

HUDSON, NH BOARD OF SELECTMEN
Minutes of the September 23, 2008 Meeting

1. **CALL TO ORDER** by Chairman Ben Nadeau at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE**, led by Road Agent Kevin Burns.

3. **ATTENDANCE**

Selectmen: Ben Nadeau, Rick Maddox, Shawn Jasper, Ken Massey and Roger Coutu

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Kevin Burns, Road Agent; Shawn Murray, Fire Chief; Rob Buxton, Deputy Fire Chief; Richard Gendron, Chief of Police; Kathy Carpentier, Finance Director; Mike O'Keefe; Lee Lavoie; Mike Pitre; Joe Cote, TEL; Gina Votour, HLN

4. **PUBLIC INPUT**

Chairman Nadeau recognized Road Agent Kevin Burn's 25 years of service to the Town of Hudson and he was presented with a Certificate of Appreciation and a gift certificate. Chairman Nadeau read the following into the record:

Kevin Burns has been working for the town's Highway Department for 25 years, and as Road Agent for 10 years. During that time, Kevin really turned the department around. He spearheaded the building of the highway facility for the very economical sum of \$950,000. He researched and then recommended a new trash system. He is responsible for town roads, parks, fleet maintenance, sewer operations and snow removal operations and he supervises 25 full time employees. Kevin is a Hudson resident who lives with his two daughters, who both go to Alvirne High School.

Chairman Nadeau asked if anyone in the audience wished to speak to the Board on any issue at this time. There was no response.

5. **CONSENT ITEMS**

Selectman Massey removed D-1 from the Consent Agenda, and Selectmen Coutu and Maddox removed item A.

Motion to approve the consent items B, C, D 2 & 3 and E by Selectman Coutu, seconded by Selectman Massey, carried 5-0.

A. **Assessing Items**

Tax Deferral, Supplemental Tax Bill, Map 198/Lot 48, w/recommendation to approve.

Selectman Coutu wondered if they were conceding any of the interest due. Mr. Malizia said no. He prepared and distributed a sheet that showed what those amounts were. The original deferment was for \$4,368.08. In addition, there's interest of \$5,637.22, as of today. When the paperwork is filed, it will be for the \$10,005.30. Selectman Massey said he talked with the Assistant Assessor today and not only is that the new amount, but if it remains unpaid, it will change to 12% interest, if it gets liened.

Motion by Selectman Coutu, seconded by Selectman Maddox, to approve a supplemental tax deferral bill for tax deferral amounts on 10 County Road, Map 198/Lot 48, as recommended by the Assistant Assessor, carried 5-0.

B. **Water/Sewer Items**

Ref. No. S-09-02, S-UTL-09-05, M/L 140-039-000, Acct 5321, \$10.72, w/recommendation to grant.

C. **Licenses & Permits**

1. Request to fundraise at SAM's Club on October 11 and 12 by the Boys & Girls Club of Greater Nashua.
2. Request to fundraise at SAM's Club on October 18 by Club Richelieu.
3. Request to fundraise at SAM's Club on October 5, at Ayott's on October 11 & 12 and at Wal-Mart on October 18 & 19 by Cub Scout Pack 46 in Tyngsboro, MA
4. Request to fundraise at SAM's Club on October 4 by Cub Scout Pack 7 in Lowell, MA

D. **Acceptance of Minutes**

1. **Minutes of the Board of Selectmen's Meeting of August 26, 2008**

Selectman Massey said since his comments have already been misconstrued at least once, he made the following motion, seconded by Selectman Maddox, to amend the Board of Selectmen's minutes of 8/26/08 by changing the last sentence on Page 13, second paragraph, that reads, ~~He's still of the opinion that the law, the statute, should remain as it is, but in reading the will of the Board, three members are in favor of this and two want to leave it as is, so he would cast his vote in favor of it.~~ to "Selectman Massey is still of the opinion that the law, the statute should remain as is, but in reading the will of the Board, three members are in favor of changing the statute and two (Selectmen Massey and Jasper) want to leave the statute as is. Selectman Massey will, therefore, vote the majority's position to change the statute at the Municipal Government Association's Municipal Advisory Committee meeting on 9/12/08."

Selectman Massey said the misconception was the vote was four to one to change the statute when, in fact, no vote was ever taken; it was a consensus and his statement that he'd cast his vote in favor of it was to vote at the Municipal Association. He wanted to clear the record for any future reading of the minutes, that the action was to vote the majority's position at the upcoming—which has already happened—and he was pleased to inform the Board that he did vote the Board's position. The motion was to table, so in keeping with the Board's request to vote in favor, he voted "no" to table and the motion to table passed.

Vote: Motion carried 5-0 to amend the minutes.

2. Minutes of the Board of Selectmen's Workshop of September 2, 2008
3. Minutes of the Board of Selectmen's Meeting of September 8, 2008

