00 Library Trustees in BOS Mtg. Rm.
  - 9/19 7:00 Hudson Seniors in CD Mtg. Rm.
  - 9/20 7:00 Budget Committee in BOS Mtg. Rm.
  - 9/24 6:30 School Board in BOS Mtg. Rm.
  - 9/24 7:00 Recycling Committee in CD Mtg. Rm.
  - 9/25 7:00 Board of Selectmen in BOS Mtg. Rm.
  - 9/26 7:00 Planning Board in CD Mtg. Rm.
  - 9/27 1:00 Trustees of Trust Funds in CD Mtg. Rm.
  - 9/27 7:00 Open Space in BOS Mtg. Rm.
  - 9/27 7:00 ZBA in CD Mtg Rm.

7. **OLD BUSINESS**

**Votes taken after Nonpublic Session**

**August 28, 2007:**

Motion by Selectman Massey, seconded by Selectman Robinson, to hire Jennifer Riel as full-time Water Utility Clerk, starting at \$13.92 per hour, Step 1, of the Admin & Support contract, effective 8/29/07, carried 4-1. Selectman Maddox voted in opposition.

Motion by Selectman Maddox, seconded by Selectman Robinson, to adjourn at 11:43 p.m., carried 4-1. Selectman Massey voted in opposition.

**September 4, 2007 Workshop:**

Motion by Selectman Nadeau, seconded by Selectman Robinson, to hire Glen Bradish as Firefighter EMT-I in the Fire Department, Probation Step at an hourly rate of \$14.16, in accordance with the IAFF Local 3154 contract, effective September 16, 2007, as recommended by the Fire Chief, carried 4-1. Selectman Maddox voted in opposition.

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

8. **NEW BUSINESS**

A. **Liaison Reports**

**Selectman Nadeau** said Justin McKinney just finished lettering the Hudson Community Center. Last Saturday was the first day of fall soccer, which has 520 children enrolled in that program. They will be playing at Freedom Field and Alvirne. There is an upcoming comedy night in October. The Tot Playgroup will meet on Thursdays at 9:30 at the Rec Center on Oakwood. Basketball registrations will be held September 20, 22, 27 and 29 at the Oakwood facility.

**Selectman Massey** said for those who may not know it, the construction work that's going on on 102 between the McDonald's and Ledge, the contractor today, even though the area was marked by Dig Safe, accidentally broke into a water main. Within 15 minutes, 500,000 gallons of water were discharged. To give you some idea of the impact, the level in the Gordon Street tank dropped 16' and the water level dropped 6' in the Marsh Road tank, which is further out. Thanks to the quick response to the work by the Civil Engineer, Gary Webster, and Pennichuck, they were able to shut off the lines on either ends of the break and they are now working on fixing it. Again, it was an accident and the area was marked by Dig Safe. Chairman Jasper stated that the repairs have been made at this time. It is complete, but they are flushing the lines, so if anyone notices any brown water, run the cold tap for about 15 minutes. If that doesn't clear it out, call Pennichuck.

oSouth End tank is running about 30 days behind. They have finished painting the tank, but the pumping station, an off-site construction, needs to be installed, and it won't be delivered until Sep. 13 and will be like the booster station on Wason Road. They have to run about 50' of pipe to connect it to the system. In October, the project should be substantially complete.

oOn the Library-Central Street intersection, the bid package has been completed by the vendor. The bid will be advertised in the Union Leader and Nashua Telegraph on September 27. The bids will be due on October 29 at 3:00 p.m. in the Town Clerk's Office, and the bid packets will be available for pickup in the Town Engineer's Office, starting September 29.

oThe Constitution Avenue paving project is completed. There will be an item on tomorrow night's Planning Board agenda to talk about the release of the performance bond and start the path down street acceptance.

