

HUDSON, NH BOARD OF SELECTMEN
Workshop Meeting of July 1, 2008

1. **CALL TO ORDER** by Chairman Nadeau at 7:00 in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE**, led by ZBA Chairman Brad Seabury.
3. **ATTENDANCE**

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

Staff/Others: Steve Malizia, Town Administrator; Sean Sullivan, Director of Community Development; ZBA Chairman Brad Seabury and members Mary Ellen Davis, Bill McInerney, Jim Pacocha and Marilyn McGrath (arrived 8:30).

4. **MOTIONS TAKEN AFTER NONPUBLIC SESSION ON JUNE 24, 2008:**

◆ Motion by Selectman Coutu, seconded by Selectman Jasper, to hire Erica Coleman as full-time telecommunication technician effective Wed, 25 June 2008 @ \$16.64/hr, according to the Police Local 3657 contract, effective July 1, 2008, as recommended by the Police Chief, carried 5-0.

◆ Motion by Selectman Jasper, seconded by Selectman Massey, to authorize the Police Chief to post the position of part-time telecommunications technician in the Police Department carried 5-0.

◆ Motion by Selectman Maddox, seconded by Selectman Coutu, to adjourn at 11:30 p.m., carried 4-1. Selectman Massey voted no.

5. **MINUTES**

Board of Selectmen's Workshop Meeting of June 3, 2008

Motion by Selectman Coutu, seconded by Selectman Massey, to accept the minutes, as presented, carried 5-0.

6. **DISCUSSION ITEMS**

A. **Budget to Actuals** (Deferred to July 8, 2008)

Town Administrator Steve Malizia said, as today was July 1st, the payroll was being processed this afternoon, so the report was not ready. He can bring something to the July 8th meeting to give a preliminary of where they ended up. There will be some expenses to still hit the books, which are kept open until July 11th.

B. **Discussion with ZBA and Community Development Department**

Chairman Nadeau recognized the Chairman of the ZBA, Brad Seabury, who said he was getting healthier by the minute, then introduced the members who were there--Mary Ellen Davis, Bill McInerney and Jim Pacocha. Mr. Seabury said his understanding was that the ZBA was invited to this meeting to discuss whatever the Selectmen wanted to discuss, but if they didn't have anything, Mary Ellen drafted a list of items for discussion.

Ms. Davis asked if everyone received the items she e-mailed to Priscilla this morning. (They did.) These were items the ZBA would like to take, to table items that were causing them angst or may have areas for improvement they'd like to suggest, either to the Board of Selectmen and/or subsequent boards that would implement any of the changes, and anything the ZBA feels the Selectmen could do to help the ZBA. That was the approach that they took when they formulated the agenda. It doesn't mean they have any issues or problems; they just may need additional help or support.

Code Enforcement The ZBA depends a lot on code enforcement and to have the ordinances upheld and if they are not, to go through the proper process of enforcing those ordinances. If the ZBA makes any decisions with stipulations, those stipulations should be upheld. The ZBA wanted to clarify this is a full-time position and that the code enforcement role is allotted between 80%-90% on code enforcement. Through discussions with Mr. Sullivan, that role may spend some time in the building inspecting area, but a good percentage of that position is dedicated to code enforcement.

Selectman Massey asked what the ZBA needed to understand relative to the status of the position. Ms. Davis said the ZBA's understanding was that role is a 40-hour work week, and that those resources are dedicated to code enforcement within the town. Is it safe to assume, from the ZBA's perspective, that that role spends those 40 hours a week, or is it allotted in a different percentage that they don't know about, so maybe the ZBA's expectations aren't in line with what that role entails. If that roll is allotted 40 hours, are those 40 hours in code enforcement, or is it 40-60, 30-70 and maybe they are just expecting a more pro-active role, and maybe the time isn't allotted that way. They are assuming it's a 40-hour work week.

Selectman Massey asked if the concern was prompted by the fact the ZBA perceives there is not a lot of enforcement actions taking place, or that the ZBA is being presented with cases and they wonder why they are there because there should have been a code enforcement? Ms. Davis said both, inasmuch as they feel as though there are cases that comes before them that could have/ should have/ had some sort of enforcement on them and other situations that should have been enforced that are blatantly in public view that aren't enforced, and they are not enforced until it's a reactive situation, as opposed to a pro-active.

Selectman Jasper said it's a full-time code enforcement position, but there are times when other duties may be assigned to that position. Mr. Sullivan is the best person to speak to that because the Selectmen don't go out and follow the Code Enforcement Officer around, or hear about his daily activities. He asked Mr. Sullivan to enlighten them as to a typical day or week for the Code Enforcement Officer. Mr. Sullivan said about 65% of the Code Enforcement's time is spent on code enforcement. When the Building Inspector was at a convention last week, building inspections don't end; the Electrical Inspector is here two or three days a week, depending on the workload, to supplement, as well as the Code Enforcement Officer. That happens regularly. When the Inspectional Services Supervisor (as of today) is out for whatever reason—illness, vacation conference—the Code Enforcement Officer has to pick up the slack and conduct those inspections. Throughout the course of a year, the maximum amount of time would be about 35%. This year, it might be a little different. The economy is slowing, but the volume of inspections do not seem to have reduced significantly, but the number of permits issues has dropped off.

Selectman Jasper said all the Board sees is the reports, so he asked what a typical day was for the Code Enforcement Officer, when he is doing code enforcement. Mr. Sullivan said he encourages the Code Enforcement Officer to spend more time in the field than in the office because you can't see things when sitting behind a desk—but you can get a lot of phone calls and help a lot of people at the counter. Today was one of the days where the Code Enforcement Officer did all of those. A typical day is a follow up day from the day before. Typically, he has some sort of schedule—goes out on the road at 9:00-9:30 until about 1:00-1:30 and grabs a sandwich while he is out. Comes back to the office and returns any phone calls that have come in on outstanding cases, communicates with the Town Attorney, follows up, enters detailed information into the report so there is an accurate read on the status of cases, back out into the field to fine tune anything, taking a ride around town—111, 3-A and 102—to see what's up and responds to any phone calls in the interim, back to the office at the tail end of the day. He calls people who are entitled to a follow-up phone call to let them know the status of their case.

Ms. Davis didn't know if they should be tabled for a future discussion or take it under advisement with the Board of Selectmen. Is 65%, based on the size of the town and the amount of work that needs to be done, a good number? Mr. Sullivan said last year, from January 1, 2007 – October 23, 2007, there were 166 code enforcement actions taken by the Code Enforcement Officer. Having worked here now for eight years, no town in the region, possibly including Nashua, can say they did 166 code enforcement actions. Mr. Davis said she's had these discussions with Mr. Sullivan time and time again, she first started asking about code enforcement, what was being done and what was not being done, back to July of 2007. She said it then and will say it now, there is a definite perception problem and they don't have a closed loop process in the code enforcement area. If somebody submits a code enforcement complaint, which is another discussion item she wants to bring up, there's no closed loop process to get back to that person that made the complaint, or anyone within the Zoning Board or just the general public on what's been done. There may be 166 cases that are documented, but of the 166, if they follow the process that is in place, and they submitted a signed, notarized form, did they get back to those 166 people? Mr. Sullivan said without a doubt. They either got back to them with a phone call, in writing, gone to their house and met with them, or they've come back in during the process and they got an update. It may take three months to solve the problem; it might take a year. Staff can control only so much. If they go to court, it may take a year or two, but the vast majority—most people are still good people in his mind—they identify a problem and propose a solution. Most folks they deal with want to cooperate. If one neighbor called about another neighbor, as happened three or four times today, they solve two or three of them—and he knows they were followed up on because he made a couple of those calls himself because sometimes they get elevated to his level to handle the follow up. The vast majority are handled by the Code Enforcement Officer. Yes, there is follow up, but he won't say that one or two may fall through the cracks because he's sure they do, but if someone complains, they have a right to know what the answer is, what the status is and what the end result is. Yes, they make the effort to do that. Ms. Davis asked if staff got back to the people when the case was closed or if there is a violation or not a violation. Mr. Sullivan said if the determination is made there is no violation, they will call and tell them that. It might take a week or two, but they have 30 days, per statute. If there is a violation, they attempt to solve the violation first, and then notify the people. If the people have asked for a status in the interim, or if they have committed to a status in the interim, they'll give them a call to let them know what's going on.

Mr. Seabury said the members of the Zoning Board have a peculiar problem. As a quasi-judicial board, they have to make decisions, but since they are driving around town all the time looking at things, that they see lots of things that aren't supposed to be there and part of the peculiarity is that they really shouldn't be in the position of reporting these things because if they do, then they can't sit on them when they come in. Today, he took a walk through his neighborhood and saw over half a dozen infractions, including illegal second driveways and two different properties that had trailer trucks parked on them. He's not going to come in and say his neighbors are doing something wrong, but they have reported such things in the past and they don't always feel they've gotten the kind of answers that Mr. Sullivan has said are given out. There's a collective feeling amongst the Zoning Board, and he's also heard similar comments by members of the Planning Board, that they don't feel there is enough code enforcement going on, that things aren't being seen. That's part of what Ms. Davis was talking about. It's a continuing issue. It has been in existence ever since he has been involved in town government—and he didn't know what the answer was.

Ms. Davis said to carry on that thought, she has personally submitted four complaints that had been notarized at the counter, and she never received anything back. As a member of the Zoning Board that understands the entire process, she feels as though a member of the public that doesn't understand the process, in her mind, may or may not be getting a full closed loop answer, is out there, thinking that nothing was being done, and that's the perception problem they have, and it has been going on for awhile. She thinks it can be readily corrected, if they just put something more in place to document that yes, they answered this person's complaint, and how it was answered.

Mr. McNerney said he was going to have a dissenting opinion. He realizes the passion and zealotry, but he thinks the ZBA, in many ways, has strayed off the reservation, and he's given this a lot of thought. They may be inadvertently acting beyond the

statute and ordinance of the ZBA. Nowhere in the ZBA bylaws or in state regulations can he read anywhere that says enforcement, etc., and Mr. Sullivan, the Town Administrator and the Board of Selectmen are the ones that a citizen should take their complaints to. One of the confusions is, are they talking as a private citizen or they are talking simultaneously as a Board member, or one or the other. He's afraid they are entering into same dangerous waters. He believes in the table or organization and chain of command. They've had a lot of discussions on zoning enforcement and spent a lot of time on it, but they have no duties or responsibilities, and it has gone to the point of where it is taking a lot of valuable time of the ZBA in creating ambiguity. He can't find where the ZBA has any responsibility. They can talk all they want, but they can't solve the problem.

Selectman Maddox said Mr. McNerney is right, but having sat on the Planning Board for a decade, it is frustrating, working out an agreement with someone, whether it be at the ZBA, Conservation or the Planning Board, and two days, two weeks or two years later, they're not keeping up their end of the deal. Unfortunately, they are probably the only ones that know what goes on at their particular board, it becomes a point of contention. The general citizen doesn't know, driving down X road, that this person agreed to whatever. It is these members. It should fall to staff, but they can't know everything that goes on in town—change of personnel, site plans are over years—it isn't an issue that the ZBA or the Planning Board should be involved in, but if a citizen—because these are all still citizens—has the right to expect that the town, through its employees, through its elected officials, do what is supposed to be done. Yes, there is a muddling of that position, but it's good people volunteering, putting in a great amount of time and effort, to see that for naught, makes them a little cranky. They need to do a better job as a town to do what should be done so they are not put in that position.