E. Calendar

09/24 7:00 Planning Board in CD Mtg. Rm.	10/15 7:00 Senior Council on Aging CD Mtg. Rm.
09/25 1:00 Trustees of Trust Funds in CD Mtg. Rm.	10/16 7:30 Budget Committee in BOS Mtg. Rm.
09/25 7:30 ZBA in CD Mtg. Rm.	10/17 Budget Books to BOS
09/29 7:00 Recycling Committee in BOS Mtg. Rm.	10/17 Last day for applications for Assistant TA
10/01 7:00 Planning Board in CD Mtg. Rm.	10/20 6:30 Hudson School Board in BOS Mtg. Rm.
10/02 6:30 Recreation Cmt @Oakwood Facility	10/20 7:00 Conservation Cmsn in CD Mtg. Rm.
10/06 6:30 Hudson School Board in BOS Mtg. Rm.	10/21 7:00 Selectmen in BOS Mtg. Rm. Bgt Review
10/07 7:00 Selectmen's Workshop BOS Mtg. Rm.	10/21 7:00 Cable Utility in CD Mtg. Rm.
10/08 8:30 a.m. Highway Safety in CD Mtg. Rm.	10/22 Law Lecture Series
10/08 7:00 Planning Board in CD Mtg. Rm.	10/23 7:00 Selectmen in BOS Mtg. Rm. Bgt Review
10/09 5:30 Sewer Utility in BOS Mtg. Rm.	10/23 7:30 ZBA in CD Mtg. Rm.
10/09 7:30 ZBA in CD Mtg. Rm.	10/25 9:00 a Selectmen BOS Mtg. Rm. Bgt Review
10/11 Harvest Fest at Hills House on Route 102	10/27 7:00 Selectmen BOS Mtg. Rm. Bgt Reviews
10/13 Columbus Day Holiday—Town Hall Closed	10/27 7:00 The Green Team in CD Mtg. Rm.
10/14 7:00 Board of Selectmen in BOD Mtg. Rm.	10/28 7:00 Board of Selectmen in BOS Mtg. Rm.
10/15 5:00 Water Utility in BOS Mtg. Rm.	10/31 6:00 – 8:00 p.m. Trick or Treat in Hudson
10/15 7:00 Library Trustees in BOS Mtg. Rm.	

6. OLD BUSINESS

A. Votes taken after Nonpublic Session on September 8, 2008

Motion by Selectman Massey, seconded by Selectman Coutu, to hire Derek Stephen Lloyd and Kevin Patrick Ducie as Police Officers in the Police Department, effective September 28, 2008 at \$20.37 per hour, in accordance with Police Union Local 3657 contract, as recommended by the Chief of Police, carried 4-1. Selectman Maddox voted in opposition.

Motion to adjourn by Selectman Massey, seconded by Selectman Jasper at 8:09 p.m. carried 5-0.

B. Investment Policy

Chairman Nadeau said this was deferred from August 26, 2008, pending a recommendation from Town Treasurer Karen Burnell.

Motion by Selectman Jasper, seconded by Selectman Massey, to adopt the Investment Policy, as recommended by the Town Treasurer and attached to the memo from the Finance Director, Kathy Carpentier, dated August 14, 2008.

Selectman Massey said it should be rewritten to reflect Board of Selectman structure, not Town Council, so the top of the documents need to be changed. Selectman Jasper clarified it was the "first reading" "second reading" designation.

C. Hudson Fire Department Building Report (distributed separately)

Selectman Shawn Jasper said they've fallen slightly behind; the final report still needs to be run by the committee. He asked Chief Murray and Deputy Buxton to speak to this issue. Chief Murray said the building committee is meeting the charge of the Board and have narrowed down their land acquisition to a couple properties. They have a draft final report, which the committee will review. He asked if the Board had any questions or further direction. Selectman Jasper said he put this on the schedule because they are behind their deadline of the 15th, but since they're not into the budgets yet, they are still in good shape. It's better to do it right than to rush it. He put a nonpublic item on the agenda regarding the acquisition of land, which they will discuss later this evening.

Selectman Coutu asked if the document would be prepared for the Board's next meeting, two weeks from tonight. Chief Murray thought so. Selectman Coutu moved to defer to October 7. Selectman Jasper asked what was on the October workshop. Mr. Malizia said the Pelham Road Bridge, which would take at least an hour, and police panel candidates. Selectman Jasper didn't have a problem with waiting until October 14. Selectman Maddox asked if this would be deferred again if the report wasn't in their packets. Selectman Jasper said they definitely need to have the report in the packets. Chief Murray said it'd be ready.

Motion by Selectman Coutu to defer to October 14, seconded by Selectman Massey, carried 5-0.

D. Ottarnic Pond Cooperative Sewer

Chairman Nadeau said this was deferred from August 26, pending clarification of information, which has been provided.

Motion by Selectman Massey, seconded by Selectman Coutu, to waive the Sewer Capital Assessment Fee of \$48,050 for the Ottarnic Pond Cooperative sewer extension project, as recommended by the Sewer Utility at their March 8 meeting.

Selectman Maddox asked what the purpose was of the sewer capital assessment fee. Selectman Massey said to repair and replace existing sewer infrastructure. Selectman Maddox asked if all users that hook up to sewer pay into that fund. Selectman Massey said that was correct, but as in this case, as on Glen Drive, if you hook up within the first six months, that fee was waived, a 50% waiver if you hook up within the first year and no waiver after that. Tonight's request was consistent with what was done in the past. Selectman Maddox said Glen Road was a unique situation; it was a project that was started 13 years prior to the hookups, so people put in sewers, not realizing that someday the town was... put it in, whatever, so this maneuver, this waiving of this fee for

the upgrade and maintenance of the sewer system, was done because the town felt a certain amount of obligation to those people that were trapped in this quagmire. That's not the case here. They are putting in a brand new system that they requested and he had a difficult time waiving the monies necessary to maintain the sewer system on this application. Glen Road was a one-time SNAFU, based upon many different things. Why are they continuing that procedure in this case?

