

HUDSON, NH BOARD OF SELECTMEN
Minutes of the August 26, 2008 Meeting

6:30 p.m. RSA 91-A:2 I (b) Strategy or negotiations with respect to collective bargaining.

1. **CALL TO ORDER** by Chairman Nadeau at 7:12 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE**, was led by Town Moderator Paul Inderbitzen.

3. **ATTENDANCE**

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

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Kathy Carpentier, Finance Director; Jim Michaud, Assistant Assessor; Deputy Fire Chief Neal Carter; Sean Sullivan, Director of Community Development; Town Moderator Paul Inderbitzen; State Representative Andy Renzullo; Jim Stafford-Rogers and Lucille Boucher from the Hudson Seniors; Linda Kipnes and Gordon Osgood from the Green Team; Suellen Seabury; about eight other individuals; Gina Votour, HLN

4. **PUBLIC INPUT**

Paul Inderbitzen, Town Moderator – Logistics for September 9th Primary. Mr. Inderbitzen said the State Primary would be coming up in a couple of weeks and he was touching base with the Board about some of the arrangements and find out who would be available and when. Selectman Jasper is on the ballot, so he can't participate. Selectman Jasper said legally he can, but since it would upset some people, he won't. Mr. Inderbitzen clarified that Selectman Jasper could be a Selectman for purposes of the election, but cannot partake in any counting. There is supposed to be a majority of the Board of Selectmen present during the election. Selectman Massey said he'd be there all day. Selectman Nadeau said he'd be there 90% of the day. Selectman Coutu said he'd be there from 10:00 a.m. on. Selectman Maddox said he was trying to get vacation time, but it was the end of the year. He'd most likely be there. Mr. Inderbitzen said it was important to be there at the end of the meeting, to help with the counting. The Selectmen are the ones who have to sign the sticker on the ballot, so they have to have a better count than they did at the last primary. They've got it set up a little better in terms of how they are going to sign off. He hoped the Selectmen were able to take part in the training sessions the state held, which were excellent. (Selectmen Coutu and Nadeau attended.) The last local one is one in Concord on Thursday from 5:00 – 9:00. The Community Center is all set and he has everything he needs, with the exception of an outside flag. Last year, that was the only ding the town got from the Attorney General—there was no outside flag. The provide a list of everything that is needed to all of the Moderators. Mr. Malizia said they'd have a flag.

Selectman Maddox said it was great that training was being done from 10:00 a.m. to noon, but for those who work, it's a challenge to get there, so Mr. Inderbitzen may want to do another one before the November election, such as from 5:00 – 7:00. Mr. Inderbitzen said that training session was for the ballot clerks. He was thinking of running another one for the November election and he could do an evening session. Selectman Maddox said at the last election, there was some talk about circular traffic at the Community Center and asked if that was in the work for the Primary. Mr. Inderbitzen said not for the primary. Selectman Maddox thought it should be tried out at the Primary in order to work out the kinks. Hordes of people will show up in November because it's a presidential election. It would be nice to practice in September to know what works and what doesn't. Mr. Inderbitzen said he was going to work on some things internally and one-way traffic circulation around the building—one way in, one way out—and he was looking at that configuration for the building, as well. In the front door and exiting through the side to keep the congestion at the front to a minimum. When they set up on Monday, they will play around with it. He will talk to the Police about traffic control at the November election and to see if they can do barriers. It would be nice to practice in September, but he's only got two weeks. He definitely wants something different for the November elections because that's going to be a heavy one.

Selectman Massey said it would be helpful to work out with the Highway Department to have the lights install across the street. Mr. Inderbitzen said they did that at the Primary, but he didn't request it. He didn't think they'd have to worry about that in September because it would still be light, but they might want to consider that for the November election.

Suellen Seabury Quinlan read the following into the record:

I have come here tonight to participate as a life-long citizen in the town of Hudson in an issue that will become increasingly more important in the upcoming months, that task being for the town to replace the irreplaceable Hudson Police Chief Richard Gendron and to select an individual who will run that most critical of departments with the same efficiency and competency as he has for so many years. When Chief Gendron first came on board to head the Police Department, my mother, who was at that time, the Chairman of this Board, asked him to promise her that he would run a good Police Department and the Chief delivered on that promise to my Mom. Those of us who have lived in this town for 40 plus years remember the dark days when the Hudson Police Department was not well run, was ridiculed and considered a blight in the field of law enforcement. The important task of finding the best person to assume the position of Chief and run the department at its current level of efficiency, I recommend to this Board Captain Donald Breault. Capt. Breault has been a dedicated law enforcement officer for the town of Hudson since 1989. During his tenure, he has elevated through the ranks from patrol officer to field training officer, detective, Sergeant, Lt. for the Criminal and Patrol Divisions and was promoted to his current position as Captain in 2005. He has been involved in all aspects that affect the department, from the budget process, the supervision and hiring of employees, training and accreditation. A graduate of the NH Police Academy in 1989, he holds a degree in Criminal Justice from the University of Massachusetts and has received extensive law enforcement training in the areas of patrol, detective, supervisor and administrative field work. When I worked as a prosecutor for the Hillsborough County Attorney's Office, I prosecuted most of the felony level cases for the town of Hudson. Capt. Breault was consistently responsive, professional and efficient with my office in the prosecution and handling of those cases. He displayed an utmost dedication to the town of Hudson and the safety of its residents. On a personal level, I know

Capt. Breault to be a good family man and father. I work with his wife, Cassie, an Assistant Chief Probation Officer for the Middlesex Juvenile Court and have for over 10 years. The Breaults have chosen to raise their two daughters here and to be part of the community and pulse of the town of Hudson. I hope that the Board of Selectmen will recognize the value and the merit of a man who has been a steadfast member of the Hudson Police Department for nearly 20 years and who has worked so long and so hard towards the goal of becoming the next Chief, rather than to go outside of the town and search for an individual who does not know the town of Hudson, does not know us, its citizens, nor would they know the Hudson Police Department. I would urge all of you to consider Captain Donald Breault as the obvious and the reasonable successor to the police of Police Chief and I thank you for your time.

Beth Raymond from Gateways Community Services, who runs the Adult Day Services Program at Alvirne Voc Tech wanted to thank the Selectmen and the town of Hudson for the help they've given in the form of scholarship grant money for the residents of Hudson who attend the Adult Day Service program. Last year, they had 60 people attend the program, of which 20 were from Hudson. The cost of going to an adult day program is high, so they put the scholarship program together so people can afford to come on a daily basis. The Hudson residents used \$4,952—about \$5,000—of which \$2,000 came from the town of Hudson Scholarship Fund. They were grateful for the support they are heading into and the residents who are from Hudson are very grateful, also, all of whom are elderly and low income. This year, when the participants put together the thank you gift for the Selectmen, they used a photograph of two of the students who volunteer at the program who, on their own time, went out and bought T-shirts that say, "I Love the Adult Day Service Program," and they wore all day long. They took a picture to show the enthusiasm that the students have for the program. The thank you note is signed by the participants of the program on the A for Alvirne part of it. She said a copy of their newsletter was also included. She thanked the Board again for its support.

Selectman Massey thanked her for running such an excellent program. Selectman Coutu said the citizens were very proud of that program. He has a friend whose aunt was in that program up until a month and a half ago when she passed away. It is a tremendous thing for Hudson to have that kind of resource; it's the kind of thing that makes Hudson the best community. They are all deeply indebted to this program, to the services they render to these people, who need so much love and care. They are being given that and being shown that in this program. He thanked them from the bottom of his heart.

5. CONSENT ITEMS

Motion by Selectman Coutu, seconded by Selectman Massey, to approve the consent items, A-D, carried 5-0.

A. Assessing Items

Charitable Exemption Application, Map 105/Lot 007 w/recommendation to deny.

B. Water/Sewer Items

- 1) Ref. No. S-09-01: S-UTL-09-01, M/L 148-040-070, #4173; S-UTL-09-02, M/L 174-142-000, #4914; w/recommendation to grant.
- 2) Ref. No. S-09-01b: S-UTL-0903, M/L 191-013-000, #2266; S-UTL-09-04, M/L 190-117-002, #4582; w/recommendation to grant.

C. Licenses & Permits

- 1) Raffle Permit for the Knights of Columbus, Council 5162, on-going through June 2009 w/monetary prizes for Charitable work of Council 5162.
- 2) Tag Day Sale by the Knights of Columbus, Council 5162, to hold a Tootsie Roll Sale September 12, 13 & 14 at Wal-Mart, SAM's Club, Market Basket, Stop & Shop and True Value to benefit the Mentally Handicapped of NH.
- 3) Tag Day Sale by the Hudson Girl Scout Daisy Troop 900 to hold a fundraiser at SAM's Club on August 30 to benefit the High Hopes Foundation of NH.