Selectman Jasper said Selectman Maddox is right, and that is the difficulty they face, in that the ZBA, as a board, doesn't have a role in looking at this. As individuals, they have every right and, perhaps, a responsibility to bring things forward. They also have the difficulty that if they do, and it ends up before them, they may have to step down, so that makes it a little more complicated. The problem, to a large degree, is that they have so many regulations in today's society. When he started as a legislator, he looked at what was on the books for laws, and how many there are now. His joke is there isn't a citizen in the state that can go about his business and not violate something during the course of a week. There are over 9,000 parcels in the town of Hudson and on any given day, it's very difficult for people to conduct their business and not commit some sort of a violation. If you have a busy life and a lot of activities and you're coming and going, there's always something that's going to happen that's going to create some minor infraction. If people are going to go out, knocking on doors, the town is going to be perceived as the Gestapo and they will pay the price for that. When neighbors complain about neighbors, that's when they really need to be concerned. It's bothering people and that's more of a concern, but sometimes if they just are trying to make sure that everything is just absolutely the way it's supposed to be, the Selectmen and Mr. Sullivan and everyone else in the office will be run out of town on a rail. There is some difficulty because they do have so many regulations. He's said to Mr. Sullivan on more than one occasion, he's got the last job in the world he'd want because no matter what he does, someone is mad at what he's done.

Ms. Davis said as a follow up commentary, as Board members and as private citizens, they have a dual role. If she votes on a case and the ZBA puts stipulations on that case, she expects the town, the Board of Selectmen, the Code Enforcement Officer and the Community Development Director, to support that decision and when that decision is violated, she expects them to do something about it. As a private citizen, she has every right to not go out to find issues. There are some very blatant things going on in town—cutting in wetlands, junkyards, storage, excess storage. These are blatant, out in the open, and she has a duty, as a private citizen, to report something like that and expect something to be done.

Selectman Coutu said for the past several years, he's heard similar comments made about blatant violations of conditions that have been set on developers. In view of the fact that they have in place inspections and on-going permits and occupancy permits, is there an exerted effort to go in and look to see if the conditions that are set by the ZBA or the Planning Board are met, and if not, what action is being taken? They had a discussion about a guy putting a foot plan of X number of feet, and the next thing they knew, there is an addition set on to it and people are saying you're really not going to make them take it down. If he's in violation, he should be made to take it down. What action and what authority does Mr. Sullivan have to go in and enforce conditions that are set on plans? Mr. Sullivan said if a board imposes conditions on approval, the Code Enforcement Officer has a responsibility to enforce those codes. For example, a commercial structure, site plan approval with 21 conditions, which is about average, is proposed. The Building Inspector does his inspections primarily with the structural integrity, including electrical, plumbing, mechanical and two-by-four detail. Then prior to occupancy, the Fire Department, Town Planner, him from the zoning perspective, and engineering sign off on the CO to be issued. Once they get the sign offs, the Inspectional Services Supervisor will issue that CO. Fast forward two years down the road, and Rick Maddox remembers that Plan X is not supposed to have something on the side of the building, and they do, and he sees it before code enforcement does. He'll call Mr. Sullivan, or Rob, who will call the business owner and tell them there is a problem and they need to either remove it or they'll be sent back to the Planning Board. If they don't do anything, the town will take them to court. Nine out of 10 times, they will remedy it the easy way. Two more years passes, or four years after site plan approval, and something else happens. They do something else they're not supposed to that wasn't on the plan. Oftentimes, unless they see it, they don't know it unless someone calls to complain. A board member may remember a certain condition imposed, who will probably remember before staff because he or she sat on that case, particularly if it's a different infraction than the first. They get that information and follow the process again. There are checks and balances, but agreed with Selectman Jasper. If they are looking for perfection, it's going to be a long wait, but if they are looking for effort, it's there. They can always strive for better, but they've come a long way. He remembers sitting with the Planning Board and Zoning Board in 2001 and there were issues that night, in general, that were nearly identical to tonight. In 2001, in a good year, they had 50 code enforcement actions, because they were down some staff. In 2008, they have 166 code enforcement actions, and it still isn't good enough, in the eyes of some folks. They've come a long way, but they still have a ways to go. The process in place is better than what they had before. If someone has a suggestion to make it better, he's all ears.

Selectman Maddox said Mr. Sullivan opened the door; he talked about 166 actions, but didn't define what an enforcement action was, so he was going to generalize. Do the math. In 10 months, that's 17 a month. He didn't see that as a tremendous amount, depending on what is being counted. He opened up the packet and on this month's (report), on 5/13, there was a description that there were signs in violation. The same day, the Code Enforcement Officer spoke to the owner and advised owner to comply with site plan. He asked if that was completed. Does he go back in three weeks? None of that seems to be documented, and that's part of the problem—the documentation. They bought a canned piece of software from the vendor, but the spreadsheet worked much better for him so he could at least see going across what was getting done and what wasn't. This says, to him, on the day the violation came in, he resolved it. He told him he'd do something, but did he do it? That's the problem; there's no follow up. If he did three or four today, he must have some really off days. Part of the problem is the form, the follow up and closing that loop. "Advised owner to comply with site plan." If there was a report six weeks later, two weeks later, saying "visited site, still in compliance," then it's resolved, maybe. This is all on the same day, done and over with. If that was one of the 166, it took what? three hours? He's not getting the match from the amount of time they are supposedly allotting to the Code Enforcement Officer to the number of issues, and if this is one of them, it's resolved very quickly. The math doesn't seem to be there.

Selectman Massey said what he would expect, and if it isn't happening, suggested starting there. When the Planning Board or the ZBA places stipulations on an action, especially in the case of a site plan, there would be absolutely no occupancy permit issued until the Building Inspector goes down the list of those stipulations on the site plan and checks them all off. If they were doing that, there's a couple of issues currently before the Planning Board that would not have been there, had the CO been withheld because the site plan was either not in compliance, or had been done differently. Unless the Code Enforcement Officer gets a copy of every site plan, the one with all the stips on it, he didn't know how that individual, when driving down the road a year from now, knows if that site is in or out of compliance. Why wouldn't they put a stipulation on a Planning Board and ZBA set of plans that no CO shall be granted until all of the stipulations that are required to start the site plan up are verified as being completed by the Building Inspector? They could make it so the Building Inspector has an absolute capability that the CO doesn't get issued until they certify... out of those 21 stips, some of them are things that are follow on, like no trash pickup, etc., but they are talking about things that are required as a condition of the thing being built.

Mr. Sullivan said his recollection of speaking with the Town Attorney is that the authority to issue a CO is vested in the building official, not the board. On almost every Planning Board decision that he can recall, and they will talk about this in a committee meeting in the near future, for an as built to be supplied. He contends that the burden should be on the applicant to provide to the town a list, via a plan, of any items on that site that differ from the approved plan, so instead of staff going out—and not that they can't because they do a lot of this anyway—the applicant needs the permit and they know going into it that an as built is required, so it's no secret, but in reality people are going to be at the door knocking, saying they don't have their as built plan and "I got patients coming in next Tuesday." That shouldn't be the town's problem, but it becomes part of their problem because now there is a business owner wanting to move into a site and they haven't got an as built, which is an issue. Oftentimes, after the design engineer has designed the plan, presented it to the Planning Board, it has been signed off and recorded at the registry, the property owner pays his or her bill, their ties with that engineer are usually over. Sometimes, if they are friendly, it's not. What Community Development, the Town Planner and Planning Board need to do, up front, tell people that an as-built is an absolute necessity; it's not an option to not have one at the time they are seeking a CO. They ask people to apply for a CO two weeks in advance, which gives staff time to do the final inspections, and it gives a little flexibility that if they haven't met the electrical code, they've got an extra day or two to do that, and then they have time to schedule the inspector to get out there and do the follow up inspection. An as built is important. The certificate of occupancy—his understanding is the statute gives that discretion to the building official and to list everything... for example a site that seeks an occupancy permit if February and landscaping would be part of it. What he has typically done, administratively, is that if you desire to open in February, and you have not got your landscaping complete, but everything else is done, then you go to a landscaper and have them provide the town with a written estimate of what it would cost to build that landscaping per the Planning Board approved plan. They take the value of that dollar, and say it's \$10,000, they now need to post with the town a certified check in that amount, which will be deposited in an interest-bearing account. They would have agreed to some future date where planning and growth would have taken place, and when that landscaping is complete, and the town has gone out with either the engineer or planner to verify that the correct number of bushes were planted, loam and seed is up to the curb, etc., then they will administratively release the bond so the landscaper can be paid. That happens quite often, but an as built is an important part of that solution.

Selectman Massey said about three years ago—and if it's not happening, he suggested it was one of the ways they could go at it—the original site plan approval on a Mylar, the as built plan would be to the same scale so you could take the as built plan and lay it on top of the original approved site plan, and if they don't match, the developer or owner has to explain why. Sometimes, they may have to move the line a couple inches because of granite or something, but if you superimpose the as built on top, at the same scale, you can automatically see if there are any discrepancies. He thought they were going to do that.

Mr. Sullivan said they make every effort to do that. Selectman Massey said that's different than saying it was a requirement of the applicant. Mr. Sullivan said the as built is a requirement; it's right on the approval. Selectman Massey said the as built at the same scale as the original, so you can superimpose it on top. Mr. Sullivan said he'd have to double check the exact language, but he remembers having that discussing a couple of years ago. Selectman Massey said that takes the guesswork out of it. They don't even have to take measurements; just look at it. If the lines line up, the as built is the same as what was proposed.

Selectman Jasper said he was a little confused about the as built. If the as built wasn't as the approved plan, then as soon as they determined that they couldn't built what they said they were going to build, they would have been back to the Planning Board for a change to the site plan. There should never be a case where somebody comes in and says here's my plan, here's my as built; they don't match, but it's OK. There seems to be a disconnect in that process, because they should have realized when they

deviated from the plan that they needed to come in for Planning Board approval and they should not get a CO if they don't match the site plan. He didn't understand what was going on with the as built. He wanted to clarify something he said earlier. When it comes to site plans and ZBA stipulations and things like that, they have to enforce those. Mr. Sullivan also made an important point and that is for those of them who have sat on land use boards, the plans that come before them, what goes on there on those sites, often things get burned into their memories and they know exactly what's supposed to be there, but to the Code Enforcement Officer driving around town, it's nothing to him unless it's something like a tractor trailer parked in a residential area—he didn't understand how you can miss that—the problem is, if it's not there during the day, Monday through Friday, 8 – 4:30, they're not going to see it, and unless a neighbor calls and complains about it, they're not going to know about it. Those things happen. Should they look at once a month, altering the schedule so Code Enforcement comes in and works a Saturday? He didn't know, but didn't think so. Unless people are concerned about what's going on in their neighborhood, they are really going beyond what the average resident wants them to be doing. He didn't think they wanted them out there like the Gestapo and he didn't think that was necessary. For people on a land use board, they are passionate about it. This is the way it's supposed to be!! and he didn't think they were ever going to have a happy situation with this. When something goes before the boards, and before the CO's are issued, it ought to be in compliance at that time. But he doubted there was a commercial site in town that will be in compliance with their site plan 24/7. A rare one would be able to operate that way. They've gotten to the point where the restrictions are so severe, you can't run a business. Maybe some people will do it because it's what you want to hear, but the reality is what's on the ground and how you have to operate. It's not as simple as a picture on a piece of paper, so they'll be having these discussions from now until the end of eternity.