oAs long as he has been on the Board, he has always said that people are what make a community, and the police blood drive last Friday is a fine example of why this community is such a great place to live in. A total of 275 people showed up and they were able to successfully collect 253 pints of blood. A special thanks is due to, not only the Police Department who, twice a year, manages to put on a very successful drive, and they accomplished that, but also for this year, he was really surprised—and there will be a press release the Police Department will be releasing—but there are a total of about 30 companies who provided goods and services to make this a success, and he was talking about people who donated things like Ya Mama's Restaurant, Cahill's Super Subs, and to read the list, it would be too long. It will be in the paper. Thank you to all of the people who donated, thanks especially to the Police Department who organized it, and a special thank you to all of the companies that helped make it a success.

oFinally, the Building Committee for the feasibility and cost study for the Senior addition to the Community Center met with the architect last Friday and they are going to deliver three options to the committee that will be costed out. The committee will then be making a recommendation to the Board of Selectmen. The next meeting with the architect is on September 17 and they are continuing to go forward. When the Board approved the contract with Berard Martel two weeks ago, the architect had not seen the contract. There was a clause in there that stated payment was due upon completion of the project, but "completion" was not defined. As a result, he talked with their principal and they also contacted the town's attorney, and the change in the contract would be 75% due when the architect satisfactorily delivers the documents that are outlined in the contract, and 25% 30 days later. That's what the original contract was thinking about, that the payments would be due. He asked the Board to agree to the change. It includes something he should have picked up, apologizing that he didn't; it now has the deliverables written in, as to what they are contracted to deliver, as the documents. That's the addendum to the contract. Selectman Maddox asked to have "satisfactory" defined. Selectman Massey said that's the Board's decision. Chairman Jasper said that's something the Board has to decide, not something they write out. Selectman Maddox said they were going from one fuzzy logic to the next. Selectman Massey said he originally said upon delivery of the documents, but "satisfactory" puts a little onus on the Board to make sure they've gotten what they wanted out of it. The architect if working right now, so it's not like the project is being held up. He just felt it was worth it to include that one word, "satisfactory."

*Selectman Robinson so moved, seconded by Selectman Nadeau,(75% due when the architect satisfactorily delivers the documents that are outlined in the contract, and 25% 30 days later) carried 5-0.*

**Selectman Maddox** said his liaison (reports) would be covered in New Business.

**Selectman Robinson** thanked Mike O'Keefe of the Cable Committee, who taped the Nine-Eleven ceremony at Library Park tonight, so hats off to him.

oThis weekend, 90 homes took hazardous waste down to the town garage and disposed of it properly.

oThe Highway Department replaced drainage systems on E Street and Jacqueline, and a new drainage system was installed on Nathaniel Drive to eliminate the icing problems in the winter. Catch basins were installed on Gambia Street and Adelaide Street and the culvert crossing under Lions Avenue was replaced.

oTown-owned ball fields had their infields redone, so they will be all set for springtime.

oThe town auction is this weekend and will be held at the town garage.

oThe plows and sanders are being put on the town trucks in preparation for the winter to come.

oRecycling for the month of August was 28%, as it was in July. Pinard Waste agreed to donate their hauling cost and Corcoran Environmental has agreed to cover the disposal fees for the removal of all the trash at Old Home Days.

oMore good news regarding the new solid waste program that just came in. The tonnage for the first cleanup day was 47.78, about average, but below the 62.5 tons allocated per event. 60 tons per week is still missing. They don't know where it is, but it's not in Hudson! Kevin is excited about the numbers. Dumping at cleanup day was 15 tons, or 25% less than last time.

**Selectman Jasper** said there was nothing new on Benson's.

oWith 7-Eleven, the Town Engineer is out now, so that's on hold and it's too late in the year to worry about it.

oOn Stop & Shop, the Attorney has written directly to the DOT Commissioner, as Nancy Mayville has been unresponsive.

**B. New Office Hours for Town Clerk/Tax Collector's Office**

Town Clerk/Tax Collector Patti Barry said beginning October 1, she will open the doors of her office at 8:00 a.m., Monday-Friday, and will close at 4:30, except for the evening hours the first and last Thursdays of the month, when the office will stay open until 6:00 p.m. She and two other clerks will work each of the Thursday nights, to start, until they see how well-received that is. She will pay them overtime for those hours, and she does have money in her budget for that because they were short a clerk for a month and a half. Once she sees how this goes, adjustments can be made, as necessary. Chairman Jasper said there is no action necessary by the Board because the Town Clerk/Tax Collector controls the hours of her office.