Selectman Massey said Glen Drive and this project were the same. The Glen Drive project was undertaken because their septic systems were failing and for the health, safety and welfare of the town, it was determined to put sewer into that development. There was a lot of ledge in that area, and septic material was flowing downhill, creating a lot of problems. The Ottarnic Pond sewer systems failed and were polluting the pond. The Sewer Utility paid for 25% of the cost of the Glen Drive project, but with the Ottarnic Pond project, the town is paying zero percent. The Co-op is taking a loan for the portion the Sewer Utility is contributing to the project at 5% or 6%, whatever the Glen Drive project was. In both cases, there was a public health problem. Ottarnic Pond is paying for the entire cost of the project, with the exception of the two grants. There's over \$5 million in the Sewer Capital Assessment fund.

Vote: Motion carried 4-1. Selectman Maddox voted in opposition.

E. Zoning Administrator Job Description

Town Administrator Steve Malizia said at the September 2 meeting, the Board directed him to update the Zoning Administrator's job description for its review and approval. He took the last update from 1990 and the Code Enforcement job description from 1991 and he also reviewed the job descriptions from LGC's functions with staff in the Planning and Building Departments and came up with the job description which was before them. He thought it captured the essential duties that Board would like to have done by this position. It also gives the latitude to assign other duties, as they arise. Selectman Jasper pointed out that the word "duties" was misspelled on the first page.

Motion by Selectman Coutu, seconded by Selectman Massey, to approve the updated Zoning Administrator job description, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Massey, to authorize the posting of the Zoning Administrator position, carried 5-0.

F. Hiring Process for Police Chief

Town Administrator Steve Malizia prepared a memo for discussion on the options for the hiring process for the Police Chief's replacement, after a discussion with Police Liaison Selectman Massey. Using the Police Academy in Concord is not an option; they don't provide that service. That leaves them with two options: #2) that the Town Administrator and Police Chief handle the recruitment of the Police Professional Panel and facilitate the interview process or #3) hire a professional firm to handle the recruitment of the Police Professional Panel and facilitate the interview process. MRI submitted a proposal for \$7,500. This is their line of work and they know all the players, so they could facilitate the process. Citizens have been solicited for a panel, so it's a question now of what the Board wants to do.

Selectman Massey said if the Board were to select Option 3, he would recommend on Item #7, that the citizens only consist of five persons and that the second day, the interviews would be conducted by the Board of Selectmen instead of a facilitator, as proposed by MRI. He also recommended that the Board consider making two unsolicited appointments to the citizens' panel--the Superintendent of Schools and the Fire Chief. The Board would take the recommendation from the two panels to use as a guideline, as they did when they interviewed for the Fire Chief.

Selectman Maddox said this was one of those times where they need to spend some money. Filling the position after Richard Gendron leaves is going to be difficult. Spending \$7,500 in the scheme of a multi-million dollar budget is short money. This needs to be done with some practice behind it. The Selectmen could do a good job, but MRI does this for business, so they need to look to them for guidance. He'd prefer a citizens' panel of three and it should get rolled right in with the police so the police see what the citizens' concerns are and vice versa. They'd hear the same questions at the same time, put the applicants through the process once, and be done with it.

Selectman Jasper agreed with spending the money, but disagreed with second-guessing the professionals, who recommend two separate panels. If they are going to recognize MRI as professionals, they should take their advice. It's not a good idea for the Board to pretend to know what works. Relative to Selectman Massey's recommendation about having a Fire Chief on the citizens' panel, MRI recommends a Fire Chief sitting on the professional panel, and there's no reason why that couldn't be Hudson's Fire Chief. He was in support on going with MRI, but doing it the way that company recommends.

Selectman Massey said if MRI were to do this, they would have the professionals in one room and the citizen panel in another room. The professionals would interview Candidate A and when they finished, Candidate A would move to the citizens' panel. That would continue until all of the applicants were interviewed. At the end of the day, the two panels would independently rank the candidates and they would then get together with the facilitators from MRI and they would reconcile their two rankings and come up with a final ranking. It's a one day exercise. The next day, it would be just the Selectmen instead of MRI because, at that point, they wouldn't need a facilitator. He agreed this was short money for an important position.

Selectman Coutu asked if Selectman Massey has had any interface with people from MRI that suggests they concur with having a volunteer citizens' panel. Selectman Massey said not directly, but he understands that's the method they would use. Since it's

going to be Hudson's money, they get to dictate the ultimate terms of the contract. Selectman Coutu said they would be hiring somebody to provide the professionalism that's required to administer a very difficult department. Since they began the process of requesting citizen participation, he didn't see the harm of having a separate panel of three to five citizens. The Selectmen will make the final decision. He'd like to maintain the flavor of a small community, with citizens participating in their government.

Selectman Massey moved, seconded by Selectman Coutu, to authorize entering into a contract with Municipal Resources for the purpose of developing and implementing a project to hire the next Chief and to have two panels, one consisting of five professionals and the other consisting of citizen representatives, for a fee not to exceed \$7,500. Selectman Jasper asked if it might not be simpler to agree to hire MRI and to accept their scope of work. Their proposal spells out the two panels. Selectman Massey said he'd accept that, but would make one change on the panel.

Motion by Selectman Massey, seconded by Selectman Coutu, to accept the scope of work by Municipal Resources, Inc., for a fee not to exceed \$7,500 carried 5-0.

Motion by Selectman Massey, seconded by Selectman Coutu, to create the citizens' panel to consist of five persons, one of whom would be the Superintendent of Schools and ~~the second would be Hudson's Fire Chief would serve on the professional panel.~~

Selectman Jasper thought they should first ask the Superintendent if he'd agreed to serve on the panel. Selectman Massey said he already has, and the Superintendent agreed. Selectman Jasper said he'd rather have the Fire Chief on the professional's panel, as recommended by MRI, which would be more appropriate. Selectman Massey said he'd accept that change.

