

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

6:30 p.m. – Attorney-Client Session, (b) Consultation with legal counsel

1. **CALL TO ORDER** by Chairman Nadeau at 7:05 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE**, led by Suellen Seabury Quinlan.

3. **ATTENDANCE**

Board of Selectmen: Ben Nadeau, Shawn Jasper, Ken Massey and Roger Coutu. (Rick Maddox was absent.)

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Kevin Burns, Road Agent; Richard Gendron, Chief of Police; Police Captain Jason Lavoie; Nomination & Appointment nominees.

4. **PUBLIC INPUT**

There was no response when Chairman Nadeau asked if anyone in the audience wished to address the Board on any issue.

5. **NOMINATIONS & APPOINTMENTS**

A. **Building Board of Appeals** (2 members, terms to expire 12/31/11)

Vincent Russo (Incumbent) -- Interviewed 12/9
David Wilcox -- Interviewed 12/9

Motion by Selectman Coutu, seconded by Selectman Jasper, to appoint Vincent Russo and David Wilcox to the Building Board of Appeals with terms to expire 12/31/11, carried 4-0.

B. **Cable Committee** (6 members—3 terms to expire 12/31/11; 1 term to expire 12/31/10; 2 terms to expire 12/31/09)

Mike O'Keefe (Incumbent) -- Interviewed 12/9
Harry Schibanoff (Incumbent) -- Interviewed 12/9
Rupert Cote (Incumbent) -- Interviewed 12/9
Bob Joseph (applying for 2009 seat) -- Interviewed 12/9

Motion by Selectman Coutu, seconded by Selectman Jasper, to reappoint Mike O'Keefe, Harry Schibanoff and Rupert Cote to the Cable Committee, terms to expire 12/31/11 and Bob Joseph, with a term to expire 12/31/09, carried 4-0.

C. **Conservation Commission** (2 members, terms to expire 12/31/11; 2 alternates, terms to expire 12/31/11 and 12/31/09)

Linda Kipnes (Incumbent Member) -- Interviewed 12/9
Suellen Seabury Quinlan (Incumbent Alternate applying for Member seat)

Motion by Selectman Massey, seconded by Selectman Jasper, to appoint Linda Kipnes and Suellen Quinlan to the Conservation Commission as members, terms to expire 12/31/11, carried 4-0.

D. **Energy Committee/The Green Team** (3 members, terms to expire 12/31/10)

Linda Kipnes (Incumbent) -- Interviewed 12/9
Margaret Femia (Incumbent) -- Interviewed 12/9
David Wilcox -- Interviewed 12/9
Eric Horton -- Interviewed 12/23

Motion by Selectman Jasper, seconded by Selectman Massey, to appoint Linda Kipnes, Margaret Femia and David Wilcox to the Green Team, terms to expire 12/31/10, carried 4-0.

E. **Nashua Regional Planning Commission (NRPC)** (1 member, term to expire 12/31/12; 1 alternate, term to expire 12/31/11)

Howard Dilworth, Jr. (Incumbent Member) -- Interviewed 12/9

Motion by Selectman Coutu, seconded by Selectman Jasper, to reappoint Howard Dilworth, Jr. to NRPC as member, term to expire 12/31/12, carried 4-0.

F. Planning Board (2 members, terms to expire 12/31/11; 2 alternates, terms to expire 12/31/11 and 12/31/10)

James Barnes (Incumbent Member) -- Interviewed 12/9
Tierney Chadwick (Incumbent Alternate applying for Member Seat) -- Interviewed 12/9
Timothy Malley – Interviewed 12/23
Stuart Schneiderman -- Interviewed 12/9

Motion by Selectman Massey, seconded by Selectman Jasper, to appoint Jim Barnes and Tierney Chadwick to Planning Board member seats, terms to expire 12/31/11, Tim Malley as Planning Board Alternate, term to expire 12/31/11 and Stuart Schneiderman as Planning Board Alternate, term to expire 12/31/10, carried 4-0.

G. Recreation Committee (4 members—3 terms to expire 12/31/11; 1 term to expire 12/31/09)

Susan LaRoche (Incumbent Member) -- Interviewed 12/9
Jeremy Griffus (Incumbent Member) -- Interviewed 12/9
Rupert Cote (Incumbent Member) -- Interviewed 12/9
Robert Iannaco (Incumbent Alternate applying for Member seat)
Eric Horton – Interviewed 12/23
Bob Joseph -- Interviewed 12/9

Motion by Selectman Jasper, seconded by Selectman Coutu, to appoint Susan LaRoche, Jeremy Griffus and Rupert Cote to member positions, terms to expire 12/31/11, Robert Iannaco to a member position, term to expire 12/31/09 and Eric Horton to the unexpired term of Robert Iannaco which expires 12/31/10, carried 4-0.

H. Recycling Committee (4 members—2 terms to expire 12/31/11; 1 term to expire 12/31/10; 1 term to expire 12/31/09)

Frank Rosier (Incumbent Member) – Interviewed 12/23
Leo Bernard (Incumbent Member) -- Interviewed 12/9

Motion by Selectman Coutu, seconded by Selectman Massey, to reappoint Frank Rosier and Leo Bernard to the Recycling Committee, terms to expire 12/31/11, carried 4-0.