**C. Pre-Payment Policy for Property Taxes**

Town Clerk/Tax Collector Patti Barry said she was asking the Board to adopt a prepayment policy for property taxes, pursuant to RSA 80:52-a. Right now, when they have credit balances from the July tax bills, they are required to refund any credit balance. The current MuniSmart system automatically handles any credit balances and converts it to a prepayment for the December bill. She has to go in and reverse those prepayments and refund them. A lot of people have been requesting that she apply the credit balance to the December bill, but she cannot do that without the Board's approval. She also has people who ask if they can make payments on their December bill. By adopting this policy, she can start doing that, accommodating those needs. Selectman Massey asked if the system would keep track of all the prepayments. Ms. Barry said yes.

*Motion by Selectman Robinson, seconded by Selectman Maddox, that pursuant to RSA 80:52-a, to adopt the policy that "Taxpayers shall be allowed to prepay taxes no more than one year in advance of the due date of the taxes. No interest shall accrue to the taxpayer on any prepayment, nor shall any interest be paid to the taxpayer on any prepayment which is later subject to rebate or refund.", as recommended by the Town Clerk/Tax Collector, carried 5-0.*

**D. Designation of October 2007 as National Community Planning Month**

Selectman Maddox spoke to this in the absence of the Community Development Director. The memo from Mr. Sullivan stated that October is Community Planning Month. He wanted people to understand what that is and for the Board to adopt it.

*Motion by Selectman Maddox, seconded by Selectman Massey, to designate the month of October 2007 as National Community Planning Month, as recommended by the Community Development Director, carried 5-0.*

Selectman Massey said they had a request to designate, as part of this program, a Great Streets program, and to nominate a Hudson street. He asked if Selectman Maddox was aware of that. Selectman Maddox said he read about that in the memo, but there wasn't a request for the Board to do that. Selectman Massey said there was another memo in General Read today that asked the Board to nominate one. Selectman Maddox said he was done with his part. If the other members wanted to fight about what the greatest street in Hudson was, be his guest. Chairman Jasper said that was a battle with no winners.

**E. Bid Recommendation—Replacement Fire Engine**

Fire Chief Shawn Murray, Deputy Chief Neal Carter and Deputy Chief Rob Buxton were recognized. Chief Murray said they were present tonight to recommend a replacement fire engine. Warrant Article #20 was approved by the voters to purchase a replacement fire engine in the amount of \$370,000 with \$270,000 from the Fire Apparatus Capital Reserve Fund and \$100,000 from the unencumbered budget surplus. Currently, the Capital Reserve Fund has an estimated balance of \$289,575. Following Town Code and Finance procedures, a RFP was mailed out to 11 vendors and was advertised in the Telegraph and HLN. Three sealed bids were received and opened on August 6, 2007. This was confirmed and monitored by the Town Clerk. The bidders were KME Fire Apparatus, with a bid amount of \$373,488; Greenwood Fire Apparatus, \$399,854; and Pierce Fire Apparatus, \$395,916. After a comprehensive review of all of the bids to assure that all of the bidders met the bid specifications, they are recommending to consider purchasing a Pierce fire engine. They have detailed out a number of options for the Board, which is on a spreadsheet, which has to do with some prepayment options for the Board's consideration, and trade-in value of the apparatus, itself. The recommendation tonight was for the Pierce Fire Apparatus, in

the amount of \$367,343 and that includes a \$12,000 trade-in of the 1992 KME and a prepayment option, with a savings of \$16,573. He stated that Deputy Carter had additional information and justification of their recommendation.