Vote: Motion carried 5-0.

Selectman Coutu asked what they were going to do about the citizens' panel. Selectman Jasper thought they should have an interview process. Mr. Malizia thought they might want to notify everyone for the October 7th workshop, to come in for an interview. Several Selectmen agreed with that. Selectman Maddox said they'd be asking 15 people to show up on the chance they would all be available. Will they go to the 14th for those who cannot make it on the 7th? Selectman Jasper didn't think they could wait until the 14th. People will have to clear their schedules. If they can't make it, he's sorry, because they are only going to be appointing four. Selectman Maddox said that should be made clear to the people who are going to be notified.

Motion by Selectman Jasper, seconded by Selectman Maddox, that all interviews be done on the 7th and any applicants for the committee who are unable to make it will not be considered for appointment by the Board carried 5-0.

Selectman Maddox asked his fellow Board members to reconsider their motion to do the internal first, and then go regional. Now that they've changed the scope, it would be prudent, as opposed to 'what if' down-stream. (There was no response.)

Selectman Massey said, given the experience they had with the interviews for the Selectmen's position, that the interviews be conducted privately—the only person in the room when the interview is being held is the individual because all subsequent applicants knew all the questions, so they are able to prepare themselves quite nicely. Selectman Jasper agreed, but legally, they probably can't make them leave. However, if some candidates chose not to leave, they could weigh that in their process. It would be appropriate to explain that to all the applicants and ask them to go upstairs for the interview process.

Motion by Selectman Massey, seconded by Selectman Maddox, to have the interviews one on one, carried 5-0.

7. NEW BUSINESS

A. Request for Fee Waiver by Hudson School Board

Town Administrator Steve Malizia said the School District has requested a waiver for fees for a maintenance building they are going to be constructing on Alvirne High School property and the School Board has requested a waiver of Community Development Planning Board fees, associated with the Town. The town has to actually pay someone, for postage, notices or a consultant review fee. He was recommending that those fees are not waived, but the review fee and tax map updating fees because those are not hard costs, per se, and he did mention that to a School Board member. Selectman Maddox said it's taxpayer dollars, either way. Waiving the fees is a good compromise to both.

Motion by Selectman Jasper, seconded by Selectman Maddox, to waive the Review Fees of \$157 and the Tax Map Updating Fee of \$275 for the construction of a maintenance building on the Alvirne High School property carried 5-0.

B. Request by St. John's Parish to use the Community Center on October 5 and to waive the rental fee

Selectman Massey recused himself on this item and took a seat in the audience.

Motion by Selectman Maddox, seconded by Selectman Coutu, to waive the fee for the use of the Community Center on October 5 by St. John's Parish to hold their anniversary celebration.

Selectman Jasper didn't have a huge problem with this, but the normal policy has been to waive the fee if it's something that is benefitting the community, that a service is provided. This is a celebration for the organization, and other organizations pay the \$150 fee. Selectman Coutu believed that most of the organizations that pay a fee hold events that are for profit. This is strictly a celebration for the church and this church was going to be merging and would soon see its doors closed. He had no problem

facilitating their having access to a handicapped facility. He asked if the organization had to maintain a liability policy. That should be mandated, regardless. Mr. Malizia believed that was required of everyone that uses the center. They have to present a certificate they are covered at the appropriate amounts.

Lee Lavoie said St. John's is not closing. The Bishop has assured them that it will stay open for as long as they can pay the bills. The reason they need to use the Community Center is for the handicapped access, and they will clean it up after they leave.

Vote: Motion carried 4-0. (Selectman Massey had stepped away from the table.)

C. Part-time Water Utility Clerk

Kathy Carpentier, Finance Director, was asking for authorization to hire a replacement water utility clerk, due to a resignation and would like to go forward with the posting of the position and the hiring process. She was also decreasing the number of hours from 30 to 20 because they have developed a lot of efficiencies with new software, and new policies that are in place that enable them to get a hold of their receivables, collecting about 110% on an annual basis. Selectman Jasper asked how they would collect 10% more than they are owed. Ms. Carpentier said they were aged receivables, and a lot of people are on payment plans.

Motion by Selectman Massey, seconded by Selectman Coutu, to approve the posting and hiring process for the position of part-time Water Utility Clerk for 20 hours per week, at a starting pay of \$14.34 per hour, in accordance with the first step of the current contract.

Selectman Maddox asked to delay the advertising for 60 days to not spend money where they don't need to. Chairman Nadeau said this position needs to be filled sooner, rather than later. One of the other people in the department will be going out, so this person needs to be trained. Selectman Jasper said this doesn't affect the general fund of the town; this is a utility, which is self-funded and the only thing that would happen with the money that wasn't expended, it would go into the surplus, which would not affect any tax rate or any water rates. What would be affected is the work that doesn't get done. The Water Utility is very healthy, financially, as they see each month. There's no reason to delay this and cause problems with getting the work done.

Selectman Coutu said recognizing that the job requires 20 hours instead of 30 was commendable. With regards to the job description, he asked if it would be advisable to name the software knowledge required, or if that would be part of the training. Ms. Carpentier said it's a windows-based application, a municipal software package, so it's trainable to anyone at an entry level.

Vote: Motion carried 4-1. Selectman Maddox voted in opposition.