Ms. Davis distributed a handout, saying she documented what she sent to Mr. Sullivan last year, and it shows the procedure of code enforcement. They are going down a rat hole. There is a perception problem out there. They're not doubting him. They're not trying to split hairs over the role and what the person in the role does. What they need to do is make sure they have a start to finish process that's documented somewhere, people in town understand what the Code Enforcement Officer does and is doing and then people that do file a complaint, have some sort of feedback from the town that says what's being done about it. Also included in that is a request they'd like to do to change the form from not having it notarized at the counter, but allow for an anonymous filing and then to change it from complaint to determination because they are just asking the Community Development to make a determination on the property, not necessarily a complaint and not necessarily a violation. She included what Nashua has on their web site, a very robust code enforcement web site that really educates the public. Maybe they need to think about something like that. All she was asking for was good zoning interpretation and adherence.

Selectman Maddox said Selectman Massey said on June 3, it's not a question of a checklist, it's a question of accountability and that's what they are looking for—some accountability. He and Mr. Sullivan had a spirited discussion this afternoon in regards to the signoff sheet for that every subject, the CO. Right now, it's written in hand, with the date behind it. There must be a better way to do that that shows the accountability, there's all kinds of software that says if the five of them have to sign off on something, he can't write all of their initials... that's not happening every day, but there is no accountability. They need to put that into there. That committee that Mr. Sullivan is putting together that they talked about a month ago can sit down and hammer some of this out. He agreed with Ms. Davis. There is a lot that could be done. How much they're going to be able to do is still up in the air. It is a quiet time and time to back up and look at some of these. He, for one, didn't like the form they've got. He can't figure out heads or tails of it and it does the Code Enforcement Officer, the Community Development Director and the town a disservice because he can't figure out what they're doing and where they are in the process. It says on 5/9 there was a person building without a permit and 5/19, owner building sent check for building permit and will pick up permits this week. Are they still working there? Are they still building without a permit? There seems to be a lack of "where are we?" and that was 5/19; now it is 7/1. They need one more step in there that said, "driven by twice, no work going on;" something that shows the action was followed up on, and not just fill in some box on some form. There's a lot of paper to go nowhere. He's looking for accountability.

Selectman Coutu said if they have an occupancy permit process in place, and either the ZBA or the Planning Board approves a plan with certain stipulations and the owner of the property and/or the contractor blatantly violates a condition, he didn't understand how that person got an occupancy permit. He could cite an example, and they'd know who he was talking about. How do you say you are definitely going to do this because the neighbors want you to do it and you do something entirely different and you're able to occupy the property. That's a blatant violation. Mr. Sullivan said blatant is a relative term. What may be blatant to someone may not be blatant to the Building Inspector. For example, the color of a fence. If they were to go to court across the river and try to withhold an occupancy permit for someone who has invested \$1 million into a building for the color of a fence, a judge's reaction would likely be what Selectman Jasper said. Back in '01 when he got hired, he remembers Selectman Jasper saying the Planning Board has been in court innumerable times prior to '01, and lost more often than they won and he was asked if he could help keep the town out of court. Mr. Sullivan's answer at that time was yes, and he has done that by trying to use prudence. He didn't think the town could win on the color of a fence when a guy's got \$1 million invested into a building. The town can make him post a bond, they can start enforcement action, send him a letter, telling him the town is taking him to court, they met with him on the site and told him what to do. His lawyer has contacted the town and has had communication with the Planning Board and is now going to meet with the Planning Board as a follow up for a full site plan amendment. Those are reasonable efforts to come to a resolution.

Selectman Coutu said he understood what happened and agreed some compassion needed to be shown. A classic example of a board saying to a person who wants to build, "you need to do this and it has to be this color." In the past, Selectman Jasper has said he wouldn't like it, and neither would he, if someone told him he could build something but they wanted an azalea bush in a certain area, and a yew over there and four purple tulips in another specific place. Here they are, taking up an awful lot of time over the color of a fence. Why do things like this get written in as stipulations? Some of those things are borderline ridiculous.

They get written in and it puts all kinds of constraints on the contractor or the builder to try to find specific materials or a specific color they are looking for.

Selectman Massey said in that case, it didn't get written in because the Planning Board asked to have it there. It got written in because the applicant said, to satisfy the abutters who did not want a white fence, he agreed to put in a non-white fence. Mr. Seabury said the problem is it didn't get written in at all; the color wasn't mentioned. Mr. Sullivan said his recollection was that was the meeting that was taped or DVD'd, which they listened to very carefully, talked about non-white. Selectman Massey asked Mr. Sullivan to follow up on that because Selectman Coutu was making a point, on that site, there was something actually done on that site plan that was not part of the site plan regulations and that's why the case is before the Planning Board today. It's not because of the color of the fence; it's because of the lights. The question Selectman Coutu should really be asking is how did a CO get issued when the site plan was not correct. Mr. Sullivan said he couldn't justify it, it was just missed, a hiccup that they didn't catch; no excuse.

Ms. Davis said they were off the mark, here, because they are talking about Planning Board and site plans before anyone has even moved in. The ZBA is talking about existing properties that have violations. Her last bullet point that she wanted to raise under code enforcement, which was her personal thought, not from the ZBA. She asked the Selectmen to give some thought of putting the role of code enforcement under the auspices of the Police Department, adding that Chief Gendron would probably go ballistic at that, but it's an enforcement issue. Many times when a call needs to be made for a blatant, very bad violation, the Police Department needs to go and if a citation needs to be issued, sometimes the police have to go. They have different groups underneath the Police Department and this may fit. She was just throwing it on the table; something to sleep on.

Selectman Maddox said on that subject, since Ms. Davis dropped a grenade in the middle of the room, they should at least try to absorb it, or run. The Police Department shouldn't be involved in civil matters because that's what these are, most of the time. Any violation of the Town Code is a civil matter; criminal is a different aspect. Where it is is where it's going to stay and where it should stay. It's an interesting concept, but not one that he's ready to jump on board with. It's not where these issues should be resolved. It is a civil matter. If they have to go to court, they go to civil court, not criminal court. That's where it should be.

Selectman Jasper said it's important for the Board to weigh in on this. He agreed with Selectman Maddox and that even leads more toward his Gestapo comment, if they were to even think about doing that. He was not in favor in any way, shape or manner of looking into that. Selectman Maddox said they have to skip the Gestapo; it's more like plan development at Disney than it is people brutally shooting you because you have a shrub. They've taken that term a little further than it probably should. He knows what they are trying to say, like the fashion police—their ties don't always pass. It's not something they will shoot over. Selectman Jasper said they hear that comment all the time—what are you, the Gestapo? when things like this happen, when they start going on to people's property because people in New Hampshire take their property rights very seriously. If they are minding their own business and not bothering anybody, and that's what it comes down to at the end of the day. (Talking over each other.) Selectman Maddox mentioned wetlands. Selectman Jasper said that's against the law, not a site plan issue.

Ms. Davis said that was exactly what she was talking about. She wasn't talking about a Nazi state or the Gestapo, but blatant infractions and blatant violations of the ordinances. If they don't want to enforce them, or if they can't enforce them, maybe they need to change the ordinances. What she was suggesting was they need to put in a process that a) people understand, that b) people are going to adhere to and that c) someone is going to enforce. That's what the Zoning Board is looking for, the Selectmen's support on something like that.

Selectman Jasper said they are doing that. They always have zoning cases in court. He can't recall a time in his 28 years in town government that they haven't been in court, usually three or four cases at a time, on zoning issues and they are right now. They are dealing with a junk yard. He heard from the Chairman today that last week, code enforcement was out because someone was cutting in the wetlands. When they are aware of these things, they are dealing with them. They won't catch them all. Not everything that goes on in town is visible from the street. Thank God he's not the Code Enforcement Officer because people tell him all the time they saw him on the street and waved at him, and he went right on by because his mind was someplace else. He's sure the Code Enforcement Officer is not doing that, but when you are looking at one side of the street, you don't see what's going on on the other side of the street. If something catches your eye in one place, you miss something else. It's tough and that's where it is important that people call up. Maybe there should be an anonymous complaint system like Nashua has, to say hey, would you take a look at this. A lot of times, particularly when you're dealing with neighbors—if Fred finds out that I called, there's going to be a neighborhood war, so maybe they ought to look at if they really need to have a name attached, if somebody is just calling up to say they are concerned about something and to take a look. That also would mean they aren't going to get a letter back, if they don't put their name to it, but that may be a better way of doing things so code enforcement will look. For the fifth time, they are never going to solve this problem.

Chairman Nadeau said looking at the form from Nashua, he was in the Community Development Office this week and a person was in there to file a complaint, which had to be notarized, and it took 15 minutes for that because no one was there to notarize it. They ended up going over to the Town Clerk's Office, and it was for cutting in the wetlands. The person probably didn't realize they were cutting in the wetlands, but this person noticed them cutting in the wetlands and came in to report it. He filled out the form, then had to wait to get it notarized. Like they were talking about neighbor disputes, if somebody comes in and says somebody is cutting in the wetlands, it's the town's job to go out and look to confirm it, not whether some form is signed and notarized because otherwise it won't hold up in court. He can't see why these forms have to be signed and notarized. As much as they say it helps when they go to court, the Code Enforcement Officer's job is to go look to find out if there is a violation. This whole process was a waste of this person's time and a waste of the town's time and resources to have it notarized. Looking at

Nashua's form, if you go through the time to put down your name and phone number and address, then it can be followed up on, but if you don't put your name and address, you won't get a follow up. Include a box to indicate if you want a follow up, if you want to find out what the town did. Hudson's form is terrible, compared to Nashua's.