Chairman Jasper said the recommendation was not the low bid, but believed that there were ample reasons why the bid should be awarded to Pierce. He then recognized Deputy Carter, who noted that the Board had been provided with some talking points, which he backed up with a handout spreadsheet tonight so it would be easier to follow and further justification of their recommendation for the Pierce. (Copy on file.) Deputy Carter went over the comparison on each of the items on the spreadsheet. The difference in the price of the trucks is about \$15,956 but after factoring in some of the extras that Pierce provides, the difference is only about \$3,000. After reviewing all of the comparisons, they believe the Pierce is the best value for the money. The Pierce factory that will be servicing the truck has certified diesel mechanics for the Cummings engines; KME does not, so they would have to send it out to another vendor. The engine warranty provided by Pierce is seven years, 150,000 miles, versus the KME five year, 100,000 miles. The rear suspension in the Pierce apparatus gives a 31,000 lb. rear axle, which includes bigger wheels, brakes, brake chambers, springs, the whole rear suspension. The KME provides a 24,000 lb. rear axle. The bigger wheels will take the potholes better and will stand up better. They won't be going through brakes and springs, etc., as soon as they have been in the past. Construction time for the Pierce is 240 days; KME is between 260-280. The gross vehicle weight—what the vehicle can hold—is 49,000 for Pierce and 42,700 for KME. It allows them to put more equipment on the truck, if needed. A Hearst tool weighs about 500 lbs., and eventually, the numbers get up there. Engine 4, a KME, weighs about 42,620 lbs. There is not a lot of leeway, if they want to put the same amount of equipment on the engine they want to get. The alternator for the pierce engine is 340 amp, versus the 320 amp for the KME. The more load put on the alternator, the more amps they need to have and with all the charges for the radios, equipment, lights, etc., they have on the trucks, the load manager will shut off different components, if the alternator is overloaded. They don't want to have lights shut down at accident scenes. The Pierce has a 6-speed transmission; the KME spec'd a 5-speed. The six speed will allow them to take the hills in town better, with less wear on the engine and transmission and better gas mileage. KME provides only 1 heating unit in the cab; the Pierce provides them with two, one in the front to defrost the windshield and, in the wintertime, fogging is a problem. It also provides a heating unit in the rear for the guys to stay warm. Pierce provides a 12" frame rail; KME provides a 10" and the frame is like a foundation; it's what the truck is built on. The ladder compartment, built to put the ground ladders and roof ladder in, is totally enclosed. The KME's is open, so all of the road grime can get up in that compartment and get all over the ladders. Some of the extras that Pierce will provide includes frame reinforcement, which they estimate to be about \$1,800. They talked about the hydraulic pump they were looking to get, with a Hearst tool on the truck. They couldn't get the pump; it's about \$10,000 so they couldn't get that built into the spec, so they told the companies to forget about the hydraulic pump, but Pierce went ahead and included the hydraulic reel, hose, all the hydraulic fluid, the drip pan and the mounting brackets for the Hearst tool they will put in there in the future, and that is a cost of about \$3,900. KME did not include that. They also went to the area departments that have the Pierce (Londonderry and Nashua) and talked to their mechanics and administration to get their input on what Pierce provides for service and they got only positive feedback. Nashua Fire Department runs all Pierce apparatus and they have three mechanics on, Monday through Friday, that work only on Pierce. They have over \$60,000 in parts for the Pierce apparatus that would be available to Hudson, if they needed it. They'd have to replace it, but they'd have quick access to what they needed, including weekends. If there was a question and, for some reason, couldn't get a hold of the factory, the three mechanics would gladly assist Hudson. The truck committee members, who did an excellent job putting the truck bid together, include Captain Scott Tice, Captain Fred Brough, Lieutenant Everett Chaput and Firefighters Mike Mallen and Deal Sullen, who are also the department mechanics. They are the guys who keep the trucks going every day, putting a lot of work into it, and their efforts are appreciated. They had different vendors come in, checked out their service departments, talked with the reps, toured area departments that had the Pierce and the different trucks they are looking to purchase, and their recommendation was for the Pierce truck. They thought it was a better value, too, saying when you shut the door, it sounds like a solid truck. That is something you can't put a price tag on; you just know it's built well.