E. Calendar

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| 08/27 7:00 Planning Board in CD Mtg. Rm. | 09/11 7:30 ZBA in CD Mtg. Rm. |
| 08/28 1:00 Trustees of Trust Funds in BOS Mtg. Rm. | 09/15 7:00 Conservation Commission in CD Mtg. Rm. |
| 08/28 7:00 Cable Committee in BOS Mtg. Rm. | 09/16 7:00 Cable Committee in BOS Mtg. Rm. |
| 09/01 Labor Day Holiday—Town Hall Closed | 09/17 5:00 Water Utility in BOS Mtg. Rm. |
| 09/02 7:00 Board of Selectmen Workshop | 09/17 7:00 Library Trustees in BOS Mtg. Rm. |
| 09/03 7:00 Planning Board in CD Mtg. Rm. | 09/17 7:00 Hudson Seniors in CD Mtg. Rm. |
| 09/04 6:30 Recreation Committee @ Oakwood | 09/18 7:30 Budget Committee in BOS Mtg. Rm. |
| 09/08 6:30 School Board in CD Mtg. Rm. | 09/22 6:30 School Board in BOS Mtg. Rm. |
| 09/08 7:00 Board of Selectmen in BOS Mtg. Rm. | 09/22 7:00 Green Team in CD Mtg. Rm. |
| 09/09 Primary--Voting at Community Ctr, 7am- 8 pm | 09/23 7:00 Board of Selectmen in BOS Mtg. Rm. |
| 09/10 7:00 Planning Board in CD Mtg. Rm. | 09/24 7:00 Planning Board in CD Mtg. Rm. |
| 09/11 6:30 9/11 Memorial Observance at Library Park | 09/25 7:30 ZBA in CD Mtg. Rm. |
| 09/11 5:30 Sewer Utility in BOS Mtg. Rm. | 09/29 7:00 Recycling Committee in BOS Mtg. Rm. |

6. OLD BUSINESS

A. Votes taken after Nonpublic Session on August 12, 2008:

Motion by Selectman Massey, seconded by Selectman Maddox, to adjourn at 11:21 p.m. carried unanimously.

B. Senior Programs (from June 24, 2008)

Selectman Massey recognized members of the Hudson Senior Council on Aging—Mr. Renzullo, Mr. Stafford-Rogers and Ms. Boucher. Last Wednesday, the Hudson Council on Aging met and discussed how to move forward with senior programs, and the unanimous consensus was they would like the Board of Selectmen to meet with them in a committee form to explore ways that both the town, the Board of Selectmen's needs and the Seniors' needs could be met. There are no preconceived ideas as to how

that would go forward. Everything is on the table and they would like the Board of Selectmen to appoint that committee, and as a jump-off point, to use the Older Persons Advisory Committee report to start the discussion. He thinks this would be a natural follow-on to what Selectman Coutu did with the breakfast, but that included the Recreation Committee. This would be strictly to formalize, from the perspective of the Board of Selectmen, how to go forward with Senior programs and the best way to do it. The real key to this whole thing is the governance model, and the Seniors don't have any preconceived ideas at the moment of what that governance model would look like and they are open to the discussions.

Motion by Selectman Massey, seconded by Selectman Coutu, to approve the creation of a Seniors Programs Committee, consisting of two Selectmen, three members from the Hudson Senior Council on Aging and the Town Administrator, to develop a plan for senior programs that meets the needs of the Board and the Hudson Seniors organization.

(Selectman Maddox thought it was important for the Town Administrator to serve on this committee because he controls the town side of it, getting numbers, pulling together staff to provide information, etc. The maker of the motion and the seconder agreed to include the Town Administrator's name in the motion.) Chairman Nadeau thought this was a great idea.

Vote: Motion carried 5-0.

Selectman Massey said they needed to appoint two Selectmen. Selectman Jasper said he assumed that would be the maker of the motion and the seconder. Both Selectmen Massey and Coutu accepted the appointment. Selectman Massey said he'd like to schedule the first meeting for 9:00 a.m. on Thursday, September 4 and would send out an e-mail to that effect.

7. **NEW BUSINESS**

A. **Ottarnic Pond Co-op Sewer**

Town Administrator Steve Malizia said the Sewer Utility Committee made a recommendation to the Board of Selectmen to waive the sewer capital assessment fees for the Ottarnic Pond Cooperative Sewer district, in accordance with past practice. A review of the records indicated that the Board never acted on that recommendation, which is why it was before them tonight. In the past, the Board has waived the allocation fee for other residential sewer districts.

Selectman Massey said the most recent one they did was Glen Drive. There was some confusion between the assessment fee and the hookup fee. Mr. Malizia said they did this with Glen Drive and Belknap. Selectman Jasper thought this action was being consistent, but he wasn't exactly sure how this worked. It was a betterment district and the cost is built into the betterment district fee that they are going to have to pay back over time. Of the total cost of the project, 25% is paid by the utility. Selectman Maddox said that's not how he understood page two; "A portion of the cost, 25% has been subsidized, consistent with past practice." He was trying to understand what the Sewer Utility really said. Selectman Massey said he wasn't there, but the project is being funded right now--50% of the cost is being loaned to the Co-op by the Sewer Utility. 30% is a Community Development Block Grant and 20% is being funded by the state, DES. They are talking about 25% of the 50%. Selectman Jasper didn't think that applied here. They were using this as a 'typical.' For years, Mr. Bednar, who was then-Chairman of the Sewer Utility, was trying to keep track of every nickel that was spent and he wanted to bill the entire cost back to the betterment district. That number was extremely high, so 25% of the capital cost of installing the total project was paid for out of the Sewer Utility funds. In this case, it doesn't apply because there are grants and other monies. This is just giving an example of what has happened in the past, that they waived the fee and in addition to waiving, the fee, typically, 25% of the capital cost has been paid for by the sewer district. In this case, the 25% does not apply; it's only the capital assessment fee that is being waived. Selectman Massey said if they hold to that, since the town is only paying for 50% of the cost, 25% of that would be 12-1/2% of the total cost of the project that the sewer district would pay and the Co-op would pay 37-1/2%. Mr. Malizia said the Co-op is paying for half the project, and the town is financing that half. The other half is grants and DES money. Selectman Jasper said they are getting a better deal than the Glen Drive people because there were no other federal monies for Glen Drive. They are already getting 25% more; there is no need to give them an additional amount. The language in there just confuses the issue. Selectman Massey said he follows that thinking.

Selectman Coutu moved to waive the sewer capital assessment fee for the Ottarnic Pond development in the amount of \$1,550 for 31 units, which totals \$48,050, seconded by Selectman Jasper.

Selectman Maddox said he wasn't as up to speed on being a sewer commissioner as he should be. He was confused by the various fees and what they were actually waiving. Selectman Jasper may be correct, but he was uncomfortable because that wasn't the way he read the Sewer Utility's minutes. He'd like some clarification before they put this away and it comes back to haunt them forever and ever. It wasn't critical, so it should be clarified and then come back.

Motion by Selectman Massey, seconded by Selectman Jasper, to defer this to the September 8, 2008 meeting to clarify the total cost of the project, the amounts that are being paid for by the CDBG, DES and the amount of money the town would bear as opposed to the Co-op.

Selectman Massey said Selectman Jasper pointed out that on all the other projects, the total cost of the project was \$100; the Sewer Utility paid \$25 out of the capital assessment funds and the betterment district paid \$75. On this one, of the \$100, \$50 was being paid for by grants, so they may want to rethink setting a precedent that an additional amount of money was being provided. It would be worthwhile to know what the total cost was and what the \$48,000 actually was.

Mr. Malizia said the sewer portion of the project was in the ballpark of \$600,000. There is also a water portion, which was not under discussion. Of that \$600,000 approximately half, the 30 and the 20 is being paid for by grant money and the remaining half, \$300,000 is being paid for by the Co-op; the town is financing it, making a loan to them and they are repaying it. The town is not paying a nickel for it, other than financing the project as opposed to going out on the market and borrowing the money. They are borrowing the money and paying it back, with interest. They are not getting any money paid by the town. This action would just waive the fee, similar to what they've done with other projects.

Selectman Massey said it would waive the fee for the Co-op, but the Utility would pick up that cost. Selectman Jasper said there is no actual cost. Selectman Massey asked where the money would come from, then. Mr. Malizia said they just aren't going to be charged. Selectman Massey said that's why they need to see the numbers in a nice package. Right now, the number is \$300,000 that the Sewer Utility is fronting the Co-op. That real money was coming out of the Sewer Capital Assessment Reserve Fund. The gist of the memo was the \$300,000 would be paid; \$48,000 would be absorbed by the utility in its rate structure and \$252,000 would be paid for by the Co-op. Selectman Jasper said no. They were confusing the assessment fee with the betterment district. The betterment district was going to pay 100% of that 50%, as a betterment fee that is amortized over a number of years. The assessment fee, which he didn't really understand how that all works, is a separate fee. If there is not a betterment district, you pay the fee, but in the case of a betterment district, you have a separate charge. They also have an access fee and all these other things. He didn't understand how all of them come into play, but he understood what came into play here. He's fine with deferring this, however.