Mr. Sullivan said the form was the product of a recommendation by the Town Attorney. He wasn't in the office that day, but they have one notary and another employee in the process of becoming a notary. With a wetlands violation, if someone even calls, they stop what they are doing and go out and look. He will do it, or whoever is available from a professional standpoint will go out and do it because the damage is done, if they don't do it when it is allegedly occurring. In that particular instance, they had two employees out there and both of them advised Mr. Sullivan there was no violation. If the gentlemen left his name, if he hasn't gotten a phone call yet, he will get one. He spoke with the property owner and they didn't know, didn't think there was a wetland there and the Acting Town Engineer looked at it and advised there was no infraction. If somebody calls or comes to the counter and alleges something is going on at that instant, that goes to the top of the priority chain and they'll go out and look at it. Without getting into a philosophical discussion, there are varying degrees of natural vegetation that has been cut and dumped in a conservation district, is that a violation? You can argue it both ways. In his opinion, if it's impeding water flow or restricting water flow, it's a violation. If it's a couple of minor trees that have been cut down that were going to fall down anyway, he didn't see that as a big deal, but they need to go out and look at it. It's no different than a neighbor dumping leaves on the side of a brook. It happens all over New England. Most times, it's not going to impede the water flow. Is it right? Technically, probably not, but he'd have to agree with Selectman Jasper. If they went out and chased everybody who dumped leaves near a brook, they'd spend an awful lot of man hours doing that. If it's a wetlands violation and he's in the office, they go out and look at it when it's called in.

Selectman Maddox said they should seriously look at revamping the form to remove the requirement for a notary public to sign it, and they can make it anonymous. If the big city can do it, Hudson can do it. To make people stand there and fill it all out and have it notarized, when most of the time they are just asking to see if there is a violation. If that's the intent, and most of these aren't going to go to court because they are going to be resolved in-house, once the Code Enforcement Officer sees it, he can then fill out whatever paperwork is necessary to document things to win the court case. They lose court cases because of lack of documentation. They weren't prepared, so a lot of the things they are doing now fits that. This form didn't win or lose a case for the town. They didn't have the paperwork to substantiate the follow up. As a board, they should really consider revamping the form sooner, rather than later.

Selectman Massey said he weighed in on that level, too. In those cases where they want to take care of a violation, he can't think of anything any more intimidating to a person coming in to report a violation to say oh, by the way, you have to swear that what you are telling me is the truth and you have to go before a notary public to do that. That person will walk out the door, even if they think it's a wetlands violation. He didn't think a notary public was necessary. While anonymity isn't the best thing in the world, what the person has to understand is if you don't come forward with your name and address, then you're not going to know the outcome of the case, pure and simple. Selectman Maddox said the form says that, but this seems overly authoritative.

Ms. Davis said to weigh in, to put in the process flow that she documented that things that come in anonymous don't take precedence; they go to the bottom of the pile and the Code Enforcement Officer would look at them, depending on what that infraction is, when he has time. They can put that on the document, itself, so something that's been notarized or a definite wetlands gets addressed first, and if it's anonymous, it gets addressed second, and they can start to prioritize where they are.

Selectman Maddox said, just so they don't drop this off, can they look between the Town Administrator and Community Development Director to give them a reason why they shouldn't change the form and remove the requirement? Mr. Malizia said that's what he wrote down. He'll check with the attorney to see if it's necessary to have that one.

Ms. Davis said to look at the process to see if there's some room for improvement. Selectman Maddox said that's what the committee will look at. He'll add it to the list, which already has seven items on it. He likes Nashua's flowchart. Mr. Sullivan said, for the record, Nashua also has three code enforcement officers. Selectman Maddox said with four times as many citizens.

Accessory Living Units (ALU's) Ms. Davis said there were two areas the Zoning Board felt they could use some help on. First is ALU's. At the planning workshop they had presented a process flow of measuring or categorizing ALU's and keeping them updated on a yearly basis. The proposal before the Planning Board was an ALU has to have a blood or marriage relative living in that unit and sometimes the units get sold. Once they approve an ALU, they lose sight of what goes on, or the activities on that, and it can very well turn into a two-family that's not allowed in a particular district, and there can be other issues with it. The thought was to put some rigor around the ALU and put a process in place where the occupants or residents of the home recertify, on an annual basis, that the people that are living there are related by blood or marriage. That was completely shot down by the Planning Board and the Planning Board Selectmen liaison, so it's out there on the table. As the economy has changed and families are changing, there's a lot of discussion, a lot of zoning articles—your typical household isn't Ozzie and Harriet living there any more. There are extended families and they just need some sort of rigor around an ALU that's granted by the ZBA.

Selectman Maddox said he wasn't in favor of this at the Planning Board and he hasn't changed his mind, but it's something for discussion. The person it should go to is their governmental liaison. This is something that needs to be solved at the state level. The town of Hudson doesn't want to or needs to even get into some of the issues that they are trying to address. A yearly certification form is something that needs to come from the state to say if this is an issue, the state gives some guidelines of how this is done. Personally, he'd say they pay another \$1,500 a year on taxes until you send in a form, notarized and certified or whatever, that it is family, but Hudson shouldn't be getting into that. That's something the state needs to deal with because how

are they going to check that those people are? All of the questions they brought up at the Planning Board haven't changed. He understands the ZBA grants an ALU to a homeowner on a 2,500 sq. ft. house that their mother is going to move in there. They add \$100,000 on to an addition to this. At some point, Mum's no longer there. They have an empty apartment and the natural tendency is to make it into an apartment. They don't want that in residential neighborhoods. He understands totally. He just didn't see Hudson being the one to lead the charge on the enforcement of all of this on a yearly basis to the level the ZBA would like to see.

Selectman Jasper said he'd put his state hat on and say don't create Frankenstein and then expect him to put him on a leash. Selectman Maddox said he could at least feed him. Selectman Jasper said ALU's are duplexes, period. If you want Mom and Dad to move in with you, then they need to come eat in your kitchen. If you're not on a lot for a duplex, go find a house where you can put a duplex on because you're not going to solve this problem. Every single time you put a second kitchen in a home, it will become an apartment, eventually, whether it's five or 50 years. You have to know by having this there, that's what's going to happen. The only way to do it is say yep, you can put another bathroom on, you can put another bedroom on, but you're not putting on another kitchen. If that's not satisfactory, then you need to find some place where you got enough square footage to have a duplex. That's the only way this will be solved. Doing anything else is creating duplexes in a single family neighborhood. The state can't come down and authorize the town to do this; they're already authorized to do it, if they want to do it. If the state tells the town they've got to do it, it's a 28-A issue, and they'll have to pay for the inspections. You've done it; you've got to live with it and his recommendation is there shouldn't be any with kitchens.

Ms. Davis said what she was hearing from the Board was the ZBA should get together and try to rewrite the ALU ordinance to allow something like that, but taper it down so it doesn't turn into an apartment. The problems is that the ALU they are envisioning, the \$100,000 addition, doesn't happen like that and what the ZBA sees are split entry homes where the basement is turned into an apartment and they end up putting a stove in the basement, and then they have a situation where they seal off half of that split and some of them may become health hazards or they may become safety issues and that's what the ZBA wrestles with. They've granted this for the time being. The current owners are adhering to the ordinance 100%, but that home gets sold and a lot of funky things happen to it. That's what they are trying to avoid.

Selectman Massey said since the operable word in his mind is accessory, Selectman Jasper is on the right track. First of all, his understanding, way back when, was an ALU could not have a separate entrance, that it had to be part of the existing house's entrance because once you create a separate entrance, at some point down the road, sooner rather than later, that's going to be a full-fledged apartment, but if they restrict an ALU to be just that, an accessory to the main living unit, and by that you leave out a kitchen, then you really do not care who lives there. You don't have to worry that it's a blood relative, etc., because nobody is going to move into a house where they are going to have to share a kitchen with somebody, unless they're part of the family. It's something to think about. The operable word, to him, is accessory.

Open Space Developments Ms. Davis said this topic came up in front of the Board for discussion when they had a request come through for an ALU in an open space development. In reviewing the property, there were some homes in that development that had had legitimate additions on them and fences, which in their minds, pretty much negated the whole intent of an open space development ordinance, to keep the scenic world flowing characteristics of Hudson and nature. The thought is to put something into the ordinance that restricts either additions, excessive additions or fences around the properties, particularly if it's an open space, it should be open and the topography, especially behind the homes, remain open and flowing and the ordinance really doesn't address that.

Selectman Massey said it would seem to him the major area of an open space development, which he didn't think was explicit in the ordinance, but all of the open space should not be capable of being deeded as a separate lot, which allows the famous Whip-Poor-Will Golf Course problem to occur. When that development came before the ZBA to get its approval, all of the homes were going to be co-owners of that golf course, but lo and behold, when the developer put that development in, they carved the golf course out as a separate lot, so none of the... but yet they used that lot as the open space, in order to squeeze in all of the other homes. To him, that would be one thing and he didn't know the specifics right now. It's kind of a technical issue. There is also the ability to, if you do it right, transfer ownership to get out from under the current use penalty tax--if you transfer a portion of the lots out, even to a company that you are sole owner of, so those are the two areas on open space that he really thinks could use some work. The first one is easy, just to say all lots shall be joint tenants, whatever the right language is, for the open space.

Selectman Maddox said he was going to sound like Selectman Jasper; it's their land. Open space implies that the town, the community, is getting a certain amount of open space with the development. There's 100 acres, and they're going to put houses on 40 acres and the other 60 acres are kept in open space. He didn't think it meant they can't have a fence in your back yard or that they can't add on to their unit, as long as it meets within the setbacks of the code for the zone they are in. They want to encourage open space developments, bring down the size of the two-acre lots. For awhile, people were saying to go to five acre lots. This is a great example of taking a 100-acre parcel and putting all of the houses on 40 acres. They don't have to plow and maintain a road going through the other 60 acres. They are closer together, there's less road frontage, but there is that open space. Open space developments don't mean you can look from one end to the other without fences or additions.

Ms. Davis said if that open space is in the center of that cluster home, a fence would restrict access to that open space. She wasn't talking about a development where you have 100 and 40 is pushed aside for the houses and the remaining 60 is open. She was talking about an open space development where the open space is in the center for communal use of the surrounding homes. That type of scenario. Selectman Maddox guessed they could look at it, but that wasn't his perception of open space.

Selectman Coutu said if they start restricting people from building fences around their property, they might find that people who own pets and want to keep them confined within their own property won't be able to own pets and those people who might want to put in a pool and might feel that because their insurance company has suggested to them to fence in their yard in order to avoid liability problems, wouldn't be able to put in a pool. That would be much too restrictive.

Ms. Davis said she wasn't saying people can't put up a fence around their property. She was saying for open space developments that are designed, the current ordinance doesn't mention any kind of restrictions on that property, if the open space is communal land, inasmuch as everyone has a right to access it. If you were to fence it off, that would restrict access of the other people. Selectman Coutu said you could put a fence around your own property, not your neighbor's property. Ms. Davis said it's communal. It's for the benefit of the whole... Selectman Coutu said the association should set that stipulation, not the town. If it's a communal piece of property, then there's a condo association that would manage the property, and if they want to put such a restriction on, that's their prerogative, not something town-enforced.

Selectman Jasper agreed. If they want to fence in their 60 acres of communal land, and don't want anybody to come into it, he didn't have a problem with that. They didn't give up their ownership of it, they just gave up the ability to build on it. He may not be following quite correctly. He didn't have a problem with someone putting a fence around their fee simple part of it, but if the whole association said we've got 60 acres and we want to put a fence around the whole 60 acres and that way, we're going to be able to wander through there and we're not going to have to worry about hunters or anything else because we've got a fence around it, if they want to spend \$100,000 to fence it in, let 'em. Ms. Davis asked how come everyone was spending \$100,000 and asked if that was the buzz number for the night. Selectman Coutu said \$100,000 was conservative. Selectman Jasper said he was putting up a cheap fence. Selectman Maddox said barbed wire wasn't going to work very well.