Selectman Robinson asked if KME subcontracts out the production and the making of the engines. Deputy Carter said they spec'd a Cummings engine because it meets the new 07 emissions standard for motors, so if the truck went back to KME for service, they would have to sub it out, which adds down time and out of service cost. They'd be under warranty for five years. Selectman Robinson said they'd be out of a fire engine that much longer. Selectman Massey asked if all three companies met the specs. Deputy Carter said yes.

Selectman Maddox asked how many days was the department's newest KME out of service for warranty repairs. Deputy Carter estimated three weeks to a month. Selectman Maddox said they've come down to the lowest bidder versus value. He agreed with Selectman Robinson. That fire truck they bought to replace an engine that was falling down, breaking down, and it's out of service. They need a truck that shows up day one, has one trip for minor repairs and that's it, not keep driving away to wherever to be fixed. Here is going to be value, when they add up what they paid to have people drive it to wherever, get it fixed, have it out of service. They've had KMEs for a number of years. The Pierce is something they seriously need to look at in the realm of value. The Deputy has brought in something that, at the very least, being able to go to Nashua and get a part to be able to turn that engine around to be back on line as one of their front line engines makes a lot of sense, as having to drive it to wherever, and now the engine wouldn't be able to be serviced by the factory direct, having to send off, so you're falling down that maintenance schedule, so he's just saying he didn't want to see this new truck going out for four weeks because they have to keep scheduling their work somewhere else. At the end of this, when they're done with over its life, this is a better value for the town, so he would cast a positive vote for this.

Selectman Nadeau asked if this would extend the life of the truck, in the long run, buying a higher end truck now, versus what they've been buying. He heard them say this is a better truck and could see seven years on the motor versus five, and

things like that, but as far as extending the life. If they are saying the engines are going to last only 12 years, what are they lasting in the other departments? Are they using a 12-year cycle? Are they getting a better trade-in on this truck in 12 years? Deputy Carter said Londonderry buys a difference model of Pierce than Nashua does. Londonderry buys the Saber chassis, which is what Hudson is looking to purchase. Londonderry replaces their trucks every 12 years. They run them first out for 10, then they put them in reserve for two. Nashua Fire Rescue gets the Arrow XT chassis, which is the heavy-duty upgrade—transmission, motor, springs, suspension, vehicle weight, etc. They run them first out for 12 years and in reserve for three. If they compare the GBW alone, the 49,000 versus the 42,700 is not comparing apples to apples. The 49,000 is a much better value, for the money. It's a heavier duty suspension, and everything else that goes along with the suspension.

Selectman Robinson he, too, would be supporting the Pierce. The benefit of having three mechanics in Nashua to assist Hudson is outstanding. Upgrading the amperage and the transmission and the ability of the truck to carry more equipment is forward thinking for the department. If he goes down for the count and hits 9-1-1, with this vehicle, he knows they'd be able to come to take care of him or his wife and not have to worry about the truck being in the shop.

Selectman Massey said he'd be voting against this because by the Fire Department's own admission, all three companies met their minimum specs. Yes, he understands that the rear end is 7,000 lbs. greater, but the 24,000 is what the department spec'd, so the fact the KME meets all of the specs and is the lowest price is prompting him not to support the recommendation. Chairman Jasper understands what the previous Selectman was saying, but it was important that they all look to the history of KMEs; they've had problems with both KMEs, and there were quite a few problems with the first one, including a split water tank, so the truck was taken out of service so it could be replaced. There have been a lot of mechanical problems with both trucks. Some people will criticize them for doing this, but when you are look at what they are getting for a truck, they are getting a \$395,000 fire truck versus \$373,000. He knows the quality of Pierce and he knows what they have had. The Board of Selectmen is not required to go with low bid, and this is a case where it's a prudent expenditure of town funds to actually go with a bid that is not the lowest. It is still within the amount of money that was allocated by the voters. For \$16,000 over an expected life span comes out to a tad more than \$1,000 a year. They can eat that up in repairs in a year. He hoped Selectman Massey would reconsider but, regardless, they have the votes.