I. Sewer Utility Committee (2 members—1 term to expire 12/31/11; 1 term to expire 12/31/10; 1 alternate to expire 12/31/11)

Craig Bailey (Incumbent Member)
Bernie Manor (Incumbent Alternate applying for Member Seat)

Motion by Selectman Massey, seconded by Selectman Coutu, to reappoint Craig Bailey as a member to the Sewer Utility Committee, term to expire 12/31/11 and Bernie Manor to a member position on the Sewer Utility Committee, term to expire 12/31/10, carried 4-0.

J. Water Utility Committee (1 member, term to expire 12/31/11)

Catherine Valley (Incumbent Member) -- Interviewed 12/9

Motion by Selectman Massey, seconded by Selectman Coutu, to reappoint Catherine Valley as member to the Water Utility Committee, term to expire 12/31/11, carried 4-0.

K. Zoning Board of Adjustment (2 members, terms to expire 12/31/11; 2 alternates, terms to expire 12/31/11)

James Pacocha (Incumbent Member)
Bill McInerney (Incumbent Member) -- Interviewed 12/9
Normand Martin (Incumbent Alternate) -- Interviewed 12/9

Motion by Selectman Coutu, seconded by Selectman Jasper, to reappoint Jim Pacocha and Bill McInerney to the ZBA as members, terms to expire 12/31/11 and to reappoint Normand Martin as Alternate, term to expire 12/31/11, carried 4-0.

6. CONSENT ITEMS

Motion by Selectman Coutu, seconded by Selectman Massey, to approve Consent Items, A – D, carried 4-0.

A. Assessing Items

- 1) Release of Tax Deferral Liens, Map 198/Lot 48, w/recommendation to approve.
- 2) Tax Deferral Applications, Map 138/Lot 033 and Map 173/Lot 025-054, w/recommendation to grant.

B. Water/Sewer Items

- 1) Ref. No. S-09-04a, S-UTL-09-07, M/L 173-012-000, #3936 and S-UTL-09-08, M/L 174-030-000, #2201, w/recommendation to approve.
- 2) Ref. No. S-09-04b, S-UTL-09-09, M/L 175-133-000, #1374 and S-UTL-09-10, M/L 210-010-000, #2177, w/recommendation to approve.

C. Acceptance of Minutes

Board of Selectmen's Minutes of December 9, 2008

D. Calendar

12/25 Town Hall closed Christmas Day
12/29 7:00 Budget Committee in BOS Mtg. Rm.
12/29 7:00 Recycling Committee in CD Mtg. Rm.
01/01 Town Hall closed New Year's Day
01/05 6:30 School Board in CD Mtg. Rm.
01/05 7:00 Budget Committee in BOS Mtg. Rm.
01/06 7:00 Board of Selectmen's Workshop in BOS Mtg. Rm.
01/06 7:00 Budget Committee in CD Mtg. Rm.
01/07 7:00 Planning Board in CD Mtg. Rm.
01/07 7:00 Budget Committee Public Hearing (School) @ Community Center
01/08 5:30 Sewer Utility in BOS Mtg. Rm.
~~01/08 7:30 ZBA in CD Mtg. Rm.~~
01/08 7:00 Budget Committee Public Hearing (Town) @ Community Center
01/09 "Are You Smarter than a Fifth Grader?" @ Community Center
01/12 7:00 Conservation Commission in CD Mtg. Rm.
01/13 7:00 Board of Selectmen in BOS Mtg. Rm.
01/13 7:00 Budget Committee in CD Mtg. Rm.
01/14 7:00 Planning Board in CD Mtg. Rm.
01/15 7:30 Budget Committee in BOS Mtg. Rm.
01/19 Town Hall closed for Martin Luther King Day
01/21 Filing Period for declaration of Candidacy Opens
01/21 5:00 Water Utility in BOS Mtg. Rm.
01/21 7:00 Library Trustees in BOS Mtg. Rm.
01/21 7:00 Hudson Senior Council on Aging in CD Mtg. Rm.
01/22 7:30 ZBA in CD Mtg. Rm.
01/26 Last Day to post the Town Warrant
01/26 7:00 Green Team in CD Mtg. Rm.
01/27 7:00 Board of Selectmen in BOS Mtg. Rm.
01/28 7:00 Planning Board in CD Mtg. Rm.
01/30 Filing Period for declaration of Candidacy Closes
01/31 9:00 Deliberative Session – School Board @ Community Center
01/31 6:00 Retirement Party at the Castleton for Chief of Police
02/02 6:30 School Board in BOS Mtg. Rm.
02/03 7:00 Board of Selectmen's Workshop in BOS Mtg. Rm.
02/04 7:00 Planning Board in CD Mtg. Rm.
02/07 9:00 Deliberation Session – Town @ Community Center

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on December 9, 2008

Motion to adjourn at 11:35 by Selectman Massey, seconded by Selectman Maddox, carried 4-1. Selectman Jasper was opposed.

B. Decisions made during Nonpublic Session on December 9, 2008

Motion by Selectman Jasper, seconded by Selectman Massey, to offer the position of Assistant Town Administrator to Mark Pearson at an annual salary of \$86,611 effective January 5, 2009, which carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Maddox, to offer the position of Chief of Police to Captain Jason Lavoie, effective January 1, 2009, which carried 5-0.

Unanimous consensus to hire Ann Inamorati as part-time Water Utility Clerk @ \$14.34 per hour, 20 hours per week, effective December 14, 2008, as recommended by the Finance Director.

Motion by Selectman Jasper, seconded by Selectman Massey, to reaffirm its decision to hire Anna Inamorati as part-time Water Utility Clerk @ \$14.34 per hour, 20 hours per week, effective December 14, 2008, carried 4-0.