Selectman Maddox said the Planning Board does look at that. In the last several years, some of the open space developments, the Planning Board has been very cognizant of having trails or paths between houses that is part of the communal land, so they couldn't fence up and stop people from going to the back land. He can think of half a dozen that they've done over the past. The developers are now coming in, understanding where they are going to go, and they are leaving spaces between house lots so you can access it so if somebody fenced off two, it wouldn't stop people from getting into the back land. He's sure there is a case, but in general, that's not an issue. They can only pick so many things they want to do. Ms. Davis said they were just raising these for discussion. The ordinance may or may not need to be looked at.

Chairman Nadeau called for a 10-minute recess. He gaveled the meeting back to order at 8:35 p.m.

Zoning District Realignment Ms. Davis said this was basically the same topic, R2 and G1 zoning districts. In the R2 zoning district, the only restriction in the current ordinance to allow duplexes is the lot size, one acre vs. 60,000 sq. ft. There are a lot of homes in the R2 district with potential to be turned into legitimate duplex homes. The thought was if they wanted to change something like the lot frontage to restrict that little more, or go through any kind of zoning district realignment to reduce the number of R2 areas in town.

Selectman Jasper didn't think so. If people who live in the areas want to change to R1, there's a petition process. He's not of a mind to make things any more restrictive, unless the people come forward with that. The town shouldn't be pushing that issue. Ms. Davis said the Assessor had run some numbers, based on the data he had, which was very raw data. It would have to be fine tuned down to the size of the lots, but there are roughly 1,700 parcels in the R2 zone currently coded as single family, so there's a huge number that could potentially turn into two family. It may never pan out. It may be they are restricted because of something else, but there is the potential for a pretty big increase in goods and services, as an extra burden for the town.

Selectman Maddox said he was half-way in between. A couple of times the Planning Board has seen developers who were going to put seven houses in, then they see them as duplexes because the lot size supports it. If it said there were going to be seven duplexes in your neighborhood, you'd probably come to the Planning Board. As an interim step, they change it to say any development that is going to be multi-family duplex needs to be advertised that way, so people would have the ability to know that their neighborhood, they assume is all single family homes, could change in character, but it's still allowed by zoning. If it went through, it was through. If there was no opposition, so be it. At least, make people aware. He's seen a couple he didn't know they were going to be duplexes until he drove by them.

Selectman Jasper didn't disagree with that, but you shouldn't be surprised if you live in a neighborhood that allows it and the Planning Board shouldn't be surprised if someone comes in with 60,000 sq. ft. lots or greater. At that point, red flags ought to go up. Ms. Davis said she was talking about existing homes. (Talking over each other.) Selectman Jasper said they see people come in, pretty much on a yearly basis, to rezone their areas to R1. He didn't think they ought to be taking away the rights of landowners because that is the right of the landowner if they live in that area and they have that sized lot. Selectman Maddox said that wouldn't make any sense. The ones he was talking about were G's and they wanted to change it to R's. Selectman Jasper said he was talking about an R2 zone. Some of that may have been, but they've seen R2's become R1's. There was one last year. Selectman Massey said it was G1 to R1. Selectman Jasper said there is a process and people have the ability to do that. It's not right for them to go out there and say they don't want to have duplexes somewhere. The state just passed a workforce housing thing and duplexes are certainly part of that, so they could be taking a real step in the wrong direction by doing that in getting themselves in trouble, based on the new state law. Hudson is in pretty good shape because of the places they have like Fox Hollow and Shepherd's Hill and Abbott Farms and Elmwood and Roosevelt. There are a number they already have, but this isn't the right thing to do.

Selectman Massey agreed with Selectman Maddox. If they're going to come in with a development in an R2 and it's intended to be multi-family duplexes, that the abutters know that so it should be advertised as such, but he couldn't foresee an existing development of single family homes, all of a sudden in that development... in his development, there are 85 homes and they are R1, so it wouldn't matter, but if he were R2, maybe one person will go to the person of converting an existing home to two family, but that's not an easy conversion, especially if, in order to be a true duplex, it has to have separate utilities. They're talking about a pretty expensive retrofit. It could happen, but it won't be a pandemic. The developer should have to advertise it as multi-family.

Ms. Davis said the economy is in a pandemic now and people's homes are being foreclosed on—a lot of them, and these people are going to need to live somewhere, and she can envision, if things continue the way they are, people are going to want to convert their existing homes, or add on to their existing homes to a two family. There may be some exposure here. Selectman Massey said if someone is going to have their property foreclosed, they're not going to have the money to convert. Ms. Davis said a parent would. Selectman Massey agreed, but the cost to be a true duplex, the retro fit would not be cheap.

Mr. Seabury said when Ms. Davis brought this topic up, his comment was that it shouldn't go to the Board of Selectmen because it's a Planning Board function. However, a few years ago, he was part of a Planning Board subcommittee that went around and interviewed people throughout a certain area of town. They were leaving a survey at every fourth house. Significantly more than half of the people he talked to that day were expressing concern about the homes in their area being turned into duplexes and the general comment was, "Why can't the town stop this?" So, it does come back to the town, essentially. The citizens have a concern about that sort of thing and they think the town ought to be doing something, but he thinks Ms. Davis ought to be approaching the Planning Board about this. In fact, he plans to mention something to them tomorrow about this.

Selectman Jasper said when the economy is bad, as the housing market is right now, that's the last time you're going to see a lot of that going on because there's a glut of apartments and houses. It would be cheaper, in many cases, to go out and buy a house that's been foreclosed than it would be to put on a duplex, which are typically rentals. He didn't think they'd have to worry about this as a result of that. He'll let the Planning Board discuss it and propose it, if they'd like.

Ms. Davis said ultimately, everything rolls up to the Board of Selectmen, which is why it was raised here. She asked if Mr. Seabury wanted to address G1, or if she should. Mr. Seabury said this is also a Planning Board function, but over the years, they've been very reluctant to do anything about G1 and a lot of people in town are very concerned about that. The G1 zone in town allows everything and that can be a real problem. He speaks from experience; he has a factory in his back yard. A lot of people are concerned about that sort of thing happening to them and a lot of people asked why something wasn't done about it. A large area of town allows just about every use, except for a couple. You can't have a multi-family home in G1, despite what was said earlier.

Selectman Jasper said they see less of G1 all the time, as has happened up around the pond. The neighbors get together and say they're no longer a general zone, so every year there is less and less of it. It used to be the old rural. They do need some room to still have a commercial base and that's where they have a lot of the small startup businesses. They can't afford to go into the industrial parks. Those are much different. They've got some nice, small businesses. For instance, the redevelopment of the Nadeau Farm property. There aren't any people in the area that are unhappy with that. If you take away those type of uses, there's no places for people like that to go. It's more a case of really looking at what has become a residential zone in reclassifying the residential areas as residential and not taking away the ability for the landowners and the business people to have some options. If they took away the business options, particularly, they'd be in trouble.

Selectman Maddox said as the Planning Board liaison, it is more a function of... yeah, they're small businesses. No one is going to put quasi industrial park in the middle of a G1 zone because the Planning Board would stop traffic, road conditions, a lot of those type of things. A lot of these areas in G1 are off of winding roads in the part of town that doesn't have water and sewer. Yes, there's always going to be the ones and twos that are going to be problematic. As Selectman Jasper said earlier, they have way too many laws and ordinances. They've seen that at the Planning Board level over the decade he's been there. They always react to someone doing something bad, so they put together an ordinance to stop everybody else from ever doing that again, and probably the chance of that are slim and none. They just keep propagating more rules to keep the good people good and never catch the bad people because they're always one step ahead. It sounds like they are trying to thwart all of the ideas, but they are just trying to be practical. The Planning Board are the people; the Selectmen will see it eventually, and will take the head through the election process. They just did the entire use chart over again and moved some things from the G1 and redefined some areas that weren't there before, so they are trying to pick at it at a slow rate. About 20 years ago, they looked to rezone the entire G1 to something else. They'll never win that battle. Too many parcels are affected.

Relative to miscellaneous items, Ms. Davis said these were more wish list items, just informational purposes for the ZBA.

Regional Impact Process—how information is disseminated and who replies Ms. Davis asked what happens when notification comes into the town on something that would be of regional impact to Hudson, who owns it, and what the process is to acknowledge it and respond to it.

Selectman Jasper said they'd let her know the first time that happens. Ms. Davis said it's already happened and she never received an answer on it. That's why they were posting the question to the Selectmen. Selectman Maddox said he'd defer to Mr. Sullivan, but he thought it came in the land use board packets. Mr. Sullivan said that's what typically happens. The most recent he can recall is the mall proposed in Merrimack. He does get a notice on occasion, probably two or three times this year, at the

very most. The notice was there would be a hearing held in the town of Merrimack. The statute requires abutting towns, or neighboring towns, or regional towns to be notified. When that notice comes in, they copy it, make it available to the ZBA, Planning Board, Conservation Commission and then it's up to the individual boards as to what they would like to do. Staff does not attend meetings outside of Hudson, typically. If he thinks something rises to the occasion of something the Town Planner does, he'd so advise the boards they work with. There's no secret of what's going on in Merrimack. It's in the Telegraph once a week, it seems. The regional impact statute doesn't have a lot of teeth in it. He was at a LGC seminar last fall. When RiverPlace left Hudson and went across the river, the Hudson Planning Board sent a letter to the Mayor of Nashua, requesting that the development be determined as a project of regional impact, and the City of Nashua declined that request and the Planning Board went ahead and approved the 40-acre project in one night. The statute is powerless. He sat with other regional planners and talked about it for a couple of hours. It sounds nice and looks nice. If the town truly felt that the presence of a town official at a hearing would be imperative, he and the Town Planner would be able to bring that to everyone's attention. If a Board member felt it was important for he or she to attend a public hearing, but if it's an appointed board member and they were going to suggest to another town's board that they are there representing the town, that "you" authorize that to take place. Today, members are notified in their packets.

Ms. Davis said to summarize, notification goes out to the boards. She asked if any joint consolidation of input from the boards, back to either Mr. Sullivan or the Board of Selectman, so that if there is an impact, that joint consolidation is fed back to the town that's causing the regional impact. Mr. Sullivan said not that he was aware of. Ms. Davis asked if they needed some sort of defined process on what will happen, or what happens when a request comes in from another town that has regional impact on Hudson, so they know that someone is addressing it, and no one is assuming another board is doing it and that it gets answered properly, if an answer is required?