Selectman Robinson said the former Selectman that he was talking to made the comment that he was always comforted by the fact that when he was in a foxhole, that the United States government provided him a weapon built by the lowest bidder.

Motion by Selectman Maddox, seconded by Selectman Robinson, to award the bid for the purchase of a replacement fire engine to Minutemen Fire Apparatus, representing Pierce Fire Apparatus of Appleton, Wisconsin, in the amount of \$367,343 (which represents \$395,916 less a \$12,000 trade-in of the 1992 KME and a pre-payment reduction of \$16,573) with \$270,000 of that amount to be withdrawn from the Fire Apparatus Capital Reserve Fund and the remaining funds of \$97,343 to be taken from the 06-07 unencumbered budget surplus, in accordance with Warrant Article 20 that was adopted on March 13, 2007, as recommended by the Fire Chief and Finance Director, carried 4-1. Selectman Massey voted in opposition.

**F. Scheduling of Board of Selectmen Budget Review Dates**

Following a discussion of everyone's schedules, the Board finalized the dates to hear departments' budget requests.

Motion to schedule the Selectmen's budget review dates for 7:00 p.m. on Monday, October 15, Tuesday, Wednesday, October 17, Friday, October 19 and at 9:00 a.m. on Saturday, October 20 carried 4-0. Selectman Robinson abstained.

**G. Community Technical Assistance Program (CTAP)**

Selectman Maddox said he put this on the agenda because he was at a dilemma. This is something that he has been attending on and off for awhile and former Selectman Cole, when he sat on the Board, called it a boondoggle, but in all kindness, that doesn't even cover it. They have taken a good idea—he thinks the basic intent was to give communities some additional planning dollars, some additional planning resources, as Route 93 is widened, those additional cars coming through all of the 26 communities was an excellent idea. Unfortunately, they had some commonwealth creep come into the program and this thing has become such a group. The executive committee is made up of this esoteric—the kindest word he can use—less than half of the people on this are elected. You have the Jordan group, the Audubon Society, Fish and Game; he thinks the only one not on there is Save the Whales. This thing just as become a great idea that has been municipal-ized. It has become governmental'd, so he is having a tough time continuing on, being the liaison group that he thinks has lost their focus, without saying something. He didn't want to say anything without coming to the Board to see if somebody would like to take his place in this marathon, or whatever. One of the reasons he has this is there is a document that they probably all read about, the purpose and history and all the things they had to do. They had to fill out a questionnaire, and all this wonderful stuff to get \$15,000. The CTAP committee has reduced down dramatically; he thinks only one person shows up regularly and a number of others, to kind of come in, and they wanted to study the energy usage of town buildings, the cars that travel through town, all of these things, and the state said they want to help the towns deal with the traffic issues, and now they are telling them they've got to study ozone, for the lack of a nicer term. That's now what he'd like to see them do. They have this corridor they keep dancing around, the old circumferential, whether they are going to do with it, studying what that would cost to build as a town road is something Hudson can utilize for east-west traffic movements. He thinks this would be a study for \$15,000 that goes nowhere; this would be at the top of the useless study pile. So, he was just saying, do they, as a Board of Selectmen, the elected officials, want to take this and do what seems to be needed, as opposed to studying, and again, not to disregard the need to look at energy uses in the town, he thinks they should take a cue from the School Department, some of the items they have found out when they get down with their study, but to simply do a study to look at what the energy uses and how the air quality alerts will be changed by having bio-diesel versus, all of those nice, wonderful, commonwealth

type things, so his motion would be to have the Community Development Department put together a submittal to study something of the Board's decision and not of this, and he suggested getting at least a cost analysis of what it would take to build a road from 111 to Lowell Road and to see if anybody else was willing to take the CTAP mantle, or send him off with his unique perspective on it and make them aware. Chairman Jasper said that motion was too long, too convoluted and too unclear to accept.