Selectman Maddox asked to clear up the fees because that was the problem he was having. They are saying typically 25% of this assessment fee, they are just wiping it out. Did the Glen Road betterment pay that fee? Selectman Massey said they did pay it. If this, in fact, represents 25% of the assessment fee, that says the assessment fee was approximately \$200,000. (Talking over each other.) Selectman Jasper said they are talking about a capital assessment fee, which is what they were waiving. The 25% applies to the residential betterment assessment district. 25% of that. You have the fee, which applies. (Talking over each other.) Selectman Maddox asked for a map of the fees. Mr. Malizia said there really were only two fees. Selectman Jasper said in this case, 25% of the betterment district was not being picked up by the town. They are just saying that's what typically happens, but this is not a typical situation because of the grants involved. For instance, say that Glen Drive was \$1 million project. (Talking over each other.)

Vote: Motion to defer to September 8, 2008 carried 5-0.

B. Charitable Tax Exemption Application, Map 109/Lot 10

Assistant Assessor Jim Michaud said this was for the new Southern NH Medical facility on Derry Road, which contained extensive backup for their charitable exemption application. Over the course of the summer, he developed a series of questions to ask them for additional documents, which they provided in a timely manner. He met with Associate VP Scott Cote and Mr. Malizia to go over the documents that were submitted, so he feels confident in recommending that the Board grant this exemption. At first he was skeptical, but after looking into it further and speaking with the Town Attorney, who reviewed case law and statutory law, he felt confident in doing so. The Supreme Court has recently ruled on a four-prong test in order to establish who would qualify, and his memo goes through that.

Selectman Coutu disagreed with Mr. Michaud's recommendation, saying there was absolutely no difference between the charitable exemption he recommended to be approved and the one that he recommended by denied; there was no difference in the text, the operation, the financing, the budgeting, the staffing and the housing between Southern NH Medical and Dartmouth. Mr. Michaud said the difference was that Dartmouth did not submit any additional documentation in support of their application, nor did they communicate with his office at all in regards to that request. He held out to the last minute before he set the gross valuation for the community before coming forward with these recommendations. He would have liked to have given these recommendations to the Board earlier but, due to the circumstances outlined in his memo, he wasn't able to. One applicant came forward with the appropriate backup documentation and one applicant did not. He wasn't saying Dartmouth couldn't prove their case; he was saying that it wasn't proven.

Selectman Coutu reiterated that, based on the documents presented, he saw absolutely no difference in the two. They both basically do the same thing. He couldn't justify accepting the recommendation. He is the one who made the motion to approve the consent items, which he does not do lightly, to deny the charitable exemption for Dartmouth. Based on the documents he had, and the applicable RSAs, he didn't see any difference between the two whatsoever. None. Just because one facility didn't provide one or two documents wasn't sufficient reason to render a different decision. He could not support approval of this one.

Selectman Massey said if two homeowners came in and one said his property was assessed too high and then presented the sales, marketing and valuation documentation to prove that the assessment was too high and if the second homeowner, who lived next door to that individual, said his assessment was too high, but didn't provide any backup documentation, asked if Mr. Michaud would approve the first one, assuming the information was all correct, but not the second one because they did not provide sufficient data. Mr. Michaud said that was correct. Selectman Massey said that was the same situation that was before them. One applicant supplied sufficient data in order to render an informed decision. When he saw the original questionnaire, he was surprised that anybody would be willing to provide that type of data. They had to essentially open up their books. A charitable organization does not, per se, qualify for an exemption. The only ones that automatically qualify are religious organizations. With Dartmouth, the Assistant Assessor wasn't able to make an informed decision, but with Southern New Hampshire, there was sufficient information provided to make an informed decision. Therefore, he was able to support the recommendation.

Selectman Maddox said upstairs in the Selectmen's Office, there was a stack of backup information, indexed and tabbed, that supports the recommendation before them. They do take charity cases at that facility that meets the criteria, so he has no problem voting in accordance with the recommendation.

Motion by Selectman Massey, seconded by Selectman Maddox, to approve a charitable property tax exemption for Map 109/Lot 10, 300 Derry Road, Southern NH Medical Center, for the 2008 property tax year, as recommended by the Assistant Assessor, carried 4-1. Selectman Coutu voted in opposition.

Motion by Selectman Massey, seconded by Selectman Maddox, to approve an abatement of June 2008 property taxes in the amount of \$13,170.75 for Map 109/Lot 10, 300 Derry Road, Southern NH Medical Center, as recommended by the Assistant Assessor, carried 4-1. Selectman Coutu voted in opposition.

Mr. Michaud said this was an annual application, so each applicant has to prove itself worthy of an exemption each year. Selectman Jasper said any corporation that has to file a 990, which 501-C-3's do, are now available on line on the IRS web site, with all kinds of information, including the salaries of the officers and directors. Selectman Massey said Mr. Michaud was asking for more information of them than that; it was really having to open up their financial books.

C. Report and Recommendation by National Grid Audit of Town Buildings (Green Team)

Linda Kipnes, Chairman of the Green Team and member Gordon Osgood, were recognized to discuss the audit report and recommendation of town buildings by National Grid. The full report which consisted of about a two or three page report on each of the buildings audited and notes about what could be improved in each building. The incentives that National Grid offers are not as extensive as the ones from PSNH, nor do they have any financing mechanism, so anything that the town or the departments choose to do would have to be paid for up front, out of the budget. She was going to wait on this report because they are in the middle of implementing the PSNH plan, but it was brought to her attention that the incentives were good for only 90 days from the date of the report, although they can request an extension if justification and dates of implementation are provided. She didn't know if the financing would come from each individual department, or if something could be done for the town, as a whole. One of the recommendations with the smallest payback but with a fairly low cost is nine programmable thermostats. They offer a \$25 incentive and the thermostats are approximately \$135, so the cost would be \$110 per thermostat. Maybe, if they were bought all at once, the town could get a better deal, or if they have to buy them from National Grid. She wondered if the Board wanted to discuss it and/or implement parts of it. She asked that the detailed report for each building be made available to the department heads and the maintenance staff because there are recommendations on a new furnace and when it comes time for a new furnace, it would be nice to have this information available.

Selectman Maddox thought the furnace at the Community Center had just been replaced at the cost of about \$10,000 so he didn't know how they came up with a price of \$4,500. Mr. Malizia said it was replaced three or four years ago at just under \$10,000. (Talking over each other.) Selectman Jasper said the condenser/boiler was \$12,000 so it may be a matter of terminology. Selectman Maddox thought they should buy at least one of the thermostats for this building. When he comes in on the weekends, the air conditioning is blazing away like it's a Thursday. They could make a start there to see how difficult it is and what it is going to cost. Wayne could probably bring in a contractor. Selectman Jasper thought it should be pretty easy to install; anybody with a screwdriver can replace a thermostat. Selectman Maddox said he'd start by replacing the thermostats at town hall so the temperature could be changed during off hours and weekends. It won't take much time to pay back \$135. Ms. Kipnes said National Grid has recommended four programmable thermostats for this building. Mr. Malizia said they'd look into it and see what they could afford and would do that much. Ms. Kipnes said there weren't any recommendations for Police or Highway, but the detailed reports did have some information for them. What surprised her was the recommendation to replace the furnace in this building at a cost of \$4,500 and realize a savings in a year of \$4,355. Mr. Malizia said he wasn't buying that statement. A lot of promises get made in the HVAC field from what he has seen, and technology changes. Mr. Osgood didn't think so either, but added that National Grid has no financial interest in whether or not the change is made. Ms. Kipnes said if that's the kind of money that could be saved, the sooner it is done, the better, but she was a little skeptical, as well. Selectman Jasper said maybe they should talk to someone else about that because if that's true, they ought to do it.

Selectman Massey said that was the only one with a payback of a year or less. If that is a legitimate estimated savings, that should be a no-brainer. Except for the thermostats, which have proven to make a difference over time, with a lot of the paybacks, they'd never know when they were paid back. In some cases, the amount of money was so small, they wouldn't be able to measure it. For instance, the pipe insulation in the Fire Department. Intuitively, you know that's going to save money, but you wouldn't know two years from now that you saved \$600. Mr. Osgood said they would if they left everything static except for that change, taking into effect that every winter is different and would have to look at degree days. (Talking over each other.) Selectman Massey thought it was wise for the department heads to review the documents and make some recommendations. When they need to know is accurate is the data on the furnace at Town Hall, if that payback is reasonable. Mr. Malizia didn't believe those figures were correct; maybe a furnace for a home, but not for this building. The current one is a monster. Mr. Osgood said the newer models were smaller. Mr. Malizia realized that, but there will be a lot of labor costs. He's finding it hard to believe that number. Ms. Kipnes said she could contact Victor Carter, who did the audit. Mr. Malizia said she should start with Wayne. Selectman Massey agreed that it was too good to be true. Selectman Maddox said even if it's at 60%, and this is going to 90% to get a \$4,500 savings in one year. He's having trouble with the savings amount. You could get one for that price, but didn't know how they'd save that much money.

Mr. Malizia asked Ms. Kipnes to have him contact him and he'd set up something with Wayne. Ms. Kipnes asked if it was a worthwhile investment to make if it turns out to be a legitimate thing. Selectman Maddox said they'd have to see what monies were available. Selectman Massey said they'd just be putting it from one pocket to another pocket. (Talking over each other.) Selectman Jasper said the boilers themselves are not that expensive, it's all the duct work and everything else. Selectman Maddox said he didn't see any savings, but they could debate that after they have more information.