Selectman Massey said all the declaration of regional impact does in grant abutter status to the adjoining towns, and all that says is you have the right to go before that planning board and voice your issues, and they have the right to accept, reject, modify, etc. whatever is said. Concerning the two developments they've just been talking about, the fact that Nashua Landing was not declared a project of regional impact boggles his mind only because where are they going to get the people to come from? Some of them are going to come across the river, which means it will have an impact on Hudson's traffic, yet they are not got to have any legal standing to go over there and argue that case. The Chelsea property off Exit 10, he can't get excited about it and didn't see how the project would impact Hudson in any real shape or form. It's too far away and they're going to draw from other places. He didn't see the town getting involved in that one and he thinks the town would have had someone to Nashua Landing, had it been declared as a project of regional impact, probably someone from the Planning Board.

Ms. Davis said that brought them back to her original question. Do they have a process in place to ensure that, if they deed it as a regional impact, their voice is heard. Selectman Massey said the answer is no, because in his 20 or so years living in town, he knows of only two projects that have ever risen to that status. One is Chelsea and the other is Nashua Landing.

Selectman Maddox said, as the liaison to the NRPC, he will bring it up, as that group has more of a regional impact. Is there something they are doing better that... he can remember in the Planning Board packet seeing things for, most recently, that cell phone tower that's going to be disguised as a tree in Londonderry. If any one of them had seen that, one of them would be calling Mr. Sullivan. He called the Chief. He saw in the Pelham-Windham News that they are building a gas compressor. He made a point to call the Fire Chief to ask if this was something they wanted to be aware of, as a regional impact, as they might be going for mutual aid. Depending on where it is going to be in their town, is it going to impact (Hudson)? It's really on a case by case basis. He believes the cell phone tower is in an industrial area, so he didn't see a need to be there. Do they want to pay to send staff to go? He hasn't seen a lot of them, but he has seen a few.

Selectman Jasper said processes are nice things to have, but unless they are used all the time, they are pointless. He could go upstairs and go through the books for processes they have for various edicts the Board has handed down, and there isn't anyone in the room who knows they have it, or anything else. Something like this happens so infrequently, they could put a process in place, then someone would have to remind everyone of it. Most of these things that come through are looked at and then just put off to the side. With Nashua Landing, they did step up to the plate, and that's what will happen in the future.

Ms. Davis said she was raising it as an item. It came to the town. It's to put up three cell phone antennas with ice bridges, right across the bridge in the skate park in Nashua that will be visible from (Hudson's) downtown area. She was concerned and asked what to do about it, if there was a process. No one knew, no one responded. That's the only reason she raised it. She's not saying they need to have analysis-paralysis over processes. She's just saying they need accountability in ownership, the stuff that comes through. People send this because they think it may be important to the town. If it's not, it's not. She was just raising it as a discussion item. Selectman Jasper said he thought she was asking if they should have a process and he was giving his opinion on why he didn't think so. He's sorry that he was upsetting her with his answer.

Selectman Massey said you have to recognize two things about cell towers. Number one, the federal government exempted cell towers from local regulations to some degree, and secondly, they also require a cell company, if they were going to put a tower up, to notify all the abutting towns. That's a federal law. Their changes of being able to affect that tower are slim to none because of the federal government's regulations. The only thing the town can do is regulate the height and location.

Town Departments' Organizational Structures on the Website Ms. Davis asked who reports to whom, because none of that is listed and that's a disservice to the community because no one knows what the functions are and what people are doing and who reports to whom. This is just an idea for process improvement, if they so choose to have processes (directed at Selectman

Jasper). Selectman Jasper said that's a good idea. They are working on a new website and that's why they're not seeing much change recently. Selectman Massey said the departments are listed. Ms. Davis said they are listed, but it's not an organizational structure. The Board of Selectmen and underneath, to define it. It lists the departments and who is in each department, but it's not a good pictorial of the hierarchy within the town and the departments.

Selectman Massey said in the case of Police and Fire, they have their org charts on the web, but he hasn't looked at Community Development recently. Mr. Sullivan said the department is listed, but it's not an org chart—their name and title. Ms. Davis said the reason why this was raised was because for years, she thought code enforcement reported to Community Development, and Mr. Sullivan told her code enforcement reports to Board of Selectmen, so there may be some confusion on how Community Development works. Several Selectmen said then they were confused, too. Mr. Sullivan said the Code Enforcement Officer reports to him, but the Board has oversight of Community Development. She reminds the ZBA of that somewhat regularly. Ms. Davis said it would be nice to have. Selectman Maddox said, as liaison to IT, he will suggest that be one of the pages on the web.

Process Flow/Documentation for Requests to Community Development Ms. Davis asked what the paper flow was when an application comes in. How does it get processed? Selectman Coutu said it seems to him that in regards to the Community Development Department, the Board of Selectmen wouldn't have first-hand knowledge to a lot of the questions she was asking. They don't sit in that department every day. Mr. Sullivan could answer that question and if there was a problem with the process and flow, a recommendation be made to him and then if she feels she is not getting an answer or it's not working, then she would bring it to the Board, or to the liaison.

Ms. Davis said to that particular point, it's not necessarily for herself or for people on the boards, but more for the general public because they have absolutely no idea how the town works. If they put something that would educate the public, then they would have less traffic at the Community Development desk, at the front door, and people would understand how the departments work and how the processes work. Selectman Maddox agreed and said he and Mr. Sullivan have talked repeatedly about it. Once the IT upgrade has happened, putting many of the forms, FAQ's, to have staff standing there answering the same question six times a day, five days a week, doesn't make any sense. Most people go to the website to look up various areas of information. He absolutely agreed. It's something Mr. Sullivan is working towards. He asked him to start making a list of those questions. Mr. Sullivan said he did have that information. Selectman Maddox said infrastructure issues have stymied the IT Department, but it is getting to the point where, hopefully, they will be at that place he thought they'd be at a long time ago. For many of the departments, not just Community Development. Many people don't know how to fill out a sewer abatement. It would be nice to know you don't have to go through 7,000 hoops and ladders; it's on line.

Selectman Massey said this was a great idea and he thinks they are going to get there, but he's always mindful of the 80-20 rule. 80% of the people are going to create 20% of the problem; 20% of the people are going to create 80% of the problem. Basically, they're going to put all this stuff on line and there's still going to be somebody calling up saying I don't know how. In most businesses, the answer is read the manual. Ms. Davis said if 80% of the questions are answered, they can deal with the 20%.

Mr. Seabury said having spent more years than he wants to admit writing manuals, he agreed completely, but in this case, there isn't one. Mr. Sullivan and he have been at loggerheads about this one, on friendly terms, for many years since he came. Just prior to his arrival on the scene, the Planning Board spent a lot of money, not always with Selectman Maddox's approval, to have NRPC produce a process that would explain to the citizens how to go about doing things. Director Sullivan decided he didn't need that. Selectman Maddox has been trying to get Director Sullivan to come up with a flow chart on how things are done, but so far all they've got is an org chart that may not be complete. These things may be coming, but they're a long time in the process.

Traffic in Town Ms. Davis asked if the town was advocating another crossing or a bridge to service Litchfield. Chairman Nadeau said yes, for as long as he can remember. They are always trying to talk to the Reps about it, but it's a bridge that's going nowhere. Ms. Davis asked what the alternative was. Chairman Nadeau said if she wanted to start building one, they could probably get her the permits.

Selectman Jasper said there was a bill this year to do something with private funding, but that turned into a study committee to look at, in general, using private funding to building highway projects. The problems is they can't find a place that's generally accepted and feasible to put it. Somebody's going to be upset, or a whole bunch of somebodies, and it's not in my back yard. He didn't know what's going to happen, but he's not holding his breath.

Selectman Maddox said DOT made the 10-Year Plan a 30-Year Plan; there's no money to do it and Hudson's bridge is very low on the list. Selectman Jasper said mainly because they fight about it. They come down and say here's where we want to put it, and they fight about it, so they go to North Conway, where they don't fight about what the state wants to do for them. They continue to argue and fight, so they go someplace else.

Ms. Davis said if the third bridge isn't ever going to get out of committee, is there anything the town plans to do to resolve some of the traffic issues? Selectman Jasper said yes, they are signalizing and synchronizing the lights, doing the other improvements—there's only so much they can do because it all comes down to that bottleneck. No matter what they do, they've still got to get across, and if a train comes through, thank you, Mayor Sullivan, ain't nobody going no place. The bridge should have gone over Crown Hill over the railroad tracks, but it didn't and that's one of those things. As long as the train cars are going to Bow to feed that power plant, people will be stopped a couple times a day when the trains go through. They can have the widest and best roads in the world on this side of the bridge, but there's nothing they can do to move traffic faster or better.

Selectman Massey said two years ago, they had NRPC run a model of what they could do to alleviate the traffic on the three roads, 111, 102 & 3A, and the conclusion was the bottleneck was Taylor Falls and Memorial Bridge and the only way to solve that problem was to put the third bridge across, but the state has no money for highways. They've authorized a \$15,000 contract to do a preliminary estimate of what it would cost to build a two-lane road similar to the road that goes from Exit 10 to Pennichuck Square. There's only three accesses to that point, once you come off Exit 10, for the corridor for Lowell Road through to 111—sometimes know as Maddox Madness Parkway. The Police Station is sited where it is today because when that being thought about in the early 1990's, the corridor was going to go in and when you think about where the police station is located, it's kind of centrally located, and they were going to be able to get to the southern end of town rather easily. When the state took all of the land between 102 and 3A, they changed the zoning ordinance to take advantage of that and made some industrial properties up there, but that's not going to happen now because that piece of the road is probably in 2120. It is what it is and to paraphrase Yogi Berra, nobody goes there any more because there's too many people there. Any highway engineer will say, generally speaking, 15 years after a highway is built, it's saturated because when the highway is built, it attracts industry, homes, etc. In California, they have no more roads to build. The most successful mass transit system in the country right now is Los Angeles. Virginia will build no more highways. They're putting all their money into mass transit. Almost all over the country, roads are at saturation point. It is what it is.

Selectman Maddox said they are doing things. In the last many years, Lowell Road. It took awhile to get there, but it's now five lanes. Wason Road intersection. They've done a lot. The area down past Rena and all that, the bottleneck that was there has been opened up and as soon as it was opened up, a developer came in. It's a never ending cycle. As fast as they build roads, people fill them up. They've done a reasonable job. Hudson is ahead of the curve on the CAP fees. A good number of towns in the state don't do CAP fees. The town has collected millions to do a lot of the work that has been done. They've done as much as they can within the dollars they are given and can collect reasonably. The lights at the end of Library and Central would be a benefit to most, but in the paper, they read it's going to screw up traffic and people are asking why they are doing that. Traffic is always going to be the bugaboo of southern NH. There will never be an answer to everything. People are complaining about the number of lights on Lowell Road, but how else do you control traffic? Should they do something at Pelham Road? Absolutely. It was on the CIP for a number of years and then dropped off and hasn't reappeared. People keep saying the town can zone, control, the marketplace is going to drive a lot of that. They can say they want X, but if the marketplace is going somewhere else, that's where it's going to go. The Selectmen can't stop it.