Motion by Selectman Maddox, seconded by Selectman Massey, that the Community Development Department work up an alternate grant request to study the cost to build a roadway between 111 and Lowell Road, carried 5-0.

Selectman Maddox moved that the Board allow Selectman Maddox to express the displeasure with the hoops that are required to get their money and to kindly direct the CTAP program in a more elected-official-friendly-way, or replace him, one or the other. He didn't know how else to put it. If someone else wished to take this from him, he'd be happy to hand it over. If he goes, he just can't keep sitting there. The only thing they haven't done is sing Kumbayah. They had the tree of NH and they put stickers on, and one of the recommendations was a 10-minute walk to 10 acres of open space in every community from everybody's residents. Chairman Jasper rephrased the motion.

Motion by Selectman Nadeau, seconded by Selectman Maddox, to authorize Selectman Maddox to express the town of Hudson's displeasure with the process that has evolved, carried 5-0.

Selectman Maddox didn't think he'd be rid of this, but he'll be happy to go. Chairman Jasper said if nothing changes, and Selectman Maddox doesn't wish to go any more, he didn't think any of them would be willing to fault him because that would require one of them to fill his shoes. Selectman Massey said he'd get a free meal out of it. Selectman Maddox said yeah, all the vegetarian lasagna you can eat.

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

Selectman Nadeau said he had none this evening.

Selectman Massey said he had none this evening.

Selectman Maddox said he did talk to the Chief, so this isn't something he hasn't heard. As part of the study of the Leonard Smith Central Station, he would like to have, even if it takes a motion, and the Chief said he'd understand, the doors, as part of that whole review process to be included in that report. Again, they talked about it last week, and it was, oh, we've already studied that, but if they are looking at a comprehensive package for that station, it should be included, and the Chief wasn't sure if Mr. Ross would include it as an addendum or incorporate something new. Chairman Jasper understood Mr. Ross to say he would, if that's what the Board wanted. Selectman Maddox said OK, if that's the Board's understanding. Chairman Jasper said that was his understanding; that it was going to be included in his final cost estimate. Selectman Maddox said OK, it's in the minutes here, so they'll fight it out later, if it's not.

Selectman Massey said, if they could stay with this, and he has friends for as many years as he has known them, they're the opposite person, no matter how hard he tries. To his esteemed colleague, he welcomes the reference. He wants to make sure they get what they talked about the other night, which is they are going to get what it would cost to renovate the Lenny Smith Central Fire Station to make it a usable fire station. Mr. Malizia said it's usable now. Chairman Jasper said he thought it was to rehab it to bring it up to code. Selectman Massey said that's right, but bringing it up to code does not mean they add all the things they were adding to it. They added more bays, brought all the administration in. Chairman Jasper said no, not the bays. What Mr. Ross is coming back with is the renovation of that existing structure, without one single square foot of additional space. Selectman Massey said that's his understanding of what they are going to get. Chairman Jasper said he'd have a conversation with the Chief to make sure of that. Selectman Maddox said he talked to him the other day because he didn't want to blindside him, but he feels that is critical. Whether they decide to do it or not is their decision, but a cost estimate included in there should be part of that entire package. There was some yin and yang between all the parties that night, so if the Chairman conveys that to the Chief, who can convey that to Mr. Ross, that would be great.

Selectman Maddox wanted the record to show why he didn't vote for the firefighter the other evening. The Board opted, at their discretion, to hire a person that did not meet the minimum qualifications. They granted the waiver, but he felt that it was inappropriate to hire someone that did not meet the minimum, even with the waiver, and then to pay them the amount. He knows he has a reputation for voting no, but in his mind on this one, he had a good reason.

This evening, they were all able to go to the Nine-Eleven memorial service. It is interesting that people sometimes watch the five of them, and the five Selectmen that preceded this Board, and the ones that will come in the future. Democracy is not always pretty, but it is what they perform here. He will not agree with his esteemed colleague, Selectman Massey, some evenings, and the two of them will be fighting tooth and nail on the other side. That is how democracy is supposed to work. It is not always the easiest thing to watch. During the fire station debate, sometimes things got a little more heated than they do on other occasions, but that is what they are elected to do—to have a democracy where you hear different opinions. There is a dialogue between elected officials to say this is my position, and to that end, the men and women who are serving in the military, that protect that right, he is thankful for and he hopes that they all come home safely.