Selectman Coutu asked the Board members if they were satisfied that, despite the news reports, that they have hired the Police Chief. Selectman Jasper said the nonpublic minutes reflected that they did offer the position, which is the same as moving to hire. A consensus is just everybody nodding their heads; that's why he made the motion, so there would be a clear record that was their decision. Selectman Coutu said he wanted to clear any doubt that the news media has imparted on the public, that they didn't act to hire the Police Chief when, in fact, they did.

8. NEW BUSINESS

A. Bid Recommendation for Police Cruisers

Police Captain Jason Lavoie said the Police Department was planning to trade in five vehicles this year—a 2003, two 2006's and two 2007's. This is part of the regular maintenance program they've been doing for a number of years. They advertised in November and MacMulkin Chevrolet came in with the lowest bids. Even though they were trading in five vehicles, they want to purchase seven vehicles. The Recreation Department will be purchasing a vehicle from them, which will drop them down another vehicle. A couple of months ago one of their vehicles was totaled in an accident. They received reimbursement from LGC and wanted to purchase a replacement vehicle. That totals the seven vehicles they are asking for, and it is within their budget.

Selectman Jasper said he's lost track. They've been at \$120,000 since he didn't know when, but that covered the swap-over and asked if the swap-over cost was in the line items now. Capt. Lavoie said yes, it would be included in this. Selectman Jasper asked if there were swap-over costs in other parts of the budget. Capt. Lavoie said no. Selectman Jasper asked if the \$11,000 and the trade-in value would cover all of that. Capt. Lavoie said yes. Selectman Jasper asked if the 98 was net or gross. Mr. Malizia said net, after the trade. Selectman Jasper said the 11 will cover the swap-over.

Selectman Coutu said he was confused and wanted to make sure he was clear. The account has \$120,000 and the 11 is added and 125 for insurance for a total of \$131,125. He asked if the total purchase price was \$98,704. Mr. Malizia said no. Out of \$131,000 they are spending \$118,988 because they are buying six vehicles, plus replacing one from an insurance claim. If you add the \$11,000 to the \$120,000 which covers the insurance, you also have to add the vehicle you're buying. They have a budget of about \$130,000 and they're spending \$119,000 and the balance is for the swap-overs, such as changing light bars, graphics, etc. Selectman Coutu thought there was going to be about \$1,000 left over. Mr. Malizia didn't know what the graphics were going to cost. They've got approximately \$130,000 to buy the vehicles and put the graphics on.

Selectman Massey said if the motion passes, they would be purchasing seven vehicles for a total of \$118,988. They are going to stay within the budget for purchasing the cars for \$120,000 and they are going to be able to cover the swap-out costs with the \$11,125 insurance money. Selectman Coutu didn't like the way this was being presented. It didn't tell him anything.

Motion by Selectman Massey, seconded by Selectman Jasper, to accept the Police Department's recommendation to purchase seven 2009 Chevrolet Impala police package cruisers from MacMulkin Chevrolet in the amount of \$118,988, carried 3-0. Selectman Coutu abstained.

B. Water Line Extension (St. Joseph's to Christine Drive)

Acting Town Engineer Gary Webster said the policy of the Water Utility was that when anyone wanted to tie into the water system, it goes to the Water Utility and then to the Selectmen, as the Water Commissioners. The Selectmen recently approved the St. Joseph's water line extension, and this was an extension off of that to Christine Drive, which will be owned and controlled by the town. Mr. Webster had presented maps to indicate the area he was speaking about. Christine Drive is a town road and no easement is required because they would be able to expand from Christine in the future, whatever the town would like or whatever a developer would like to develop.

Selectman Jasper asked the size. Mr. Webster said it's 18" coming down 102, 12" going into St. Joe's and also from St. Joe's to Christine Drive. Selectman Jasper asked if the Water Utility was bearing any of the cost. Mr. Webster said no, it's all by the developer.

Selectman Massey asked if Deputy Buxton has made a recommendation relative to the sprinkling of the building that's on Christine Drive, Map 105, Lot 15. Mr. Webster said he never got back to him. Selectman Massey said they may want to defer this item. The Water Utility Committee voted to approve, but it should have said the committee voted to recommend to the Selectmen that the water line on Chasse property be private. The westerly side of Christine Drive shows a hashed mark about a third of the way on the drawing, and Chasse was proposing that the town have an easement and that the building that's located off of that be supplied with water from that position. The Water Utility thought the line should go down Christine Drive on to the other property. He told the Water Utility he was going to bring to the Board of Selectmen, in the interest of safety, a better solution, which was to accept the easement, provided that the property owner connected the sprinkler system within 90 days of this action. He was waiting for Deputy Buxton to get back with whether or not that was a safety concern.