Selectman Massey said they are 75-25 residential to commercial. If they start eliminating the ability to have commercial and industrial development in town, then that ratio is going to go in the wrong direction. They need to have more commercial and industrial here in town because a) it provides jobs, but the cost of servicing those areas for the town service is less than it is if it was residential. In looking at neighboring communities that are predominantly residential, and look at their tax rate versus Hudson's for a residential home, they'd be surprised. Someone from Merrimack told him their tax bill was about \$8,000 for 2,000 sq. ft. Hudson is lucky to have the commercial and industrial base it has. He didn't want to lose that.

South Hudson Amenities Ms. Davis said there's absolutely no ball parks, playgrounds, or anything in south Hudson. Chairman Nadeau said the Recreation Department has looked into putting stuff down there, so they'll leave that in their hands. Selectman Maddox said some of that was NIMBY; there were a number of proposals, but the neighbors didn't want it in their back yard. Chairman Nadeau said they tried to put in a soccer field by Eayers Pond, they've looked at Joan Drive, etc., and every time, they've hit road blocks. Selectman Maddox said they also tried with the state for the soccer field behind Stop & Shop. It will go in about the same time as the Circumferential goes in.

Mr. Seabury asked if the Selectmen, collectively or individually, any of them had any concerns or issues with what the ZBA does and the way they do it, now or in the past, or what they should do in the future to improve what they do for the town. Selectman Jasper thanked them for what they do. They work very hard and put a lot of effort forth and try to be as fair as they possibly can to the neighbors and applicants. When all is said and done, there are as many people unhappy with their decisions as there are happy. Mr. Seabury said that's how they know they've made good decisions. Selectman Jasper said the ZBA always does a responsible job. Just as they probably don't always agree with him, he doesn't always agree with them, but they are doing it based on the information they have, which is more current and detailed than what he has available to him and he appreciates the work that the board does.

Selectman Massey said the ZBA is doing a great job and have been recently handicapped with the two NH Supreme Court rulings relative to hardship. They fact that they are able to weed through that, to him, is to their credit. What they've been doing, they should keep doing, because for the most part, the town is winning more than its share of cases going across the river. It's because they've been able to document they've done the right things, in the cases of the Zoning Board and Planning Board. When an applicant doesn't like a ZBA's decision and goes to court, he's never taken it as a sign he's done anything wrong. If they win, they get to do something the ordinance said they couldn't do and if they lose, the cost of the resulting building is negligible. Keep doing what you folks have been doing.

Selectman Maddox said these are good meetings. They've had a discussion. Complaining about Community Development to Mr. Sullivan is OK, but the Selectmen are the ones who will change things, so coming here, they've brought some issues and they are going to look at them. There is that committee that is going to look at... maybe a member from "your" board wouldn't be a bad thing, to be able to say there's something in the process that they're not thinking of on that level. Something they may want to take a look at. Television has helped a lot. The ZBA isn't making decisions at 3:00 a.m. any more. They're seeing a much more enlightened citizenry because they can see what goes on. It's a change for all land use boards, much as it was for the Selectmen,

but people see what they do and it's no longer the bad ZBA. They can see how decisions were made. They may not always agree; none of them do, but they have the facts and figures and made a decision based on that information. TV has helped. The Board of Selectmen has sent a representative to the ZBA meetings so there was that continuity to be able to answer questions or have a feeling of what that meeting was, if there was a question. The Selectmen are trying to recognize the challenging position that all of them are put in every time they have a meeting. They are sitting there, trying to determine the hardship requirement that has just changed. All those things they have to look at, and never making everybody happy. He thanked them for their service.

Chairman Nadeau thanked the ZBA members for attending. Ms. Davis said, for the record, they were not complaining about the Community Development Department. Mr. Sullivan said he had some items.

Community Development Department Mr. Sullivan said he sent the Board a 3-page memo on July 1 regarding this meeting. Page 2 listed the FY-2008 accomplishments. EEE and West Nile virus protection. They are now in the second year of a \$20,000 program, trapping mosquitoes, which are evaluated in a lab to see if they carry these viruses. About 600 mosquitoes have been tested this season, without a positive hit, which is a good thing. Two and a half years ago, they sprayed because they had a hit. This program will run in FY-2009, too.

With the help of Selectman Massey initially, another accomplishment is the Library and Central Street traffic signal installation. They have a \$120,000 grant that the town was awarded, written by Community Development, that was approved by NH DOT with the help of NRPC.

Route 102 sidewalks and drainage between Highland Street and Ledge Road project is just about complete. It was a long time coming. A lot of money was spent and he worked pretty hard with the previous Board of Selectmen to advocate, despite the increase in cost for the project. Today they can realize the fruits of that effort and traffic will flow more freely along that stretch of road and some significant drainage problems have been eliminated.

The document imaging project and hiring of two interns is moving along. Two college students are working five days a week to help staff take all of the paper documents and make them electronic. They are about 35% electronic now and hopes to be at a minimum of 50%, if not more, by the end of the summer.

Implementation of building permit and code enforcement tracking software has been talked about earlier, but this is software they didn't have a year ago. It works to the best of its ability. IT has been very helpful establishing the baseline and they continue to try to make it better.

Relative to successful code enforcement court cases, he picked out a couple—Dracut Road and Brookfield Road.

Building safety awareness will continue in 09. They try to get word out to people the importance of filing for and obtaining a building permit, an electrical permit, particularly at this time of year. There are a lot of do-it-yourselfers in terms of electrical, as it relates to pools. If people are not an electrician or well versed in the electrical code and they have a pool, hire an electrician for the family's safety.

Lowell Road sidewalk is a project that's been around a long time. They finally have received all property easements.

They recently completed a partnership with the US Census Bureau, helping the Census Bureau prepare for an update in 2010.

For goals in 2009, he'd like to continue with the document imaging project. It's a five year program. As of today, they enter year three. \$25,000 per year. He distributed a handout, a bid out of engineering services for Planning Board reviews. He and Selectman Maddox have talked about this a number of times. This is a multi-effort. The Planning Board contracts with a consultant to provide review services for site plans and subdivisions. He was hired in January 01 and in January 02, they put a bid out. Two companies bid. At that time, the Planning Board chose to keep both companies and split the work 50-50. Subsequent to that, they were not pleased with the customer service on one company, so they consolidated into the other company, and they have provided quality reviews for a number of years. But they haven't put that service out to bid for a long time. He realized that the Planning Board is the keeper of this project, but he requested the Selectmen consider a verbal vote to endorse the concept. If they agree, his goal would be to bring this same request to the Planning Board and ask them to consider allowing staff to put a bid together for competitive bidding. The benefits are competitive bidding for market demands, which they haven't done in a number of years, service enhancement, timely reviews and accessibility to civil engineers, wetlands scientists and traffic engineers. That's important. They have a process they can improve upon and a fresh start with a bid to be put out there to go to NH engineering firms is a step in the right direction.

Electronic signoff for building permit checklist, which Selectman Maddox mentioned earlier tonight. They don't agree on every issue, but it's a goal worthy to put down for 09 and to do some work with IT to bring that to the Board when something is formulated for the Board's review and approval.

Another goal alluded to earlier, CTAP grant administration, a \$15,000 grant that he wrote, with the assistance of NRPC to study what it would cost to do something tangible with the southern tier of the circumferential.

Lastly, the never-ending issue of the future development of Green Meadow Golf Course. It's a very complex piece of land, a complex process. He and the Town Administrator met, at the director of the Board of Selectmen, with folks from the Department

of Resources and Economic Development, which will be discussed at a future date. He, the Town Planner and an Administrative Aide spend enough time on the project, either on the phone, meeting with the developers and engineers, traffic people, so it's continuous. It's not at the same level it was a couple of years ago, but it's out there. They just received an invoice from the consulting engineer, which takes some processing, but either he or John are on the phone pretty regularly with the property owner, their attorney or an engineer affiliated with the project.

Those are the goals that are measurable and tangible. He could sit here a year from today and say yes, they achieved this or, if they didn't, why.

Selectman Maddox said they haven't got the budget to actuals, but it appears the Community Development's revenues are dropping significantly. He asked if Mr. Sullivan had a plan to deal with the excess of man hours, if the 50% number holds up down for FY09. Mr. Sullivan said in terms of man hours, they have nine employees in Community Development—four secretarial and four administrative/professional. The number of subdivisions applied for has clearly dropped off, but things don't stop. Today, the phones were utterly crazy. They have days when there are people at the counter and there are three lines ringing. It gets tricky to handle. People get used to efficient service they offer, and they are proud of that. A person may not always get the answer they want, but they get an answer. He demands of people who work for him that no one leaves the office without an answer. Either that, or they get their name and phone number so they will get a call, after they find the answer for them. If they lose a position, then the rest of the staff will have to take up the slack, but if they have to do that because of a tight budget, then they will do that. Selectman Maddox said it's something they need to be aware of, maybe not hiring interns next year and use staff to get that work completed, those type of avenues need to be looked at today rather than December 31 and try to play catch-up. For the engineering review, Mr. Sullivan should come in to the Board before he goes to the Planning Board with much more detail of what he is looking for. How do they put that out to bid? Mr. Sullivan said he could draft a bid, like they did a few years ago, looking for someone to provide civil engineering services that has a wetlands scientist on staff, preferably a traffic engineer on staff, or someone they can directly consult with. He didn't present a formal RFP, but that would be his goal. Selectman Maddox said the devil is in the details. In principle, he agrees, but without more detail... he needs to put in there they need to have plans reviewed and returned within X amount of business days, and sent electronically. Mr. Sullivan said that'll all be in there. Selectman Maddox said by that time, hopefully the web site is capable of receiving 10-megabyte file and not shifting paper back and forth, cutting down on some of the paper that's being transmitted back and forth.

Selectman Massey wouldn't want to be put in the position of telling the Planning Board they've gone out and done all this work and now you say yes. He'd like to understand from the Planning Board before the Selectmen go to a lot of effort. He asked if they were managing the Green Meadow consulting project the same as they do for any other site plan that they are requiring the applicant to deposit in an agency fund \$20,000 or whatever it is and they draw against that, but when it gets to a certain level, they notify the applicant that they have to replenish that. Mr. Sullivan said he manages that personally. That was the angle he was coming from, to present the concept of the engineering issue to the Selectmen, get their agreement or disagreement, and bring that to the Planning Board and formulate an RFP. He has a framework of one which he could put together, but there may be something the Planning Board would like that they could add to the discussion that he could put in the RFP and he could do that with a draft RFP or before he goes into a ton of effort, as the Planning Board if it's something they have an interest in. Administratively, that wheel is broken. Big time. The Planning Board doesn't see it at a meeting, but he sees it every day and it's not getting any better. He wants to work with the Planning Board and Board of Selectmen to make that wheel turn the way it should because it can turn quicker and more efficiently for all of them.

Selectman Maddox said he wanted to see a draft RFP before he says yea or nay to go to the Planning Board. He wants to see what the goal is, what Mr. Sullivan is trying to accomplish. Selectman Jasper agreed. Before he endorses an idea, he wants to see what they are looking for. Mr. Sullivan said OK, that he'd be back.