D. Public Hearing to accept an Assistance to Firefighters Grant in the amount of \$69,174 from FEMA and the Department of Homeland Security to purchase replacement protective clothing

Fire Chief Shawn Murray said he was pleased that FEMA notified them that were awarded this grant. Selectman Maddox thought they just went through a flurry of buying gear at the end of the year and asked if this would now complete everybody. Chief Murray said yes. Selectman Maddox thought they put money into a capital reserve fund and asked if that wouldn't have to be funded this year. Chief Murray said the Board didn't go forward with that capital reserve fund. Selectman Jasper said the reason they didn't go forward with a capital reserve fund was because it didn't make any sense to start putting money away because they hadn't completed the rotation. Now that they have, it makes sense to establish that capital reserve fund and fund it at a low amount so in the out years, when they do need to replace, money will be available. Selectman Coutu asked what the life span was of the new uniforms. Chief Murray said approximately 10 years.

Selectman Maddox wondered if this was going to replace some of the stuff they already bought. Chief Murray said no. They had to replace approximately 70 sets of gear, plus an additional 10 sets of spare gear, so the Board allowed them to use encumbered money and they took the protective clothing funds for FY-09 and purchased 40 sets of gear. They have to purchase approximately 30 sets, which will outfit the entire department, as well as provide them with spare sets, in case a set of gear gets damaged. They were going to do that over a three year period, but because they were able to get the Board to go the way they did, they are going this in two years. Selectman Maddox thought there were also some insurance claims where some gear was received. Chief Murray said they received a couple thousand to replace two or three sets, but 10-13 sets were destroyed that the insurance wouldn't pay. Selectman Maddox said they'd be at 100% after this purchase was made. Chief Murray said yes.

Chairman Nadeau opened the Public Hearing at 7:55 p.m. No one spoke on this item, so he closed the hearing.

Motion by Selectman Coutu, seconded by Selectman Maddox, to authorize the Fire Chief to accept the Assistance to Firefighters Grant in the amount of \$76,860 and that the amount of \$69,174 shall be paid by FEMA and the amount of \$7,686 will be paid by the Town of Hudson, as detailed and recommended by the Fire Chief in his letter dated August 20, 2008, carried 5-0.

E. Public Hearing to consider the adoption of Ordinance 08-01 Installation of a Stop Sign on Putnam Road, heading southeast, intersecting Old Derry Road

Chairman Nadeau opened the public hearing at 8:00. No one spoke on it, so he closed the hearing. Selectman Maddox thought the signage proposed for Ottarnic Pond was going to be on tonight's agenda. Mr. Malizia explained that there were different posting requirements for that ordinance and it would be on another agenda.

Motion by Selectman Coutu, seconded by Selectman Maddox, to adopt Ordinance 08-01, as recommended by the Highway Safety Committee, carried 5-0.

F. HCTV Senior Camera Operator

HCTV Chairman Michael O'Keefe said during the process of interviewing and hiring the facilitator, they tossed around the idea of creating a position of Senior Camera Operator, whose duties would be to manage and schedule the current group of camera operators. They felt that making this a separate position would save money and it could be done at a much reduced rate so the facilitator could concentrate on getting more programming, getting producers involved, work towards establishing an access center, etc. The proposed rate is \$14 per hour, which is slightly higher than the current camera operators and almost half the rate of the facilitator. It's a small number of hours, probably three to five a week.

Selectman Maddox asked if about 17 meetings a month were televised. Mr. O'Keefe thought that was probably right. Selectman Maddox asked how many camera operators there were. Mr. O'Keefe said currently, two, but it has been as many as six. Selectman Maddox asked if it wasn't the Cable Committee's recommendation to go with only two camera operators, which was his recollection when he sat in the audience when they met. Mr. O'Keefe said there was a discussion of whether they should stick with two, or increase the pool. They were going to see how it would go. Typically, they've had more than two. They may also increase the number of meetings, to include the Recreation Committee, the Budget Committee and one or two others. If the number of meetings increases, then the number of camera operators would, too. Selectman Maddox said if there are 17 meetings and two camera operators, he didn't see the need for anyone for three to five hours a week to schedule. He didn't understand that kind of math. He asked what he was missing. Mr. O'Keefe said he'd see that person scheduling the operators, handling their timesheets and the DVD duplication the following day for the various boards and committees. He would also fill in, in the event a camera operator is not available. It's not just calling up the camera operators and scheduling them. Selectman Maddox thought the facilitator was to facilitate the cable operations, not to be Cecil B. DeMille. He sees this as an unnecessary expenditure.

Selectman Coutu said as the Selectmen representative on the Cable Committee, he has been very impressed with the work that the person who is being proposed for the position has rendered to the cable operations in town. The past two, three months some of the cable people have been on edge because they were not sure where they were going to go with the interview process with the cable facilitator. They were successful in finding a candidate, but in the interim, the candidate proposed for this position has filled in and has done an outstanding job. He's worked an extensive amount of hours, over and above what was asked of him, without being paid. He has filled in for camera operators who called in at the last minute and couldn't make meetings, and he has learned more about the operations of the facility in order to be able to have a clear understanding of what is required of the duties of someone who would be a supervising camera operator. The committee would like to see the role of the facilitator expand. There have been on-going discussions about looking for a facility for a professional studio, as opposed to using the Selectmen's meeting room. The present facilitator has been out training people to start broadcasting their own shows and he didn't feel they are draining the account by hiring a person to be a senior camera operator. As Mr. O'Keefe already stated, there are going to be several more meetings televised. As the Selectman representative to the Budget Committee, there was a discussion about being televised year-round, which would mean taking a portable camera and operator with them on the summer tours, as well as all of the meetings televised. The Recreation Department felt very strongly that they would, when possible, secure space in the building in order to televise their meetings, unless a portable camera can be sent to the recreation facility because they feel it's imperative to have the visibility with the townspeople. This request is not unreasonable. What's debatable is the \$14 per hour. He thinks it is justified because this person has the necessary experience to be able to supervise and continue to train people.