Ms. Kipnes said she'd have Victor Carter contact Mr. Malizia. She asked if it was alright to make copies of the maintenance report and give them to the maintenance people in each building. The consensus was to give the reports to the department heads, who would then pass it along to the maintenance people. Selectman Jasper said they don't have a lot of maintenance people; they've got Wayne. Selectman Massey thanked Ms. Kipnes for all of her work, at least illuminating the problem.

Ms. Kipnes said the first phase of the PSNH project is done—Town Hall, the Fire Department, the Library and Fire Admin. The lights are at the Highway Garage for the second phase, which includes that facility and the Police Department buildings. The last buildings will be done after that.

Ms. Kipnes asked what the procedure was for getting this project moving—installing the programmable thermostat. Mr. Malizia said he'd have Wayne go to Home Depot to buy a thermostat and put it in. Ms. Kipnes said she'd check with Victor Carter to find out if there are some restrictions on the type, etc. All of the Selectmen thanked Ms. Kipnes.

Chairman Nadeau declared a recess at 8:15 p.m. The meeting resumed at 8:21 p.m.

D. Proposed CTAP Grant Application

Sean Sullivan, Director of Community Development, said this was a \$10,000 grant. If approved, this grant would be coupled with the \$15,000 grant previously awarded to the town from the CTAP program, and that \$25,000 would be used to work with the NRPC to hire a consultant to look at a cost study and feasibility analysis of building a roadway within the right of way of the southern tier of the Circumferential Highway.

Motion by Selectman Jasper, seconded by Selectman Maddox, to authorize the Chairman of the Board of Selectmen to sign the grant application, carried 5-0.

E. Code Enforcement Officer Position

Sean Sullivan, Director of Community Development, distributed a handout, which was the rationale for hiring a full time Code Enforcement Officer. This position has been vacant for about a month. The person who was in that position worked for the town for about six years and has taken a position with the City of Nashua. He was at the top of the wage scale in terms of classification within the union. Three of them in the Community Development Department have attempted to take over those responsibilities, but it's impossible to cover a 40-hour a week job with existing personnel. Nevertheless, they get the work done. There has been a series of articles in the Telegraph recently that talks about code enforcement efforts in Nashua, which is Hudson's "Big Brother." He sees Hudson, from a code enforcement standpoint, as a microcosm of Nashua. Hudson doesn't deal with nearly the amount of housing related issues, but they do deal with some. The majority of code enforcement in this town has been zoning-related. He reminded the Board that in 2007, they had 166 code enforcement actions that ranged from A – Z. He checked with every like-sized community in the region and no town can come close the Hudson's volume of code enforcement actions taken in '07. This is a peak time in code enforcement. This week, the phone started ringing at 8:05. The Inspectional Services Supervisor, coupled with the Electrical Inspector, had 106 inspections in July, which is an awful lot of ground to cover by one and a half individuals. Both of them have worked in town for a long time and their plate is pretty full. They've been attempting to fill the void as best they can. It's tough to use existing bodies, particularly at this time of the year because it's peak time. He envisions his role as coming to the Selectmen as the department head with eight years experience working here and telling them that if the level of code enforcement is expected to be at or above where it has been—and 166 code enforcement actions isn't a bad start—they need a full time person to do that and to place this position at Step 1 of the salary scale, which would be a savings because the previous individual was at the top step. They could talk about the method of reporting, but he thinks they've beat that horse to death. The need is there. The need is real. He hears it daily from people who live in town, who expect code enforcement, who tell him they pay taxes and they do the best they can, given the staff they have. Without a person there, it's certainly more of a challenge. People will wait longer, but they will get the job done. He won't sit there and tell them they won't, but it's not going to be easy and the wait time will be longer. If they expect 166 or better, which they can do, they need a full time body to do that. The position has been funded and exists full time. It has been approved by town meeting, as such. There's money in the budget and he requested the Board's authorization to fill the full time vacant position.

Motion by Selectman Jasper to defer until such time as the Board has the information necessary, seconded by Selectman Massey.

Selectman Massey asked what Selectman Jasper was looking for by deferring this. Selectman Jasper said they probably... Selectman Massey said OK. Selectman Maddox said maybe the middle ground was for Mr. Sullivan to look at part time. He didn't see them filling this position full time. He wouldn't support that. Mr. Sullivan was saying 166, so that's 332 people clamoring for that and only half, 166 are clamoring for it. The other 166 are probably on the other side of the table. The other 24,000 up or down, so he wasn't ready to put that at a full time position. He'd be willing to look at information on what it would take to bring in someone part time, 24 hours a week or whatever, and take it from there. Maybe that's the information that could be brought back at the next meeting.

Chairman Nadeau thought that in order to get the information they need, maybe this should be deferred to September 23. Selectman Coutu said maybe this should just be deferred, not to a date specific. Selectman Jasper said he was fine with that, to defer until such time as the Board has the information necessary.

Vote: Motion carried 5-0.

F. Fire Apparatus Repair History

Deputy Fire Chief Neal Carter said a request was made by a member of the Board to provide a breakdown for the cost of repairs to the fire apparatus. The cost analysis covers FY 07 to present and asked if there were any questions.

Selectman Coutu said he wanted to talk about the newest equipment that was purchased, and asked what the last two pieces of apparatus were. Deputy Carter said Truck 35/Ambulance 1 and Truck 36, which was the Pearce engine. Selectman Coutu asked if there were any problems with the ambulance. Deputy Carter said yes, some electrical issues. This 06 Demers ambulance was purchased out of Canada and it was the second ambulance off the line, so they had to work out some bugs and there was a problem with the multiplex wiring system. He thinks they finally have that fixed, so he didn't foresee any further problems with that. Selectman Coutu asked how long it was out of service for the wiring repairs. Deputy Carter said a month to six weeks. Selectman Coutu asked what the problems were with the Pearce and when it was purchased. Deputy Carter said it was purchased this spring and they haven't had any major problems with that truck. It put in service May 17. There was a cost for the state inspection, some lettering, and some bracketry to mount equipment. They had to get a new deck gun mount because the deck gun they used they got off of an engine that was in service about 40 years ago. They had to purchase a deck gun base because, along with the bracketry to mount it to the truck, they had to get a new deck to mount it to that. This year, they did a lube, oil, filter and state inspection. The shelving was for the KME, Truck 34. Selectman Coutu asked if it was fair to state that the Pearce was not out of service. Deputy Carter said it has never been out of service.

Selectman Coutu asked if there has been a piece of equipment, purchased within the last five years, that has been out of service for a considerable amount of time. Deputy Carter asked if he was talking about Truck 34, the KME. That truck was out of service for about three months and just came back last Friday. It started out with a brake issue, which was towed to a local vendor. When they worked on the rear brakes, they found a brake canister hitting an axel, which contributed to a problem with the brakes. They talked to the manufacturer so they could repair that. They decided to shim the axel and when they were taking it apart, they found a crack in the axel, so it had to be shipped back to the local dealer, Bulldog Apparatus in Massachusetts, where they were waiting for a new axel. Selectman Coutu asked if there were any costs incurred by the town. Deputy Carter said they paid Fleet Ready for the brake repair and shim work and are trying to get reimbursed from KME for that under the warranty and talking with them, trying to figure out who will pay for the axel. Selectman Coutu asked if the brake and axel were determined to be manufacturer's defect. Deputy Carter said no, not as yet. They Chief has been discussing that with them and they've been going back and forth. Selectman Coutu asked if they were saying it was the town's fault. Deputy Carter said not to his knowledge. Selectman Coutu asked what the total amount was that will, hopefully, be covered under the warranty. Deputy Carter said \$4,377 for the brakes, \$955.08 for the shim and they haven't gotten the bill from Bulldog for any of the axel work. Selectman Coutu asked how much they paid for the KME. Deputy Carter believed it was around \$360,000. Selectman Coutu said from the sounds of things, it could cost around another \$5,000 for repairs. Selectman Jasper said that's why they didn't buy another KME.

Selectman Coutu said he has had a lot of inquiries about the equipment being out. People are entitled to become posers when they show some concern about public safety, and the question that arose the most was if the public safety agencies are going to make an argument to buy new replacement equipment and it's out of service for two, three months, do they really need it? The town didn't burn down because the truck wasn't there for three months. One of the duties of the Selectmen is to protect the taxpayer, to whom they are answerable. People come to individual Selectmen and they pose questions. The one he's heard most often is if there is a vehicle that is out for three months, did they really need it to begin with? That's why he asked that this exercise be done. He reviewed the packet, but plans to really analyze the numbers. It is a substantial document and he appreciates the time and effort that was put into compiling it. If he feels further clarification is necessary, he'll discuss it with the Board. When he looks at the cost of an item, and then at the cost of repairs, including labor, towing service, etc., he questions if it can be justified. He knows they're dealing with a huge piece of equipment, not a car, but some of the repair costs are outrageous. They've learned their lesson with the KME—and he'd like to go back through the records to see who recommended that and why.