Selectman Jasper asked if he was talking about an existing building asking to be tied in. (Talking over each other.) Selectman Massey believed it was owned by Tate. Selectman Jasper said they can't require a building owner to tie

into a sprinkler line; they can do that voluntarily, but the town doesn't have the ability to make that a requirement of somebody who has nothing to do with the project. Selectman Massey said he wasn't suggesting that he be made to do it, but if he wants the town to own the easement, he has to do it. If he chooses not to do it, then at some future date, if he wants water, he would have to get it off Christine Drive. That's the difference. Selectman Jasper asked if the easement was on his property. Selectman Massey said no, the easement is on the Chasse property. (Talking over each other.) Selectman Jasper said he could see why the town would have an easement to Christine Drive, and then from the public street, if the town wanted anything, they'd go off there. Why wouldn't it be private beyond Christine Drive to the Chasse building? He didn't see any interest in the town having an easement beyond Christine Drive. Selectman Massey said that's the issue. Chasse was proposing that the town accept an easement, indicated by the cross-hatching, to that point so water could be supplied to the other property, so it could be sprinkled. Selectman Jasper said that's not the town's issue. There is no value to the town to have to maintain the other side of Christine Drive. The town wouldn't want to be maintaining the southern side easement of Christine Drive. That would be a private line with a private easement. Mr. Webster agreed with Selectman Jasper and said that was one of Deputy Buxton's concerns. Selectman Jasper said this would give them public easement all the way back to 102, so they didn't need to go any further. Mr. Webster agreed; if anyone wanted to, they could extend from Christine. Selectman Jasper said it would not be in the town's best interest to continue the easement under any circumstances.

Motion by Selectman Coutu, seconded by Selectman Massey, to approve the water line extension and public easement from the current St. Joe's easement to Christine Drive, as recommended by the Water Utility Committee. Selectman Massey said to be clear, it should say with the exception that the water line on the S. L. Chasse property will be private from the southerly right of way to Christine Drive, contingent upon Weston & Sampson approving the main site. Selectman Jasper agreed. Motion carried 4-0.

C. Route 102 Sidewalk Project—Evergreen Drive to Megan Drive

Acting Town Engineer Gary Webster said this project has been on-going for awhile, being postponed for the last two years. The Planning Board started this project in 2003, but it was delayed because of other construction projects on 102. By delaying it, the cost has escalated. In 2006, the cost of the project was \$522,000 which was 4,000' of sidewalk and curbing on 102, from Evergreen Drive to Megan Drive. The current price for the project is \$900,000. The town will get \$200,000 from DOT. Instead of throwing the money away, half is better than none, so on December 5, he met with DOT and the Advisory Committee in Concord and they accepted the proposal to do a half build. That will cost \$395,000, going from Evergreen to Meadowlark Drive, roughly 2,050', the sidewalk and the bike path, plus engineering. (He indicated on a wall map the area he was referring to.) In the future, they could apply for more money and use corridor funds to continue to sidewalk. When he was in Concord, he met someone associated with Safe Routes for Schools, who provides funds for sidewalks when there is a school in the area—and Hills Garrison is there. The town could get another \$100,000 towards the project, but the police and residents have to be a part of it. He hasn't done anything about it yet because he was waiting to hear if the Board wanted to go forward with this or not. If the Board approves the half-build, the state wants to go out to bid in February. They are at the point where they either do it, or don't do it.

Chairman Nadeau asked if the \$100,000 was in addition to the \$280,000. Mr. Webster said yes. Moreover, the projected cost was done in the summer, when everything was very high. If they decide to go forward with this, when it does go out to bid, they can go further, hopefully to Whip-o-will Drive. He will have to apply for the funds in 2009 and probably wouldn't get the money right away. They'd have to go out to bid first. He just found out about it when he was up at DOT and they were very nice about it.

Selectman Jasper asked, if they go out to bid, if they'd be allowed to add on by a linear foot cost. Mr. Webster said yes and they will go as far as they can with the money they have. Selectman Jasper asked if this was using all of the money in the sidewalk accounts. Mr. Malizia said for the project itself, approximately \$120,000 was designated, so they will have some money left in the corridor account, and probably some money in one or two of the sidewalk accounts. They try to keep the scope. It's a \$400,000 project, doubled. The choice is half of it, or none of it. Gary was proposing to use the money they've got to get some of the sidewalk in. He's got DOT permission and now it's up to the Board to either do half of it, or none of it.

Selectman Coutu asked if the \$395,000 was an estimate based on the current cost. Mr. Webster said that's a new construction estimate. Selectman Coutu asked if, when they go out to bid, the costs are lower and with the additional \$100,000, they would be able to do more. Mr. Webster said yes.

Motion by Selectman Jasper, seconded by Selectman to approve the reduced scope of work for the sidewalk project from Evergreen Drive to Megan Drive to Evergreen Drive to Meadowlark Drive, and to authorize the application of any additional monies through the Safe Routes to School program, carried 4-0.

D. Request by Police Department to change the date of the semi-annual Blood Drive from 3/17 to 3/31/09.

Motion by Selectman Jasper, seconded by Selectman Massey, to approve the request, carried 4-0

E. HGTV–Operation of Access Center

Selectman Coutu said he had requested from the Cable Utility Committee to provide him with a speaking document to cover this topic, but he was disappointed and dismayed at what was appointed to him late this afternoon. It didn't agree with what was proposed in the intent of the access plan, which was to increase the hours from 45 to 65 for the facilitator. Today, it was presented as 80 hours, which was a shock to him, in light of the justification for extending the hours. He was embarrassed to bring it to the Board. Therefore, he was asking that this be deferred until such time as the Cable Committee has had an opportunity to meet to formally discuss this and arrive at something that would make more sense and that he could present to the Board. He apologized for having this put on the agenda, thinking that he would have been properly prepared talking document—which he requested a week ago and received today at 4:00 p.m.

Selectman Jasper said when the new facilitator was hired at 45 hours, they did so at an increased hourly rate. It's like any commodity. If you are going to almost double the hours, then there should be some discussion about reducing that hourly rate. To some degree, they are buying a commodity that may be in short supply and only getting 45 hours, there's a reason to pay more, but as they increase that, it's reasonable to say that hourly rate should come down. It's a pretty hefty hourly rate that they were paying. He's not locked into anything, but the thought occurred to him during the initial discussion and believes that even more so if they are talking about going to 80.