Selectman Massey said his recollection was that when they put money in professional services, they put in enough for a facilitator and that the remaining amount in the budget gets put into the capital reserve fund. There's nothing that indicates that there is money in this budget to handle this. Mr. O'Keefe said there absolutely was. Professional Services includes the facilitator, but that's only about \$12,000. There is money to cover the camera operators and an extra amount to cover additional programming. Selectman Massey asked if there was enough money in the budget to cover this position. Mr. O'Keefe said yes, and there is also the ability to move between line items, such as from legal fees. Selectman Massey was concerned that there was no job description. He didn't understand why the Cable Committee wouldn't follow the same rules they follow for all other positions--job description is created, the job is posted, they interview and they hire.

Selectman Jasper said the Selectmen set up the Cable Committee and their operations somewhat unusually and somewhat autonomously. The Selectmen have never interviewed or hired any camera operators. Mr. Malizia added that they aren't paid through the payroll. Selectman Jasper said that's something the committee does entirely. He didn't know how the rates have been set. The committee obviously felt they needed to come to the Board to create this position, but he didn't think they've seen any of the details. It's not exactly an arm's length relationship with them, but it's different than anything else.

Selectman Maddox said the paperwork indicated that camera operators are making \$11 an hour. He thought it was budgeted at \$10. Mr. O'Keefe said the committee voted to raise it to \$11. Selectman Maddox thought only the Board or could do that, or the voters. The next committee to be televised should be the Cable Committee. He was concerned that monies are being expended that the Board of Selectmen didn't know about. Selectman Coutu said he suggested to the Cable Committee Chairman, as a courtesy, that he present this proposal so a Senior Camera Operator doesn't appear out of nowhere and no one knows what's going on. He agreed that the Cable Committee should televise their meetings.

Selectman Massey said the Board never got involved with the camera operators. The monies come from the franchise fee and do not impact the operating budget. Selectman Maddox said when money is expended unnecessarily, there's a mechanism to get rid of the bums that do that. It's called elections. This money is taken from cable subscribers, with very little representation. The Board of Selectmen, as the franchising authority, has been remiss in some of that responsibility. There is no method by which they can complain about their cable bill, and this is part of it because they pay 3% to the town for the service.

Selectman Massey didn't know that they'd been remiss, but they have a 10-year contract with Comcast that was negotiated three years ago and the franchise fee was part of those negotiations, which was done with several surrounding towns. That contract has another seven years to go. Selectman Jasper said this clearly indicates that the Board needs to review its relationship with the Cable Committee and exactly what their charge is and their responsibilities because none of the Selectmen really have a handle on exactly how this is supposed to operate. That's something they should put on an agenda and perhaps Selectman Coutu, as liaison, could do some research so they can figure this out. Mr. O'Keefe said there has always been a Selectman on the committee, so they couldn't say they weren't aware of what the committee had been doing. Selectman Jasper said he didn't mean to imply the Board doesn't know what the committee is doing. He didn't think the Board fully understands its relationship with the committee, what autonomy they have, etc. The committee set the hourly pay rate at \$11, and that didn't come before the Board. There's a line that is very blurry at this time and they need to try to clear that up.

Selectman Maddox said as part of that, he thought when they hired the Facilitator one of the things the Board was looking for was a complete inventory of all assets of HCTV. He asked if he could assume that was happening. Mr. O'Keefe said that would be happening. Selectman Maddox asked if there was a time frame. Mr. O'Keefe said not yet. Selectman Maddox thought he set a time frame to this, that they were supposed to have it in 30 days. He asked if he should make a motion to that effect. Selectman Jasper said the Facilitator reports to the Town Administrator, not to the committee, so if there's an issue, they need to talk to Steve. Selectman Maddox said then the Town Administrator needs to bring that to his attention, that this is a concern to the Board. The Facilitator has been on board for three months. Several responses said no. Selectman Maddox said they probably interviewed him then--time blurs when you're having this much fun. It needs to get done sooner rather than later.

Selectman Coutu hoped the Town Administrator made note of that because that was a concern and that should be brought to the Facilitator's attention. They'd like to get some sort of a time table and it's not unreasonable to ask him to do it within the next 21 days. He's been in a cloud himself about the Cable Committee, not knowing who was in charge. He raised this issue some time ago about committees doing their own hiring, and they could have done this without ever coming to the Board. He felt, as a courtesy, it should be brought to the Board's attention. He agreed that this is a topic for a workshop in the future. They should have clearly defined roles. The Board of Selectmen is the contracting agent for cable and there needs to be a more clear and defined line of authority between the committee, the Board and the Town Administrator. Tonight, Mike was looking for a consensus of the Board to go ahead with this. He had no problem with hiring the person that is being recommended.

Selectman Massey said what suddenly hit him was the difference between a contractor and an employee. A contractor is free to set their own hours, their own schedules and to come and go as they please. He didn't think camera operators are contract workers because they serve at the pleasure of the Cable Committee and their hours are set by the Cable Committee. Mr. Malizia said camera operators could refuse an assignment. If they can't make a meeting, they're not fired. If one camera operator doesn't do it, another one does. It's not like hiring a Chief of Police or a firefighter. This is a pool of people for camera operation. They are free to choose to do it or not do it. It's the same for basketball referees. In the Rec Department, they pay people to referee different sporting events. They've never hired people individually. If they show up, they get paid. If they don't, they don't get paid, but they're not required to work a minimum or maximum. They have that discretion because they're contractors.