Selectman Maddox said it was an interesting document and was glad they put it together. He was fascinated that it cost about \$450 for lube, oil and filters for the state inspection. He asked if that included travel time. Deputy Carter said they are charged an hourly rate for travel time. In some cases, they come down here and do several vehicles in the station, as many as they can in a day, and they charge travel time for that. Selectman Maddox said that's one thing he would look at. State inspection with lube, oil and filter, \$385, yet other trucks are at \$60. That's why he's having a tough time. Deputy Carter said those were smaller vehicles—ambulances, cars, forestry vehicle. The heavy duty vehicles, the engines, the ladder, the rescue, the tankers—those are the ones the incur the higher cost. They are trying to maintain them and stay ahead of the game and it's not easy. Right now, they are being more reactive than proactive, but they're trying to get things done.

Selectman Coutu asked if the costs for repairs were strictly from vendors and do not include the costs paid in-house, the overtime, to fix things. Deputy Carter said the costs before them were just from outside vendors. They have three firefighters working part time on overtime to try to maintain a 24-vehicle fleet. It's quite a task. Selectman Coutu asked if he could get the figures for the cost of repairing vehicles through department overtime for the past three, six and 12 months, if he asked for that information. Deputy Carter nodded his assent.

Selectman Jasper said relative to the question if a piece of equipment is really needed if it has been out for three months, redundancy becomes important in the fire service. For years, his opinion has been that they need three front line engines, but that really means they need to have four engines because when that engine was out for three months, one of the other engines went down for a day, and that left them with two trucks for the whole town, which is not acceptable. Yes, they do need it, even though they may not have needed it in that three month period. With this kind of apparatus, that is going to happen.

Selectman Coutu said one of the answers he gave was they may not have a fire for four months, but that doesn't mean they don't need firemen. He understands where Selectman Jasper was coming from, but he was concerned about labor costs that is being incurred. Selectman Jasper said sometimes not even necessarily as it gets older does it become more expensive. They've got the 92 KME with \$11,000 and the 95 ladder with \$16,000, the 97 Freightliner—the Freightliners were bought as a stop-gap measure because they had trucks that literally fell apart and they had to replace two quickly. They figured if they were lucky, they'd get 10, 15 years out of them and they're at 10 years now. Those trucks will become more expensive to maintain and they are also being used at a higher rate than they were when they were purchased. He really pushed to look at the Pearce's because they had a good reputation and he wanted to look at a more reliable truck than what they had. When the other trucks were new, they were out constantly on warranty work right away; there was always some little problem with them in the first six months, but this Pearce has been a good truck, so far. They definitely made a good move there.

Deputy Carter said what they are finding with the commercial vehicles they bought 10 years ago, they weren't being used much for the first eight years. Now that the other stations are manned, they are getting used more. As they are putting miles on them, things are breaking.

G. Donation of \$250 to the Fire Department from BAE Systems

Motion to accept the donation, with the Board's thanks and appreciation, by Selectman Jasper, seconded by Selectman Maddox, carried 5-0.

H. Proposed Ordinance for Stop Sign at Intersection of Putnam Road and Old Derry Road

Town Administrator Steve Malizia said the Highway Safety Committee reviewed this issue and are recommending a stop sign.

Motion by Selectman Jasper to accept the recommendation of the Highway Safety Committee for the approval of an ordinance for the stop sign located at the intersection of Putnam Road and Old Derry Road, seconded by Selectman Massey, carried 5-0.

Selectman Jasper said the stop sign is already installed at that location. When he saw it, he didn't recall that Board had adopted an ordinance for a stop sign there. When he called to inquire about it, the explanation was that after Senter Farm Road was put in, it was a straight shot across and without a stop sign there, especially at night, it could easily appear that it was a continuation of Putnam Road. It was deemed to be a safety issue and that is why the sign was installed immediately. Legally, they probably can't give anyone a ticket right now, but the sign is there for safety reasons.

I. Restricting Access to the Boat Ramp at Claveau Landing at Ottarnic Pond

Town Administrator Steve Malizia said this went to the Highway Safety Committee, but they didn't feel that it was in their jurisdiction to put up restrictive signs. However, the Police Department was recommending some sort of time restriction so it can be enforced. They've had vandalism, so they'd like the Highway Department to post some signs down there to give the police some authority to enforce them. Selectman Massey suggested dusk to dawn.

Ronald Sprague, 99 Highland Street, said there were quite a few people who fish at Claveau Landing at dawn.

Selectman Jasper said he'd like to know exactly what the signs were going to say.

Ed Mercer, 93 Highland Street, said he was the co-chair of the Advocates for Ottarnic Pond. This whole process was initiated by his partner and co-chair, Karen Mercer, who appeared before the Safety Committee. They presented evidence of recent vandalism to the kiosk that was built for the purpose of informing the public and boaters of the restoration project of the pond, a little history of it, general conditions, etc. They've invested a significant amount of time, effort and monies, thanks to the Board of Selectmen, Conservation Commission and all of the other boards for the building of the kiosk and funding for the restoration of the pond. Over the winter months, the kiosk was vandalized several times. The plexiglass was broken and damaged. Over \$110 was spent out of pocket to replace the plexiglass and update the information. That lasted about a week. When the plexiglass was broken initially, the pieces were broken out of it and the vandals tried to set fire to the written information. Unfortunately, they didn't lose the kiosk. It is well built and sturdy, and the plexiglass is 1/2" to 3/4" thick. The Police Department has been very responsive. Several incident reports have been filed, but their hands are tied because there isn't any restrictive posting in that area. They suggested a dawn to dusk sign. Then they'd have legal authority if they found someone in there, using it for the wrong purposes. There is dumping occurring there, too—old tires, gas grills. In 2005, there was a chemical spill in there. A landscaping company back-flushed their equipment with the hydroseeding and the boat ramp and the trees, 20' up, were covered with hydroseed. It was a mess. They worked closely with DES and got the problem rectified and the area cleaned up. They and their neighbors are vigilant, but they are concerned that something will get out of control and all of their efforts will be for naught because they can't be there all of the time. There is a lake host program in effect and Ron is manning the station on the weekends. They also conduct water monitoring efforts, weed watching, etc., and they don't want to lose it and they don't want to see the boat ramp closed.

Selectman Maddox asked if they were going to punish the people who want to use this pond to fish, if it is posted from dusk to dawn. Mr. Sprague said, as lake host, the predominant time people come in to fish is between 7:30 – 8:00 a.m. Mr. Mercer said he has lived directly on the pond for 29 years and he has never seen a boat out there at sunrise. People do come early, but not before sunrise. Around the 4th of July, when fireworks activity is going on, there might be some boats out there, but they are mostly residents of the pond and they are well lit, according to registration purposes. There is no late night activity. There is the bonfire activity that was called in and reported and an occasional vehicle on the ice.

Mr. Sprague said over the past winter, there were not only four-wheeled vehicles on the ice, but actual pickup trucks and automobiles. Selectman Massey said the bad news is they are out there. The good news is if they go down in the water, they have to pay to retrieve them out of the water at their expense. Mr. Mercer said that wasn't good news because they would lose a significant amount of water until that vehicle was retrieved, and then there would be contamination to deal with.

Selectman Coutu preferred posting specific hours, such as 7:00 a.m. to 7:00 p.m. Courts have found dusk to dawn to be too ambiguous. Chairman Nadeau didn't think 7:00 p.m. was a reasonable time to quit fishing. He goes bass fishing on Robinson Pond at 9:00 at night, or cat fishing, so 9:00 or 10:00 would be a better time. Selectman Jasper said even though the courts may not find dusk to dawn, this would be an issue where the police could tell someone to leave. They're not going to say, "take me to court." They are talking about vandalism, and that is going to occur when it gets dark, in most cases.

Mr. Sprague said the majority of people tend to leave the pond by 6:30 and the people who do stay later, leave by 7:30-8:00 p.m. As soon as the mosquitoes come out.

Motion by Selectman Jasper to authorize the posting of signs, restricting access to Claveau's Landing at Ottarnic Pond from dusk to dawn. Selectman Maddox asked why this wouldn't require a public hearing. Selectman Jasper said because it wasn't an ordinance. Selectman Maddox thought it should be because they were saying there was no access from dusk to dawn. Selectman Jasper thought that was right—there should be an ordinance and they should move this to a public hearing.

Motion by Selectman Massey, seconded by Selectman Jasper, to ask the Town Administrator to schedule a public hearing for an ordinance restricting access to Claveau Landing from dusk to dawn and the posting of a No Commercial Vehicles sign.

Selectman Maddox asked why not wrap that commercial vehicle into it, all in one package. There's a sign that says No Commercial Vehicles to try to fix the problem with the dumping. Selectman Massey accepted that as a friendly amendment; Selectman Jasper agreed.

Vote: Motion carried 5-0.

Mr. Mercer asked to be notified when this would come back before the Board. Mr. Malizia said it would be posted on the web page, in the HLN and on cable TV. Mr. Mercer said if anyone had any questions, to please contact them directly.

J. Investment Policy Update

Finance Director Kathy Carpentier said this is to be used primarily by the Treasurer and should be reaffirmed every year by the Board of Selectmen. She couldn't find any record, however, of this being done since 1992. In collaboration with the Finance Director at the school (who is the Town Treasurer) this policy was developed. It was adopted by them on July 7.