Selectman Robinson had no comments.

**Selectman Jasper** said to clarify the record on the firefighter, Selectman Maddox is correct. The individual is not an EMT-I, but he will be by the end of his probationary period. They just advertised for firefighters in July, and they have precious few to choose from, and there had been no additional certification classes in the interim between July and late August. That is why the Board decided to go with this individual, who is currently a call firefighter and who will be up to speed. An interesting point is made and whether that delta is 50 cents an hour, 25 cents an hour or \$1 an hour between the EMT and EMT-I. The important thing is to have someone on the job. He, personally, looked at it as they would be filling that shift for an additional period of time at time and a half, so they would be paying an additional price. They would have the insurance savings and all that, however, they are going to have someone from the call force in there and it is important for them to be hiring people, whenever possible, from the call force. He wasn't hired last time because they had a couple of other people who could fill that position. Enough said on that.

oSelectman Jasper said he gets very frustrated with people who write *Thumbs Down* and say the Selectmen shouldn't waste time. Well, the time belongs to the five of them, however long they decide to sit there and debate the issue. That's their choice. Years ago, when they weren't televised, no one knew what they were doing. If anyone was sitting in the audience, like Howard does, and they got tired of listening, they could get up and go home. If people get tired of listening to them, turn off the TV. It is their time and the time they need to reach the decision they feel is the best for the town. While there will be times people will question why they are wasting their time on something—and although they may be wasting Steve's time and Priscilla's time, they can't get up and go home—but regardless, this is the process they have, so he didn't think it was appropriate for people to criticize them for what they decide to debate. He welcomes anyone to come in and sit in the chair and tell them what they think the Board ought to be doing. It's frustrating. They put their names and faces and ideas out in the public forum, week after week. Sometimes all of them say things they wish they hadn't said. It's easy to write an anonymous e-mail and criticize people who are trying. It's a real shame every time somebody puts their name forward and tries, to beat them up and criticize them. He probably just wasted somebody else's time, but that's his right. Selectman Maddox said in a democracy, it's their right to complain about it. It's just the great system them have.

Selectman Massey said if you read some of the letters that the Founding Fathers wrote to each other, their ability to scathingly indict one of their fellow fathers. The Board can't possibly come up with the kind of language that they wrote, so nothing has changed in the 200 some odd years. What he wanted to add, and he should have said it before, he will not be here from September 18 through October 1. He will be back in time for the workshop on the 2<sup>nd</sup>. He will be going out to California to visit his son and his wife and he picked the dates to work around the budget cycle. In the interim, Selectman Robinson will be the interface with the Building Committee.

**10. NONPUBLIC SESSION**

*Motion by Selectman Maddox, seconded by Selectman Nadeau, to enter Nonpublic Session under 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted; and (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled, carried 5-0 by roll call vote.*

Nonpublic Session was entered into at 9:15 p.m., following a 10-minute recess, thus concluding the televised portion of the meeting. Any votes taken in open session will be listed on the Board's next agenda. Nonpublic Session was terminated at 9:30 p.m.

*Motion by Selectman Maddox, seconded by Selectman Massey, to approve the updated job description of Assistant Assessor carried 5-0.*

**11. ADJOURNMENT**

*Motion by Selectman Maddox, seconded by Selectman Nadeau, to adjourn at 9:32p.m., carried 5-0.*

Recorded by HGTV and transcribed by Priscilla Boisvert, Executive Assistant

**HUDSON BOARD OF SELECTMEN**

\_\_\_\_\_  
Shawn N. Jasper, Chairman

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Benjamin J. Nadeau, Vice-Chairman

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Kenneth J. Massey, Selectman

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Richard J. Maddox, Selectman

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Douglas K. Robinson, Selectman