Selectman Jasper said that was over-simplified because they can have set hours for a contractor, if they are doing jobs that need to be done at a certain time. He didn't realize they had contractors working in there, other than the facilitator because to be an independent contractor, you have to have insurance. That concerns him because they have high school people working in there and doubted that they are carrying Workers Comp insurance. The referees are covered through an association that they all belong to. They pay dues to an association that provides them with coverage. He's not sure that's the case with camera operators and that's something they need to delve into, or have the attorney look into. They should be hourly employees of the town, much like the summer rec staff. They should be covered, in case someone dropped a camera on their foot.

Selectman Coutu asked Mr. Malizia to look into indemnification for the town, and the proper way of doing it. Obviously, these young people aren't in a financial position to be buying insurance policies and this has never come up at a Cable Committee meeting. This is a major concern, now that it has been brought up. Selectman Jasper said he always thought the camera operators were hourly employees of the town and that's, perhaps, the only way they can do that. If that's the case, the hiring process needs to come through the Board. Selectman Maddox said they would just be part-time employees, seasonal, or whatever, as long as they are under 20 hours. Mr. Malizia wasn't sure there was a 20-hour restriction; it was just casual labor, where they don't necessarily have a set work week. In the Rec Department, there is a pool of money and they hire Rec staff for the summer.

Selectman Coutu said this was serious and should be considered very quickly. He suggested Mike get a hold of other municipal cable operators who have part-timers and whether or not there is a group policy that is available. At a minimum, they should have a \$300,000 per incident up to \$1 million coverage and look into the cost of that. Mr. Malizia said the town has insurance. (Talking over each other.) Selectman Coutu said it's imperative to have a workshop as quickly as possible to establish the hiring process and how they are going to handle them. Mr. Malizia said they should get a legal opinion and then discuss it from there. The Selectmen agreed.

Selectman Maddox said there was a taping of the Fire Department at last year's Old Home Days that has languished, due to editing abilities. He asked if that could be given to the Facilitator to turn around within the next 30 days. Mr. O'Keefe said he could get it to him to see what his answer is to that.

Selectman Jasper said until they get an answer to the legal question, this item should be tabled or deferred. Selectman Maddox said once they have that opinion, they should set it up for a workshop to discuss the items that were brought up this evening.

Motion by Selectman Jasper, seconded by Selectman Massey, to defer until such time as they have a legal opinion on the status of the camera operators carried 5-0.

Chairman Nadeau declared a recess at 8:26 p.m. The meeting resumed at 8:40 p.m.

G. Acceptance of a \$350 donation to the Recreation Dept from the Merrimack Valley Bee Keepers
Motion by Selectman Maddox, seconded by Selectman Massey, to accept the donation, with the Board's thanks and appreciation, which will be put in the Recreation Donation Account, carried 5-0.

H. Appointment of Interim Zoning Administrator
Town Administrator Steve Malizia said earlier this evening, the Board approved the job description for the Zoning Administrator and the posting of it, but in the interim, someone is needed to be able to write zoning decisions, determinations and attend ZBA meetings. He spoke with the attorney, who recommended that the Board, under its authority, appoint someone to that position.

Motion by Selectman Jasper, seconded by Selectman Maddox, to appoint William Oleksak as the Interim Zoning Administrator for the Town of Hudson until such time as a permanent Zoning Administrator is hired, carried 5-0.

8. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Maddox said voting was abysmal, but it was good practice. They looked at some options with the Moderator in regards to a plan for November. Hopefully, they will be seeing some public service announcements with regards to a one-way in to the Lions Avenue, around the building and out to facilitate what he's predicting will be better than 12,000 coming to vote in November. He thanked those who did vote and looks forward to a plan to facilitate getting a much larger number through that building at the general election in November.

► Selectman Maddox thanked the Chairman for forgetting something the other day, who was going to be at the dedication of the flagpole out front, so the honor fell to him. He appreciated that, inasmuch as he got to meet some people from the VFW that dedicated the flagpole to Claude Charbonneau. It was a beautiful day and it was interesting to hear some of their stories, not only about Claude, but about their service. He thanked everyone who attended. Chairman Nadeau clarified that he had said he would go, *if* he was able to, but he was not.

► Selectman Maddox said they are about to enter the budget season, so he'd like some clarification from his fellow Board members. If they were to vote to, in principle, buy a new fire truck for \$400,000, would that be authorization to go out and buy a truck without coming back to the Board? He said he was seeing a lot of head-shaking, a lot of nos. Selectman Massey said he didn't understand the question. Selectman Maddox said the question was a motion to put something into the budget, if that was carte blanche to do that particular item, without coming back to the Board of Selectmen. Mr. Malizia asked if he meant that if something was in the budget, if it can be done without the Board approving it any further. Selectman Massey said because of the amount involved, it would have to go out to bid, which would have to be brought to the Board for approval. Selectman Maddox said OK, he was just making sure he wasn't being misconstrued. Selectman Jasper was sorry Selectman Maddox was so specific with his example because that casts aspersion on the Fire Department. Selectman Maddox agreed that that was a mistake.