Selectman Maddox thought this was prudent, but thought the Treasurer should come in because it falls under her purview, but it would be nice for the citizens to actually meet the person they've elected. He met her only by running into her in this building during off hours. As an elected official, he thought she should have some input into this. Selectman Massey said the Treasurer is required, by law, once a year, to update the policy. The Trustees of the Trust Funds are also required by law to adopt the policy every year, even if it's the same policy they had the previous year. He was surprised when he saw that the Treasurer wasn't involved with it. He thought they would want to see her.

Ms. Carpentier said Ms. Burnell was involved in it; she sent over the school's copy and Ms. Carpentier just did some cut and paste and amended it to be the town's policy. Selectman Massey said the statute says it is the Treasurer who is responsible for adopting the policy. Ms. Carpentier said no, it's the Board of Selectmen who adopt the policy. Selectman Massey said the Treasurer is responsible for doing it and he didn't see that person's fingerprints on this. Ms. Carpentier said it would be nice for the citizens to meet Karen, but she wanted the Board to know that she was OK with this document.

Selectman Jasper said he didn't have a problem with asking the Treasurer to submit a memo, saying she was recommending this, but if they don't have any questions and they are just asking her to come in to spend the night at a meeting so she can sit for 30 seconds... a lot of people already know Karen Burnell. It's not the Selectmen's job to introduce other elected officials to people and take up her night to sit for 30 seconds and say yes, I recommend the policy. He believed she was on board with this and was a part of it and there was no reason to delay this any further. He objected to asking her to come in and sit. She works for the people, not the Board, and that should be good enough.

Selectman Massey said it would be good enough for him to see the Treasurer's signature on the document, or a memo from her, recommending it. In the case of the Trustees, they are responsible for adopting the policy.

Selectman Maddox said he's been involved in town government for many years, and he didn't know who the Treasurer was. It would behoove her to want to introduce herself to the public and state that she agrees with this policy. Yes, it's time out of her night, but they all do that to get elected. It would be good policy practice, or whatever you want to call it, public relations, to tell the citizens where she stands on this issue.

Selectman Jasper said it's not their job to summon her here. If she would like to come, fine. If she wants to send a memo, fine. All the Board needs to know is that she is on Board with this and approves it. A memo with her signature will do that. It's not necessary to get public exposure in that job because it's a job that nobody wants to do to begin with.

Selectman Coutu said he met Karen Burnell the same way Selectman Maddox did—walking through the building. It would be a good idea if she came in to tell the Board, in person, that she was recommending this policy and affix her signature to a document and present it to them. He didn't think that was too much to ask.

Selectman Massey said Selectman Jasper was correct. They were talking about an elected official and they do not report to this Board. They could ask her to come in, but if she chooses to send a memo, that's sufficient for him. Chairman Nadeau said he agreed with Selectman Massey and Selectman Jasper. If she wants to just send a memo, that's fine.

Selectman Jasper said he met Karen Burnell when she was the Town Accountant back in the early 80's. She worked here before there was a Finance Director and then she went to work for the school district. When Mrs. Dubowik decided not to run again, Karen, thankfully, ran for that position.

Ms. Carpentier said she'd be more than happy to invite Ms. Burnell at any point in the future she'd like to come and meet the public.

Motion by Selectman Coutu, seconded by Selectman Maddox, to defer until a memo is received from the Town Treasurer as to her recommendation of the policy, carried 5-0.

K. Budget Parameter Discussion

Town Administrator Steve Malizia said he gave the Board a packet of what has been done in the past so the Selectmen can give the department heads direction in order for them to formulate their budget requests for 2010. The first sheet gives an idea of what a change in spending and/or revenue does to the tax rate; the next page is a history of where the property valuation has been, what the gross appropriations, including the water and sewer which are paid by those entities, have been; the town tax rate, as well as the total tax rate. This year, it's still an estimate of what was approved at Town Meeting. Last year, the Board directed that department heads submit a level-funded, or zero increase above the labor and contractual items, with any items they felt were important to be outlined separately, and prioritized. Selectman Coutu thought they should do the same thing this year. Chairman Nadeau agreed.

Motion by Selectman Jasper, seconded by Selectman Coutu, to direct the department heads to produce budgets, exclusive of negotiated salary and benefits, with no increase and to come forward with any increases as a separate document and a rationale for the additional expenditures.

Selectman Massey said they won't know until September or October what the default budget is, there are some things that are not in this year's budget that would be, by default, in the new budget that are just more than just contractual obligations on salaries. That should be factored in, too. Selectman Jasper said the motion is, essentially, the same thing as last year and they will have control of those as they go into the budget deliberations. Selectman Massey said they have to be careful this year. He's been thinking about this and his original instinct was the same thing—the zero percent—but if they come in with zero percent, they're talking about cutting services. If you look at the trend over the last years, the budget has gone up anywhere between 9% and it went down last year 1.27%, but for the last five years, the departments have essentially been working on a zero increase with the exception of contracted salary increases. This year, they've already seen the price of utilities go up. The price of all commodities are going up. \$400,000 on the townwide paving contract is going to get them half of what they were getting two years ago. They should be cognizant of the fact that if they wind up adopting a zero increase budget, they had better be making the hard choices on services because they are going to have to see increases in the utilities.

Selectman Coutu agreed, but the tone of the motion, the language proposed by Selectman Jasper, authorized department heads to submit requests over and above zero percent, as long as it is justified. The Board can look at it and may make exceptions. The cost of fuel and electricity have gone up, and they can look at things like that. If department heads have their talking points in order and can convince the Board they need something, the Board can make some exceptions and would allow them to increase that department's budget. At the end of this fiscal year, in spite of all of the nay-sayers and critics, wondering where they were going to get money for this and that, there was a surplus and there always seems to be a surplus at the end of the year. They are building a surplus each day they sit there. There are unfilled positions that are budgeted and there always seems to be money at the end of the year. Even with a zero based budget, he didn't think they would be cutting any services. Kevin Burns came up with a trial four-day work week and they'll see how that goes. The Chief of Police is well aware of the constraints he has with his budget this year and he has already made it very clear to his people that it's going to be a lean year, but it won't cut into the services. They may have to do without a few luxury items, perhaps, but in the long run, they're not asking people to do the impossible. If someone can articulate the need for an increase, the Board may agree and grant it.

Selectman Jasper said Selectman Coutu said it very well. This direction is for a zero-based budget without as much work as a traditional zero-based budget because it allows department heads to include any increases in a separate and definable area and it forces them to rank them. To allow for fuel, they will have to sacrifice something else and whatever comes out would go in a separate document. It will give the Board a much clearer picture. He wasn't in favor of the motion made last year that did this, and he argued against it at the time, but he came to appreciate the ability it gives them to better manage the budget. From 2000 to 2008, eight budget cycles, as tough as the Board of Selectmen has tried to be in keeping the increases down, the budget has grown \$7,003,000. This year, while it appears the budget went down; it was tight, but there was that \$400,000 that they took out from the water. There were some other things, including the trash savings, so the budget still grew. The year before that, it grew about \$1 million. The tax rate went up almost 5% last year.

Selectman Maddox said there may need to be some adjustments. As they look at the budget, they need to look at some things that are a luxury that they remove from one budget to be able to facilitate the entire budget to be as close to zero as possible. It depends on how things are presented and how the Board perceives the need. There may be some cuts that need to be made, but that's what they get paid to do. Let the budgeting begin.

Selectman Massey wanted to make sure that when people hear zero percent increase, they are automatically talking about an increase in budget because if you hold all of the operating expenses at zero increase, they still have increases in salary and benefits. They're not talking about all things being equal. The budget for next year will be higher than this year, on that basis.

Vote: Motion carried 5-0.

L. Sale of Town-owned Property, 6R Power Street, Map 167/Lot 007

Town Administrator Steve Malizia said Selectman Massey brought this item to his attention and asked him to submit a request to the Board to consider selling a piece of town-owned property. He circulated the request to the department heads, who provided input. It appears to be a superfluous piece of property picked up through a tax-deeding process back in 1992. It does not appear to have a value to the town of Hudson. It looks like the back half of a lot that, for some reason, got sub-divided out. The lots on both sides of it go all the way to the back line; this one didn't. This homeowner who owns the front has asked to buy it, but the town cannot just sell it. It has to be gotten rid of at public auction or sealed bid process. Given the size of the parcel and probably value, he recommends a sealed bid where the abutters are notified, notices are put in the paper, indicating a deadline. The Board reviews the bids and if they are found to be acceptable, they can accept one bid, sell the property and move on. This lot doesn't appear to have any strategic value to the town, unless there's some sort of oil well back there that he doesn't know about.

Motion by Selectman Massey to authorize the sale of a town-owned property located at 6-R Power Street, Map 167/Lot 007, by sealed bid without a minimum bid specified

Selectman Massey also added, "further, the winning bidder must consolidate the lot and there will be no buildable lot available." Mr. Malizia said he couldn't make that motion because if someone from somewhere else happened to buy it and they don't own an adjacent lot, there's no way it can be consolidated; they'd be restricting who can buy it. Selectman Massey said then the motion should say it shall be a non-buildable lot. Mr. Malizia said it has no frontage. Selectman Jasper said they can't build on it unless they combine it anyhow.

and, further, the Board of Selectmen reserves the right to reject any and all bids received, seconded by Selectman Jasper.