Selectman Coutu said that was a shock to him and it wasn't something he anticipated. Addressing Selectmen Massey, he said because of some of the comments that he did not take lightly when they first talked about the access center, everything was now on the table. He'd like to see more definitive plans and he would not recommend they increase anyone's hours until, now, he sees a plan. He was not impressed with what he was presented today, and he wanted to make it clear that he didn't fault the committee chairperson, as one of those people out of power for an extended period of time and had his own problems, and the tone of his e-mail today, he sounded somewhat apologetic himself. He felt it would be best that they held this in abeyance until such time as the committee met as a whole and they discussed this further. All options are now of the table and he would carry the message forward to the committee and he would also bring up the lack of a full and complete operation plan that Selectman Massey suggested that they present and that he finds is necessary at this point.

Selectman Massey said he was not on the prevailing side of this action, but if the Cable Committee is going to look at this, they should bear in mind one of the things they came to the Board several months ago with, was to create a new position called Senior Camera Operator, and he was having a hard time understanding how you go from a consultant to a Senior Camera Operator, plus an additional 65—and now he's hearing it's up to 80 hours—so, bottom line, until he sees a plan, they don't have anything. The Cable Utility Committee should be prepared to discuss how the Senior Camera Operator position fits into this need to extend the consultant's hours by such a large number of hours.

Chairman Nadeau asked if anyone wanted to make a motion to defer this. Selectman Coutu said to just hold it in abeyance.

F. Land Use Change Tax Penalty Revenue

Selectman Massey said Assistant Assessor Jim Michaud, at a Local Government Center seminar this fall, sat in on a presentation on being able, in these economic times, take a designated sum or all of the land use change tax for the conservation capital reserve fund and put it into the General Fund, or as a means of reducing taxes. Mr. Michaud has no position for or against doing this action; he simply was bring it to the attention of the Board. The Conservation Commission reviewed this at their last meeting and, as a result, they voted to recommend to the Board to no change the existing authorization, which takes 50% of the land use change tax and puts it into the capital reserve fund, and the other 50% goes into the general fund.

Selectman Jasper recommended that the Board take no action on this. This money doesn't come from the taxpayers, it comes from the land penalty assessment and at the time of economic downturn, they find themselves in what may be a better opportunity to purchase land at a reduced rate and, therefore, it's more encumbent on them to have monies available. It's best to stay the course on this and try to do what the voters wanted. The voters have the ability to come forward with a petitioned warrant article, but he thinks the voters were clear and the votes have been overwhelming in the past, so they ought to stay the course.

Motion by Selectman Jasper, seconded by Selectman Massey, to take no action on this item carried 4-0.

G. Town Deliberative Session

Motion by Selectman Massey, seconded by Selectman Jasper, to schedule February 7, 2009 as the date for the Fiscal Year 2010 Town Deliberative Session, carried 4-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Coutu extended a very Merry Christmas to all of the citizens of the town of Hudson, to the members of the audience, and to his fellow colleagues. These have been tough times, and it may get tougher in the coming year, so his prayers are with all of them. He hoped that, despite what may come this Christmas and this new year, those who are

Christians remember to celebrate one of the most important events in the history of the world, which is the birth of the Lord Jesus Christ, and he wished all of those who are not of the Christian faith the happiest of holiday seasons, as well.

„ Selectman Coutu said he was having problems, as his first time serving on the Budget Committee. He has been charged with the responsibility of representing the Board on the Budget Committee and it's his intent to adhere to the majority wishes of the Board and support the items in the budget that the Board of Selectmen has recommended. However, items have arisen that bring him great concern in terms of the overall effect on the taxpayer and the kinds of precedence that may be set, with regards to some of the items that have appeared in the budgets, as they deliberate the budgets.

It has come to their attention that in the proposed Library budget, there is a part-time position which only has 20 hours a week and they have established a policy where they will be paying benefits to people working 20 hours or more, which is not the town policy. It was presented to the Budget Committee that they were under the impression that the town pay benefits to people who work 20 hours a week or more, but KC informed them that the town pays benefits only to those working 35 hours a week or more. He had a difficult time voting to agree to that, but he will, if that's the will of the Board. Selectman Jasper encouraged Selectman Coutu to vote against that policy. It's inconsistent with town policy and the Board should stand firmly against it. Mr. Malizia said that was brought to his attention, so he looked into it. The town's personnel policies state that employees that work 20 hours or more, who are not covered by a collective bargaining agreement, can pick up health insurance at a pro-rated number. He wasn't aware that there was anyone within that classification. There is no pension, disability or life insurance, however. None of the library employees are represented by unions, so they've somehow used the town's policy to formulate some sort of plan. Selectman Jasper said he wouldn't disagree with that, if that is what they're doing; if the person is paying for half of the health insurance cost, perhaps that is appropriate. If they are receiving full benefits for 20 hours, that is a problem. Selectman Massey asked if Mr. Malizia was talking about 50% of the town's contribution, or 50% of the total cost of the insurance. Mr. Malizia said 50% of the town's contribution. For example, if you're a single employee, the town would normally pay for the health insurance. If you are only 20 hours, you'd pay half out of your pocket and the town would pay the other half. Selectman Massey asked if you'd pay 25% for a family. Mr. Malizia said no, you'd pay 50% of the family rate. Selectman Massey didn't think they've offered that to anyone. Mr. Malizia said he wasn't aware of any town of Hudson employees that have that. The library, because of how they organize their business, may have employees who are not represented, who work more than 20 hours who may want to pay for the insurance. Selectman Massey concurred with Selectman Jasper.