Selectman Massey said he met with the Council on Aging Wednesday night and they unanimously supported the subcommittee's two-phase proposal, which will come to the Board on October 14. Phase One would be to create the position of Senior Programs Director and a capital reserve fund and Phase Two would be to look at facility capabilities. The committee met last Thursday to finalize the language.

Selectman Coutu said at the end of last week, he, the Police Chief and Gary Webster, met with representatives of the DOT at the intersection of Sherburne and Dracut Roads to discuss what could be done with that intersection in terms of safety. The Chief provided statistical data of the past two years and, as a result of several actions that have been at his suggestion, the accident rate has been significantly reduced in that area. However, there are a couple of things that were discovered and will be taken care of. The stop sign that is presently located at the intersection is quite large, but is somewhat hidden by an overhanging tree. There are no identifying signs heading north to let the public know that Sherburne Road exists at that intersection, so that will be rectified. Heading south, there is a sign. With regard to the property that directly faces Sherburne Road, the driveway was extended to the width of Sherburne Road, so there is no place to put a chevron, unless it is put in the middle of the driveway. Approximately 150 cars came through that intersection and all but five came to a stop at the stop sign. It's called the California stop, where they just come to a slow crawl and go right out and that's what was happening. The Chief said he'll probably take a week and educate the people coming out from Sherburne Road that stop means stop.

► Selectman Coutu said he was on the phone yesterday with the Governor's Office and this evening, Kate Peters from the Governor's Office called him. She is beginning to feel the Board's frustration. "Never Having Done On Time" has not returned her calls and she has no idea where they stand. However, she assured him that she is confident the \$188,000 price tag will hold and assured him that the Governor is on top of it. He would like to expedite this and see it done before October. If they can accommodate the schedule, the Governor would like to personally present the deed to the town, and it doesn't necessarily have to be here or at a public hearing. The town just wants the deed and to pay \$188,000. She will call him tomorrow, as soon as she hears from the DOT, if she hears from them, to get an answer as to whether or not the survey has been done and to get a final answer on the appraisal, which they had promised the Town Administrator some time last week but haven't provided. There is cleaning taking place on the property, so that's a step in the right direction.

► Selectman Coutu said on Saturday, weather permitting, from 9:00 a.m. to 2:00 p.m., there is an electronic recycling drop-off at Alvirne High School to benefit the Alvirne High School Students Class Act. If anyone has anything such as PC monitors, laptops, printers, DVDs, CDs, etc., bring them to the drop at the high school. They're also going to have hot dogs and a car wash fundraiser.

➤Selectman Coutu as the result of an anonymous tip, he requested a police report from the Police Department about something that was very disturbing to him. He knew he was speaking on behalf of the Board that if, for any reason, anyone has a complaint with regards to anything that goes on that relates to town government, call the Board members to vent their frustration. Do not call people who are volunteer members of boards and harass them. He was referring to an unfortunate incident—and he would withhold the names—but he would provide a copy of the police report to the Board. A volunteer who serves on a board was called and harassed. A police investigation ensued and parties were warned not to ever do that again. He wanted the Town Administrator to know that this was the direct result of a department head who gave out a this person's phone number and that practice should cease and desist immediately. If these people have a complaint, they should call the Town Administrator or the Board members, not the volunteers.

Selectman Nadeau thanked everyone who participated in the 9-1-1 observance.

- The Road Agent reported that recycling was fluctuating between 26% - 28% so far this year, compared to 11% in the past.
- The Highway Department's 4-day work week schedule has resulted in a 15% reduction in gas and diesel usage. The process of turning the summer dump trucks into plow trucks and sanders has begun.
- The landfill will be open the last Saturday of the month, year round, from 9 – 1 December – March. The rest of the year, April – November, it will go back to 8:00 a.m. – 2:00 p.m. This information will be on the town's web site, or call 886-6018.

➤Selectman Nadeau thanked Officer Paul Balukonis for his 21 years of service, who will be retiring at the end of September. He was very involved with the Dare program and worked with Special Olympics, Wacky Olympics, the First Team and CHIPS.

9. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Maddox, 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; (b) The hiring of any person as a public employee; (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community; 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 9:00 p.m., thereby ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. Open session was entered at 10:00 p.m.

Motion by Selectman Jasper, seconded by Selectman Massey, to hire David Morton as Fire Dispatcher, a non-exempt position, effective October 5, 2008, at an hourly rate of \$14.37 and then to Step 1 after successful completion of probation, in accordance with IAFF Local 3154 union contract, as recommended by Chief Murray, carried 4-0. Selectman Coutu abstained.

Motion by Selectman Massey, seconded by Selectman Jasper, to hire Sean Peterson as a full-time police officer, effective September 26, 2008, at \$20.37 per hr, in accordance with the Police Union Local 3657 union contract, as recommended by Chief Gendron, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Jasper, to hire Ed Peterson as the 2008-2009 Instructional Program Basketball Director for the fee of \$1,000, Steve Porter as Boy's League Basketball Director for the fee of \$2,100 and Frank Girginis as Girl's League Basketball Director for the fee of \$1,600, as recommended by the Recreation Director, carried 5-0.

10. ADJOURNMENT

Motion to adjourn at 10:02 p.m. by Selectman Massey, seconded by Selectman Jasper, carried 5-0.

Recorded by HGTV; transcribed by Priscilla Boisvert, Executive Assistant

HUDSON BOARD OF SELECTMEN

Benjamin J. Nadeau, Chairman

Richard J. Maddox, Vice-Chairman

Kenneth J. Massey, Selectman

Shawn N. Jasper, Selectman

Roger E. Coutu, Selectman