Selectman Maddox said he wanted to point out that recently Public Service sold some land to another developer. Just because someone thinks it is landlocked, they don't really know.

Selectman Coutu said he saw that the land value was \$2,500 and the only problem he has with the motion is that it didn't have a minimum bid. Selectman Massey said they'd be discussed in nonpublic, if the motion passed. Selectman Jasper said the Board has the right to put a minimum bid on this, but he'd argue against it. Probably only PSNH and the other abutters are the only ones who would probably be interested in bidding on it. Regardless of how much they pay for it, it appears at least \$2,500 would go back on the tax rolls. He wouldn't really care if the low bid was \$1. The assessment is what it is. The town will get some tax revenue on a continuing basis, whereas now they are getting nothing.

Vote: Motion carried 5-0.

M. 2009-2010 NHMA Legislative Policy Conference

Town Administrator Steve Malizia said the Board members all received copies of this packet individually, as well as tonight. These were the items for which NHMA was seeking support. Selectman Massey is the town's representative to that and he was looking for the Board's position on the individual issues, whether or not to support them. Selectman Maddox said this is something that should have been done in a workshop meeting.

- 1) Legislation to waive municipal recording fees for the establishment of release of elderly deferrals at the County Registry of Deeds. (Board of Selectmen support? Yes).

Selectman Massey said he had no position on this one. Selectman Maddox asked how many of these they did; it was \$17. Mr. Malizia said it was \$29 now, that it was not a big exposure to the town. They've probably done 10 of these over the last 10, 15 years for this deferral. Selectman Massey believed the consensus was yes.

- 2) An amendment to RSA 72:28, IV (a) to allow all veterans residing in the State of New Hampshire with an honorable discharge to qualify for the Standard and Optional Veterans' Tax Credit, regardless of whether they served their country during the qualifying wars and armed conflicts currently listed or received the required medals. (Board of Selectmen support? Yes).

Massey was reminded of something a previous Selectman said and was somewhat in that position today. The way the state statute reads on veterans' credits, the only veterans that are qualified to receive that are those who served on certain specified periods of time. The problem with that is there are people who served in that period of time that never came in harm's way. There are people that served outside that time who have come in harm's way, who are not eligible for it. A previous Selectman rightly felt that if you are going to do this, you should do it for all veterans, not just because he served in a specific period of time. If you do that, however, you increase the total amount of exposure to the town significantly because, as an example, even though he only served three and a half years in the Air Force, he'd be eligible, if this were to pass, and so wouldn't anybody else who served... anybody who got an honorable discharge from any branch of the service would be eligible, so he would vote "no" because of the significant cost impact to the town--unless the Board has a different idea.

Selectman Jasper said that was his position for the same reasons. Selectman Maddox said this was one of those things where it would be nice to have some data on it. Mr. Malizia said there are approximately 1,000 exemptions granted right now for veterans, but they'd have no way of knowing how many more may qualify. Selectman Jasper said that adds up to \$500,000 so that impacts the tax rate at 18 cents right now, and you could quadruple that number easily, and that is the problem, because it's not a situation where, if you were in during a conflict, or you actually saw battle, you'd get \$500; if you were in during the conflict, but you didn't see battle, you'd get \$300 and if you just served, you'd get \$100 and these are actually dollars off your bill. He didn't think most people understand that. They think it's just \$300 off your assessment, or something. It's \$300 off, \$500 off your bill each and every year and you may not have served for a very long period of time. Probably most of these people are going to get more money on a tax credit than they earned in the service, by the time they are done.

Selectman Coutu said he supported this, even if is going to cost 18 cents on \$1,000 of his property valuation, every single year, to reward those people who served our country honorably, then I'll pay the 18 cents, and if it goes up to 35 cents, he'll pay that. This country does very little for our servicemen when they come back from overseas and we need only to witness the existing war and the conditions and the services that are lacking, the conditions that these men and women are coming home with, and the services that are lacking. He strongly supports veterans, the tax break for veterans with an honorable discharge, and he will continue to support that. If he's in the minority, so be it. Selectman Jasper believed that those who are serving in this conflict will, and they are now, eligible.

Selectman Coutu said his point was that anyone who serves in the military is subject to being called at any time and be placed in a situation. They're taken away from their families and their homes and they are serving their country and if they served it honorably, we owe them something, and as a taxpayer, he didn't mind paying it. That's how he feels and that's how he has always felt. He's never had a problem with exemptions for seniors or for the veterans, and when you look at the tax rate, which Selectman Jasper has so aptly pointed out so many times, the overall tax rate for the town of Hudson and how much the Selectmen control, less than a third of the tax rate is impacted by what they do, yet they get the bulk of criticism about how much money they spend and how wasteful their spending is. People fail to realize that better than 66% of the budget is controlled by the school department and the county, not the Board of Selectmen. His next door neighbor has been living in this town for seven years, an honorably discharged veteran from the conflict in Saudi Arabia and he didn't know he was entitled to a tax exemption. He's sure there's quite a few of them out there. Selectman Coutu said he'd support legislation that would grant it to all persons who put their name and give their service for this country, period.

Selectman Maddox said he didn't want to pay more money, but this is one of those things that they should do, so he'd go along with Selectman Coutu. Selectman Nadeau agreed with Selectmen Coutu and Maddox on this. Two years ago, they raised it to \$500 at Town Meeting and wondered if it could be brought back down to \$300 and give it to everyone. Selectman Jasper thought so, but it's a very emotional issue. It's \$500,000 right now. That could easily go to \$2 million very easily. It's a significant impact on what people pay. If they keep making exemptions for everybody, soon there's only a few people left paying the taxes. He would have no problem if it's a credit saying because you served, we're going to give you \$100 a year off your taxes.

Selectman Jasper said there was a draft up until '71, and there are a few people who fall in those periods after World War II and before Nam that don't qualify. That's not the bulk of them, though. Those people probably wouldn't make up a lot of them, but there's a lot of people who volunteered to served after Nam, who didn't go any place, and every time there's an armed conflict, the Legislature carves out another time period and say if you were in there for this period of time, you get this exemption, so it is only when they're in harm's way, and so to say now, we're going to give \$500 to the person who was in harm's way and give \$500 to those who weren't, and to give that every year, 10 years, that's \$5,000 off your tax bill. He appreciates the veterans. His mother is a Korean war period veteran who never left

the country, but she's eligible. Until it went to \$500, she never applied. That's a lot of money that she would have been eligible for and could have received, for what? She was in California for all those years. He don't like the way the exemption is now. If you were actually in a shooting war someplace, whatever period, and you are shot at and you're eligible, fine. They've got policemen and firefighters who have been in a lot more harm's way a lot more times than some of these veterans. Just because this is an emotional issue, they can't keep taking money from the rest of the people in this town—and they were talking about a lot of money. We're half a million now. He'd bet there were 4,000 veterans in town right now, so they were talking \$2 million out of the taxes that everybody else, who has been paying the bills and doing the work and may have contributed to this society in many, many other ways, is paying and say now you're a third class citizen and you're going to make up for this and you're going to get \$500 for the rest of your life because you happen to be in the service maybe only for two years and you're going to get 500 bucks for the rest of your life for that two year service where you weren't in harm's way. He didn't think that's fair to everybody. What is currently on the books now is not totally equitable, but it recognizes those who are in the service during time of war.

Selectman Massey said this is one of those interesting things, and it is emotional, being driven right now by the fact that they do have an on-going armed conflict since 2001, so there's this natural interest in supporting veterans. Right now, the way the statute is written, anybody who entered the service any time after nine eleven and up till today, will be eligible for this. If this were to pass, he'd be eligible, too. He didn't know if he'd apply for it, but \$500 is a lot of money to leave on the table. On balance, when you start getting to the point for everybody has an exemption, you wind up that the few pay for the many and at some point in time, you have to say wait a minute. Everybody should be paying some portion of it. (Amended by BOS on 9/23/08) ~~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.~~ Insert: 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 September 12, 2008.

3) A Constitutional Amendment (CACR) to amend Part II, Article 6-A to clarify the uses of funds in the Highway Trust Fund. (Board of Selectmen support? Yes).

Selectman Massey thought this was a yes and asked how many bridges have been declared as being in the red. Selectman Jasper said quite a few. They already have an article that says this, so the devil is in the details. There's a certain amount of legitimate money that comes out of there to pay for administrative costs and things that aren't going directly to repair and maintain bridges, but for the design of the repair and maintenance of the bridges, and the administrative overhead to do that. This one's a little tricky but, in general, he supports the concept. The rest of the Board was in favor of this. Selectman Maddox asked how Health and Human Services got money out of this. Selectman Jasper said there are abuses. Selectman Maddox questioned Tax and Land Appeals. Selectman Jasper said that's probably an issue of right of way takings for highways. They'd have to get into the details of all of these because on the surface, some of them looked ridiculous. The money has to come for someplace, but don't complain when the taxes go up on something else, because they will. If they support this, taxes will go up someplace. If they want to put more money into the roads, and that's appropriate, but recognize there will be a tax increase of this passes. Selectman Maddox said maybe some cuts may be made. Selectman Jasper and Selectman Massey didn't think that would happen. Selectman Massey asked if this was a yes or no. Selectman Jasper said no. Selectmen Coutu, Maddox and Nadeau said yes. Selectman Massey said he felt the same way as Selectman Jasper and would vote no, but with a vote of 3 to 2, he'd cast his vote in favor of this one.