Selectman Coutu said that presented a problem. Assuming the person works the full 20 hours for the full year, the wages comes to \$14,000 plus. The line item, if the budget is approved, is \$11,000 for the benefits. How do they justify an \$11,000 item in the budget that they know won't cost \$11,000. If the person didn't take the benefits, the library would have an \$11,000 surplus in their budget. If the person took the health insurance at 50%, why is the line item \$11,000 when it should have only been \$5,500 or whatever it works out to. Mr. Malizia said he didn't do the library's budget, so he couldn't articulate why they did what they did; he can only talk about what the town does. Intuitively, it seems like a high number, but he wasn't asked to help with or review their budget.

Selectman Jasper said that was within the purview of the Budget Committee. If that person is already in their employ, they have a history or whether or not they are talking that benefit. If they are not, then it's appropriate to zero that out. If this is for a new employee and you don't know whether they are going to take the family plan or not, the first year, it may be appropriate to budget half of the town's share, and then the next year, determine what they've actually done and budget based on the actual. If the person is already in place, the history should be established. They'd have to find out what plan they are on to determine the amount. Selectman Coutu said the person has been on board for two years. Selectman Jasper said the benefits are administered through the town, so KC could give him that history to determine what the appropriate amount in the line item would be. Selectman Coutu said he now knew what to do.

„ Selectman Coutu said statements Selectman Massey has made in the past echoes in his ears about how the Selectmen bear the brunt of the responsibility for the tax rate. Two contracts came before the Budget Committee from the schools, one for the teachers and one for the para-professionals. He wanted the taxpayers to know that the Board of Selectmen is not responsible for not having kindergarten in town. He also wanted the taxpayers to be aware of the impact of the contracts that were negotiated for the para-professionals and for the teachers. It appears that the impact this year for both contracts is going to be somewhere in the vicinity of \$800,000 on the tax rate. These are two year contracts. Next year, there will be an additional \$800,000 on the tax rate. If they do have kindergarten in 2011, that could impact it by another \$1 million or more, depending on whether or not they need to construct, how many people they are going to hire, etc. The total impact of these two contracts and kindergarten could be in excess of \$2.5 million on the tax rate in the next two years, over which the Board has no control. He knows the contracts were negotiated in good faith and he said he would support them, but he wanted everyone to be aware of how much they are going to impact the taxes in the next two years.

Selectman Jasper said, unfortunately, he didn't watch every minute of the contract discussions, but what he gleaned from what he did watch was that the contract cost for two years for the teachers, which is the lion's share of the cost, it's a 2-1/2% COLA, which is very reasonable. But what he also gleaned out of that is the teachers' contract has something like 18 steps in it. The Budget Committee won't be taking the final vote on this until sometime after the Selectmen meets again. He assumes the steps are annual in the first 18 years of employment, so the question is how much those steps are and the cumulative impact because 2-1/2% is very reasonable, but if the steps average another 2, 3, 4 or 5%, the actual annual cost for teachers in their first 18 years of employment could be getting 5% to 7-1/2% increase on an annual basis, which is very costly. They need to

know those details. That's the reason you end up with steps that are not performance based. The steps amount to another COLA, just by another name, and that gives you a much different picture.

Selectman Coutu said the Budget Committee talked about this at length and why he started asking questions. When they said they negotiated a 2-1/2% pay raise for the para-professionals, the net cost with the increase, the reimbursements for education, the step increases—the total impact in 2010 is not 2-1/2%; it's 6.14% and in 2011, the impact is going to be 6.23%. The para-professionals, in the next two years, are going to have an impact on the tax rate of \$66,000 the first year and \$71,000 the second year and there aren't as many para-professionals as there are teachers. This not a 2-1/2% raise; it's over 6% in the next two years. Selectman Jasper said they need to find out about the teachers because his recollection is the para-professionals are paid at a much lower rate, making somewhere in the low 20's as a starting. The teachers' contracts are much more substantial and there's a huge number. They need a little more information. The Board needs to weigh in on how to proceed with the teachers' contract, something of this magnitude, nearly ¾'s of a million dollars a year for two years. They need to find out exactly what the impact is because the town's employee contracts have far fewer steps and they are not all annual. People aren't getting a 5% step, plus COLA every year. They need a little bit more information and he hoped Selectman Coutu could bring that back to the Selectmen so they can understand it a little better.

Something else the people need to know, and Selectman Jasper didn't know if the School Board has made this well enough known, and it's a matter of transparency that ought to be out there for the public to recognize. Two members of the School Board have spouses who are covered by the collective bargaining agreements, and that's important for people to know. At this point, they don't know if those members abstained or not. He didn't think the votes were out there on the web and he didn't know if that was brought forth to the Budget Committee. He hoped they abstained, but the school side of the town does not have the same code of ethics that the town does. People ought to recognize and consider bringing the School District in under the town's code of ethics because then it would be very clear that they would have to abstain on issues such as that. He wasn't casting aspersions on anyone; he just happened to believe that full disclosure was important and everyone ought to understand how things are developed. Obviously, that's a factor either in the fact that two School Board members aren't participating, leaving only three who can, and then how do those three vote, or was everybody voting? That's information they need to have, as well, and asked Selectman Coutu to bring the votes back to the Board of Selectmen for the next meeting, so they can understand how that was developed and who was representing the Board in those negotiations.

Selectman Massey said for him to understand how to even begin to put his arms around this, he'd have to understand what the issues were that the School Board encountered when they were going through the negotiations. Are they competitive with surrounding school systems? In the mid-80's, Hudson was so far behind the surrounding towns that, in order to get competitive and start to attract the best and the brightest, in one year, the starting salary went from \$25,000 to \$29,500 and that just barely made them competitive. His first question would be where they were relative to surrounding towns on a competitive basis for attracting the best and the brightest and secondly, COLA is important because it's a cost of living adjustment but the total increase is what you're really after. If a 2-1/2% COLA is translating to a 6+% net increase in the payroll, there's an awful lot of people moving up on steps. That's the other piece of the pie. How many people have maxed out on steps and how many people are still moving through the steps? It's not a simple problem, but those three things are easy for the average person to get their hands around because there's not a lot of math involved. Are they competitive? What's the total net increase to the bottom line? How many people are maxed out on their steps?

Selectman Coutu said Superintendent Bell brought to the Budget Committee's attention exactly what Selectman Massey just brought up. Even in hard times, they are still trying to catch up because they had fallen behind in the mid-80's. The actions taken by the School Committee in negotiating a new contract is the result of that; they are still trying to play catch-up. He looked over the numbers, but he didn't delve into it as much as he should since he is on a lot of other committees, like the other Board members. He still tries to maintain his business with all of its problems, but these things crop up and you catch them now and then. He didn't envy the Superintendent's position. It's very difficult to negotiate from his position. He will go back to the Budget Committee and get those numbers and see what they come up with.

Selectman Jasper said they have to be very careful on looking at competitiveness with surrounding towns because they end up just chasing their tails. Every time one person increases, then the other one feels they have to, so the universe has to be a little bit wider when they look at competitiveness. That's certainly important, but at the end of the day, what they should care about is the product. How do the SAT scores compare? Do the annual testings compare? How are they doing educationally? What's the product they are delivering? They certainly want their teachers to be compensated appropriately, but they have to look at more than what Nashua, Merrimack or Londonderry is paying. Merrimack has about 400 more kids than Hudson and if they spend \$20 million more for those 400 kids, what's the end result? How do they test out at the end of the year? Are they getting something for that \$20 million? Hudson spends less per pupil than many communities, but how does that translate into the product that is being produced? To a large degree, that's what they're doing in a school system—producing members of society. He asked them to look at the issue a little more broader than just the surrounding towns because that can result in that vicious cycle that will spiral upward, and what does that really do for anybody?

Selectman Coutu said in ending his remarks, he wanted to thank the town employees—fire, police and highway—for an outstanding job during the ice storm. He was very, very impressed. He wanted to publicly acknowledge and thank Chairman Nadeau for assisting him in his time of plight at his business when he had a power outage. He was able to supply him with lights and gasoline to keep his store open, and he appreciated it.

Selectman Massey said they've been through two very difficult weeks, and as somebody once observed, Americans don't always look like they care for each other, but this storm pretty much demonstrated that's not true; they do care for each other. In addition to all of the other praise and thanks to all town employees, he personally wanted to recognize Chairman Nadeau. He was everywhere during the storm. He not only helped Selectman Coutu, but he helped a lot of elderly people and a lot of others who needed help. He was everywhere and Selectman Massey couldn't say enough how much he admired what Chairman Nadeau has done in the last two weeks.

„ At last, they come to a sad but joyous time of year. He was reminded of the French, “La roi seymore, viva la roi” -- “The king is dead; long live the king.” They are coming to an end of an era this year. For over 15 years, and a total of 29 years, they've had a stellar individual who has worked on behalf of the town, and beginning in the early 90's, taking over a department that was the laughing stock and the butt of jokes throughout the state. You couldn't pick up a paper without reading some terrible thing that was happening inside the Hudson Police Department. The individual that came into that took a look at it and said, “I can do better. I not only can do better, I can make it the best in the state.” Over the past 15 years, they've seen Hudson grow from the butt of everybody's jokes and a laughing stock to where they are one of the most, if not THE most respected police agency in the state. From his experience at the reaccreditation in March of 2006, that recognition was also brought to the forefront by the people down in Jacksonville, Florida. Chief Gendron is great and has been one of the best assets that this town has had. He will definitely be missed and he will go with the town's blessings and whatever he chooses to do, he's sure it will have the same quality and commitment he's shown for the town. “Thank you, and viva la king.” He congratulated Captain Lavoie in taking the reins of the department. He will be taking over a department that is in good shape and from the rest of the Board, he wished him Godspeed and they're looking forward to working with him, continuing on this great journey.