4) Legislation to amend RSA 318-B concerning the location and operation of Methadone clinics in our cities and towns. (Board of Selectmen support? Yes).

Selectman Massey said he had no position on this one. Selectman Coutu asked if they were to vote yes on this, it would give local control to the municipalities on where and whether or not a methadone clinic can be located in a town. Selectman Massey said yes. Selectmen Coutu and Nadeau said they'd support this legislation. Selectman Maddox said he thought zoning would do that. Selectman Jasper said Hudson has had a methadone clinic in town for a long time and, to his knowledge, it has never caused one single problem. Mr. Malizia said there were a couple accidents with folks going to treatment. Selectman Maddox said and there has been related activity, too. Chairman Nadeau said yes, if it is located far away from services. Selectman Maddox said he thought a better method to handle this would be zoning. Selectman Coutu said the purpose of a methadone clinic was to wean people off drugs. He has a half-brother who has been on methadone for 31 years; there was no weaning. It's ineffective. There are plenty of methadone clinics around the country that are fine, and this may be a tremendous one, but there are those who say not in my back yard. They need to control that. If someone wanted to put a methadone clinic in his back yard, and 15 of his neighbors came to him saying they didn't want it there, since he represents those people, he'd have to make a decision. This Board should have the ability to decide whether or not they should recommend a clinic in certain parts of the community. He would support this. Selectman Jasper said he didn't really care. Chairman Nadeau was in favor of it. Selectman Massey said he'd vote in favor of this one.

5) Legislation to amend RSA 40:13, IX (b) to clarify the definition of the Default Budget with language similar to that proposed in HB 479 (2007), which would have provided a specific definition of debt service, employment contracts,

other obligations and one-time expenditures, which are terms appearing in the default budget statute, among other things. (Board of Selectmen support? Yes).

Selectman Massey said with the backup on this one, they didn't give any idea of how they would define some of these terms. Mr. Malizia said they've done a credible job explaining to the town, which has been an SB-2 town for the last 10 years. Nobody has come back to say the town is doing something shady. It's right out there in the open.

Selectman Jasper said previous School Boards, not the current one, were pretty shady with how they did it. They always managed to make the default budget higher than the operating budget, but that goes back a number of years. He can see where it would be a good idea to support this one because there are people who play games.

- 6) An amendment to RSA 485-C to give the municipal governing body the final approval authority on water withdrawals from aquifers for commercial bottling purposes. (Board of Selectmen support? No).

Selectman Massey said the catalyst for this was Northwood, where United Water Services, or whatever the name was, wanted to withdraw several hundred thousand gallons a day out of the aquifer. This is saying the governing body would have final approval as to whether or not large amounts—a minimum of 57,000 gallons per day. He thought they would want to say yes to this one. Among other things, Hudson has an aquifer they are using. Mr. Malizia said that one is in Litchfield, another town, controlled by another governing body, which might impact Hudson negatively. Selectman Jasper said this was a good one to stay away from. Selectman Nadeau agreed. Selectman Massey said OK.

N. Budget Plan for Water Connection, 6 Stuart Street

Town Administrator Steve Malizia said the homeowner has asked the Water Utility Committee if they can make a payment plan for hooking up to the water. There would be an assessment filed at the Registry of Deeds that states interest will be paid, and it will be paid by July 1, 2009. They did one of these with a property owner in January of this year. Basically, there is a lien on their property. If something goes wrong, they can collect against that lien. Selectman Coutu said the committee approved the plan and he didn't see any problem at all with it.

Motion by Selectman Massey, seconded by Selectman Jasper, to approve the payment plan for 6 Stuart Street, as an attachment to the memo to the Town Administrator from the Water Utility Committee dated August 1, 2008, and that the payment schedule be as indicated by the Water Utility Department, the third page of the packet, carried 5-0.

8. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Coutu said he, Selectman Jasper and the Town Administrator will be meeting with a representative of the Governor and the DOT next Thursday, September 4 at NHDOT at 1:00. Mr. Malizia said they will meet with Nancy Mayville, the Assistant Commissioner, the Governor's representative and Attorney Hodes. Selectman Jasper said the Governor's representative was going to try to see that the Commissioner is there. Selectman Coutu said this will give him an opportunity to see firsthand how NHDOT operates and see for himself if the stories are true. He wanted the citizens to know that this Board of Selectmen is doing everything it can to bring the Benson's property issue to a conclusion and he hoped this would get them going in the right direction.

Selectman Coutu thanked Selectman Massey for making the effort to work with the Seniors to see if some accord could be reached and he's looking forward to working on that with him.

Selectman Maddox said he was going to continue on with the Benson's bandwagon, but he wasn't as warm and fuzzy. At the Board's August 12 meeting, he made the mistake of not making a motion, but there was a consensus to invite the Governor to their second meeting in September, holding his feet to the fire. Invite him to tour Benson's and show him the condition of those buildings and ask him if he would want to be maintaining those buildings that NHDOT—which stands for Never Having Done on Time—wants the town to take over. You could drive a truck through the letter that the Chairman wrote. "We meet at 7:00 on the second and fourth Tuesdays of each month, with some exceptions due to holidays and voting and the like." He could show up in 2091. They need to send another letter, inviting him to the second meeting in September, a clear, definable date. He moved to change the letter and resend it, clearly stating a date. You may have a wonderful meeting and as Selectman Jasper, who has told them he's had seven or eight wonderful meetings, and it goes nowhere.

Motion by Selectman Maddox to send a letter with a definite date of the second meeting in September, seconded by Selectman Coutu.

Selectman Jasper understood his frustration, but they have already sent the letter and a meeting has been scheduled for the 4th. They should wait until the next meeting before they invite the Governor, even if it's in October. They should wait to see what transpires at the meeting on the 4th before they do anything. It might be totally pointless to invite him down, if it's going to happen next Thursday.

Selectman Coutu said he was still having conversations with the Governor's appointment secretary, trying to achieve exactly that. He has all but been assured that he will be coming to Hudson, specifically to visit Benson's, come to the Board to discuss Benson's, and to also discuss the potential park behind Stop & Shop. He'd like to see that come to a conclusion. Either it gets built, or they take the \$25,000 and run and give Stop & Shop the other \$75,000. He is still trying to get them here. She called him, apologizing because the Governor is so busy with the tornado problem. Selectman Coutu asked if Hudson needed a tornado to get the Governor to Hudson. Selectman Maddox interjected that he thought Esther could get a good spin going at Benson's. Selectman Coutu said sooner or later, the Governor would come to Hudson. Although the secretary said he was so busy, the Governor was in Nashua the next day.

Selectman Massey said they need to get real. Hudson is only a municipality and the Governor is in charge of the whole state. They don't ask the Governor to sit in front of them and get into a negotiation session with him. He didn't have a problem inviting him to Hudson to tour Benson's, and have one or two Selectmen with him, but he didn't think anything productive would come from having the Governor sit before them and fire questions at him. Talk about human dynamics gone wrong. Yes to an invite to Benson's, but no to a meeting. Chairman Nadeau said he has been invited.

Vote: Motion failed, 2-3. Selectmen Maddox and Coutu voted in the affirmative.

Selectman Massey said he and the Town Administrator talked about how they are going to go forward with selecting a replacement for Chief Gendron. This agenda was fairly full, so they are going to talk about it on September 2 at the workshop. He asked them to think about what it was they'd like to see as they go forward with the Police Department—status quo, turnaround, etc., because what they want the Police Department to be is going to dictate in no small part what the new chief would be. He'll have available some information on salaries in the area and some general proposals on how to proceed. That will be in the packet for Thursday.

There was a flurry of activity on Lowell Road to get the sidewalk project going, but nothing is going on right now. Although they knew it was there, when they did the test borings for the underground service area for Verizon, it's not exactly where they thought it was. As a result, they have to do some redesign work. They expect to be back working within two weeks.

Selectman Jasper the new library by Alvirne is starting to take shape. Steel will be going up soon and it's starting to look like something.

He extended sympathy to Chief Murray and his family on the loss of his mother. Most all of them went up to Manchester to the calling hours yesterday and the town had a good turnout from police and fire and other departments, which was appreciated by the Murray family.

Selectman Nadeau said he didn't have anything.

9. **NONPUBLIC SESSION**

Motion by Selectman Jasper, seconded by Selectman Maddox, to enter Nonpublic Session 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; (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 at 10:15 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public was asked to leave the room. Open session was entered into at 11:08 p.m.

Motion by Selectman Jasper, seconded by Selectman Maddox, to seal the nonpublic session minutes, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Maddox, to hire Steve Porter as 2008 Soccer Director for the fee of \$1,275, effective August 27, 2008, as recommended by the Recreation Director, carried 5-0.

10. **ADJOURNMENT**

Motion to adjourn by Selectman Massey, seconded by Selectman Jasper at 11:10 p.m., 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