Selectman Jasper echoed the comments of both Selectman Coutu and Selectman Massey relative to virtually everything they said. They are fortunate to have so many good people in town. He had the opportunity to spend a little bit of time with the Police Chief and Fire Chief on the first Friday morning when they were out there and Chief Gendron was relaying to him how he was woken up with his power out that he didn't know about and telephone was dead. He thought he had squirrels in the wall, but it was actually an officer from Nashua banging on his door. He saw the blue lights and wondered what was going on. When Selectman Jasper saw him, the Chief was soaked because he was riding around with the Fire Chief and he had his arm out with a light, checking for damages and seeing what he could. Both Chiefs were out, directing traffic and plugging all of the holes that needed to be plugged. The town is most fortunate to have the people they do have. At one point, the Road Agent, Fire Chief and Police Chief were all at the Police Station. They came out to leave and all three of them were barely missed by a tree that broke and fell right across the walkway at the Police Station. It brushed the front of the Fire Chief's vehicle. If it was just a little different, they could have had three injured department heads, and then Ben would have been in charge of everything! Thank goodness that didn't happen! A little later on, the Chief's vehicle was in the back out here, and a tree fell on the top of it, which damaged it a little bit. It was quite a harrowing morning for everybody, but the crews did a remarkable job of keeping the roads open the best that they could and finding alternatives. It was certainly not a storm that most of them would have liked to have been out in, so they can be very thankful for all the employees who did a stellar job.

„ On another note, they are at an impasse with the Fire Department union, the privates and lieutenants. One of the big issues was the matter of earned time. Something they all learned in this process, which was probably started in the contract under the Town Council was the firefighters' union get one-third more earned time than all other town employees, and that doesn't make any sense. Whoever negotiated this wasn't thinking because what it comes out to is firefighters work an average 12 hour day versus everyone else who works an eight hour day. That's one-third more. The problem is they also work roughly one-third less days, and that was the part of the equation that didn't get figured in. On average, they work 102 hours more than everybody else. Now, actually, the differential between the police and fire is even less than that because they added some time in at the beginning and end of each day for the police, as well. Out of the \$450,000 overtime budget in the Fire Department, \$250,000 of that is to cover the earned time. When you consider that one-third, it becomes a very expensive proposition for the taxpayers. If somebody in Town Hall was out on earned time, they don't bring people to cover for one day. In the Police Department, they may, but not in every single case, but they do in the Fire Department. Not only are they paying that person their earned time when they are out, somebody is being paid time and a half to come in, so that's costing the town two and a half times, unless they're putting it in the bank, and then it's costing them two times. This is an issue they are going to have to continue to grapple with in the contracts because of how expensive this is. It's also an equity issue that all the employees should be earning the same amount of earned time, based on the hours they work, not on this false concept. He hoped he didn't complicate this too much, but it's an issue they will have to grapple with. It's unfortunate it has been this way all these years and never was realized by any of their predecessors.

„ Selectman Jasper wished everyone a Merry Christmas and a Happy New Year in whatever holidays they do celebrate. It has been a productive year for the town and it has been a good year working with this Board. He thanked everyone for their consideration and it has been a pleasure.

Selectman Nadeau thanked the Fire and Police Departments and Highway crews for doing an outstanding job during the ice storm. There were some other people who helped out. They had a shelter open and the Salvation Army called to offer their services to the town, which was greatly appreciated. They brought food and manpower to man the shelter. Quite a few residents stopped by Lions Hall to get water, come in and get warm, ask questions on where they could go or what they could do. Residents who got their power back brought in food—cookies and cakes, etc.—and, in turn, that was handed out to the people the next day. The Fire Explorers were a big help. They were manning the shelter, too. When they had down time, the fire personnel who were with them, explained different things to them and trained them on different items they had in their medical bag, which was interesting. The Explorers really enjoyed learning from the older, more experienced personnel that

were with them. He thanked the Highway Department for opening the landfill, which meant a lot to a lot of people, being able to get rid of some of the brush before the snow came. They probably will have to do that more in the spring to get rid of more of the brush. Kevin said he'd work on that. A few businesses came out to help, too. One of them was Susie's Diner, getting breakfast for the emergency personnel. Wally's Pizza also helped out. There were also neighbors helping neighbors. Bob Bowen had firewood and he gave some to a woman who had a stove, but not firewood, so she was able to keep warm. They learned a lot during the storm, so they will be doing an after action report with the Fire Chief, Police Chief and Road Agent. They ran into a few bumps along the way with the shelter, and that will be looked into.

„ He wished everyone a Merry Christmas and Happy New Year and Happy Holidays for whichever ones anyone celebrates.

10. **NONPUBLIC SESSION**

Motion by Selectman Jasper, seconded by Selectman Massey, to enter Nonpublic Session under RSA 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 or her, 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; (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph, carried 4-0 by roll call vote.

Nonpublic Session was entered into at 8:55 p.m., thus ending the televised portion of the meeting. Any votes taken after entering open session will be listed on the Board's next agenda. Open session was entered at 9:34 p.m.

Motion by Selectman Massey, seconded by Selectman Coutu, to grant the following Police Department personnel merit awards: Executive Secretary Dorothy Carey and Animal Control Supervisor Jana McMillan \$250 each; Captain Don Breault and Lt. Bill Avery \$150 each; and Lt. Robert Tousignant and Lt. Dave Bianchi, \$100 each, as recommended by Police Chief Richard Gendron, carried 4-0.

Motion by Selectman Massey, seconded by Selectman Coutu, to hire Julian Squires as Truck Driver Laborer in the Highway Department at a rate of \$16.33 per hour, Grade VIII, Step Minimum, Effective January 4, 2009, as recommended by the Road Agent, carried 4-0.

Motion by Selectman Jasper, seconded by Selectman Massey, to retain Richard Gendron as Assistant Chief from January 1through January 31 at his current rate of compensation, carried 4-0.

11. **ADJOURNMENT**

Motion to adjourn at 9:35 p.m. by Selectman Massey, seconded by Selectman Jasper, carried 4-0.

Recorded by HGTV and 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