C. Job Posting Policy

Selectman Coutu said his intent was to be able to talk to the Town Administrator about what they had discussed at the last meeting with regard to vacant positions. It was brought to his attention that back before the pilgrims landed, Selectman Jasper made a motion to direct the then-Town Administrator to draft a policy to ensure that there is a paper trail for notification of all vacancies of town positions and that permission to grant the posting be in writing. In light of the fact that there have been attempts in the past to draft a document that would allow for a paper trail and in light of their discussion, he'd like to reiterate his position to the Town Administrator that they realize the financial situation they are in today and that it looks gloomy in the future and he didn't think any department head should just not go out carte blanche, filling positions, without first bringing it to the attention of the Town Administrator and without him coming to the Board for authorization. Each position needs to be looked at individually and make a determination whether or not it should be filled. His impression at the last meeting was that was the consensus of the Board.

Mr. Malizia quoted from the minutes, "Motion by Selectman Massey, seconded by Selectman Jasper, that all future vacancies require the department head to come to the Board before the position can be posted." It didn't sound ambivalent to him. If that's what the Board voted, that's what he'll do. The previous policy was what he had been following. Department heads would make the request to him in writing and he'd authorize it. Selectman Jasper didn't know that the Board was copied on those requests, to complete the paper trail. Mr. Malizia said any time he got a notice that someone was leaving, he'd copy the Board. Selectman Jasper said the Board has pretty much been left out of the loop. Selectman Maddox said they are until they are hired. Selectman Jasper said by that motion, the Board was supposed to be notified by the Town Administrator that he had given permission to post, but it's academic, at this point.

Selectman Massey thinks they are doing the right thing, but cautioned that no matter what they do to control expenses this year, they will not change the tax rate in December of June of next year, as a result of controlling expenses. In terms of the actual tax rate, that's going to be determined on the actual budget approved by the voters. They won't necessarily be lowering the tax rate, it's so they don't end up in the red at the end of the year. Selectman Coutu said the biggest portion of the town budget isn't controlled by the town, but by the School Department. Mr. Malizia said and the county. If those two pieces are added, it's significant.

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

Request by Sophia Zacharatos, on behalf of Operation Smile, to hold a fundraiser at SAM's Club from July 7-12, 2008.

Motion by Selectman Jasper, seconded by Selectman Massey, to approve the request to hold the fundraiser.

Selectman Coutu asked if it was standard practice to give anyone permission to go collect money at SAM's. Selectman Maddox said yes, if SAM's agrees to it. Selectman Coutu said then this is just a formality. They don't care that this organization is coming into the Hudson, based out of New Jersey and they're going to take money and God knows what they do with it. They just don't care. They let anybody and their brother come into town and collect money. He's getting fed up with it. If the Board approves it, people think it's a worthwhile organization. He didn't even know what this organization was. They got a picture of a woman smiling, saying thank you. Who is she? And they just got this today, so they have no way of knowing what this is. He'd like to think people in Hudson are giving money to worthy causes and not just some fly by night operation, and he wasn't saying that they are. He had some concerns and was going to vote against it.

Selectman Maddox didn't disagree with that basic logic, but no one leaving SAM's Club thinks hey, the Board of Selectmen approved this, let's give them some money. SAM's should vet these people more than the Board because they are tied to their name. This is a case where he's going to go liberal. Chairman Nadeau said they've talked about this before, requesting that they come in two weeks in advance, and they just keep putting them down as quick as they can get them to the Board. Some people put them in six months in advance. As long as SAM's doesn't have a problem with it... Selectman Jasper said Selectman Coutu has woken him up. Most of the time, these are on consent, but they did have a policy about two weeks in advance. This would be starting next Monday, which is before the Board's next meeting. There is certainly some question about just letting anybody come into town and collect funds, although a lot of people in the parking lot are from out of state. He's not sure if they need a reason to say no, if it's totally at the Board's discretion. People need permits, but he's not sure what the law is. Mr. Malizia said it doesn't get into a lot of detail, just that the Board of Selectmen are the ones to grant the permit.

Selectman Massey said if they say no, they need to have a solid reason. Selectman Jasper said he was going to say no, and for the record, it was because the permit application came in after the deadline. Mr. Malizia asked if he meant for this meeting, or the two week deadline. Selectman Jasper said the two week deadline.

Vote: Motion carried 3-2. Selectmen Jasper and Coutu were opposed.

Chairman Nadeau said from now on, if they do not meet the two week deadline, that they do not get put on the agenda. Mr. Malizia said he wasn't here for this one. He asked what the Board was going to do if they did it anyway. Selectman Jasper said they'd have to have a conversation with SAM's Club, at that point, for letting them do it without a permit.

Selectman Maddox said the Town Administrator should have a conversation with SAM's Club. Mr. Malizia said he did. That's why they have so many of these requests. Selectman Maddox said he needs to know if they're not in, they're not going to accept them and it will fall on him if they are there. Mr. Malizia said they've never had this many before. They just did it without coming to the Board for permission. Selectman Maddox said they've been approving them regularly, too, but they should ask if SAM's is vetting these organizations. Serious money could be distributed. The Seniors do quite well. They should be looking at where it's going. He asked the Town Administrator to just touch base with him.

Pre-buying Gasoline Selectman Massey said he promised the Chief he'd bring this up tonight. Apparently, they have the opportunity to pre-buy gasoline at \$3.59. The up side is they are way below market, at this point. The down side is, if the market goes down, they've locked in that price. In the next six months, he doubted they'd see gasoline that low. Do they authorize the department heads to enter into a long-term pre-buy? Selectman Maddox asked what the minimum was. Selectman Massey said the Chief was talking about 10,000-20,000 gallons and the Highway Department said they use about that same amount for the entire year. 20,000 gallons would be about 50% of the Police Department's requirements for the year. They budget 40,000 gallons.

Mr. Malizia said this just came in this afternoon and he hasn't even had time to talk to the Chief about it. The Chief had a discussion with the current gas supplier that if they wanted to lock in for 10,000 gallons, the number he saw, at the current price of \$3.59, they can do that. The Chief estimated that was a three month supply for him. Kevin Burns made some comments, but didn't say to sign him up. Fire said anything they could do would be great, but staff hasn't had a chance to even talk about it yet. Selectman Maddox asked if it could wait until next Tuesday. Selectman Massey said anything over \$25,000 requires competitive bidding. Maybe there are other dealers that would be willing to pre-buy at a fixed rate. Mr. Malizia said he didn't know for sure, but unless you're a regular customer, he doubted if anyone was going to give them a sweetheart deal. Selectman Massey said probably not. Mr. Malizia said they've been with this company for the past couple of years. The Chief mentioned to department heads today that he may have the possibility to lock in this price for X amount of gallons which will take him through the next three months. That's the message he saw. Not everybody has weighed in. Kevin suggested looking at a state list, but staff hasn't had time to vet it, so he was concerned that the Board make a decision before staff has really looked at it. He'd like little more from the departments.

Selectman Jasper said he wasn't comfortable doing this tonight. It looks like a good deal, but not a great deal. If they go into the winter with heating fuel the way it is, people are going to be in serious trouble. When they get into the heating season, there's going to have to be some adjustment, or people won't be able to live in this part of the country. There's assistance, but the government can't provide assistance to everybody. There's got to be a market correction eventually. For his business, he's looking at changing over to pellet stoves, which means he will be in the cellars every night, stoking the stoves. He's looking at an incredible amount of money to heat four houses.

Selectman Massey said that was fine; he just wanted to make sure everyone was aware of it. Another piece of this that the Chief mentioned, and he's talked to at least one other Selectman. They currently charge all of the non-town agencies that pull up to the pumps the price the town pays per gallon of gas. The Chief talked about this last year during the workshops. The pump is going to have to be replaced in the near future. The town incurs administrative costs to collect the money from the other agencies—Litchfield and Hillsborough County Sheriff's Department—so the Chief was wondering if the town should have a service charge on top of the gallon charge, pennies on the gallon, three to five cents. It might be better for an administrative fee, X number of dollars because at five cents, that would represent about \$180. That's not worth it, but if they were to charge a flat fee for every invoice they send out, it might make sense. The larger issue is if they are going to update the pump... the cost of maintaining the pump is being borne entirely by the Police Department, but the gas is apportioned to all the departments. He is opining that if other agencies are taking advantage of this service, they ought to help pay for the pumps, as well.

Selectman Jasper said they will probably have them go someplace else and have no net effect to the town. It's not really costing the town anything. They could make a deal with any vendor to be billed and then they'd have to do the paperwork of applying for the rebate back from the state and federal. This is just a good neighbor policy. Litchfield's usage is very small. It's good having the sheriff come through town. Even a couple hundred bucks a year isn't going to change anything. He appreciates the fact the Chief looked at it, but it doesn't make any sense. They either say goodbye or continue what they've been doing for years, which is what he'd prefer. Selectman Maddox agreed with Selectman Jasper, as did Chairman Nadeau. Selectman Maddox said they may have a different view once they find out how much a new pump will cost, which will probably happen sooner rather than later. Selectman Maddox said he'd find out as soon as possible what that will cost. Selectman Massey said he'd follow up on that with the Chief. Selectman Jasper said the other agencies should pay for the cost of their keys, if those will be an additional cost, but that would be it.

Scam Artists Selectman Coutu said he wanted to let the citizens know the scam artists are out there. Last week when he attended a ZBA meeting, his wife received a phone call representing to be from the Hudson Police Department. Fortunately, they were able to secure the phone number and organization and he called the Chief of Police. He will be issuing a bulletin, notifying the citizens that this is a scam being operated out of Medford, MA. When citizens receive telephone solicitations of this nature, they ask for as much information as possible, call the Police or Fire Department to verify that these people are legitimately collecting money for their respective organizations that they are representing and he'd ask how much money on the dollar is actually going to the organizations. They received another phone call today at his business, soliciting money for the Fire Department. They may be legitimate because they gave a fireman's name, but then they are saying they are buying tickets for a circus. It makes him wonder how much money actually comes into the town from these agencies. If it's ten cents on the dollar, then he'd rather go to SAM's Club and give it to Virginia than to someone who is buying clown tickets. Selectman Massey said by FCC regulations, these people on the phone are required, by law, to tell who they work for, not the agency they are collecting for, but the actual company they work for and how much of the money they collect on the dollar goes to the agency and if they can't tell you that, they're in violation of federal law. In the case of the Fire Department, the last time he checked with them last year, 70 cents of every dollar is going to the fund-raising company and 30 cents is not going to the Hudson Fire Department, but to the Professional Firefighters Association of NH. The same is true with the police. It's going to the NH Chiefs of Police Association. Not even a penny of that money comes into the town of Hudson. He tells them to send him the material and he'll consider it. When he says that, they go away fast. Selectman Coutu tells them they don't accept telephone solicitations, but people are being scammed out there and if somebody can get as much information and turn it over to the Police Department, the detectives will investigate it. It needs to stop.

9. ADJOURNMENT

Motion by Selectman Maddox, seconded by Selectman Massey, to adjourn at 10:15 p.m. carried 5-0.

Recorded by HGTV; transcribed by Priscilla Boisvert, Executive Assistant

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Richard J. Maddox, Vice-Chairman

Kenneth J. Massey, Selectman

Shawn N. Jasper, Selectman

Roger E. Coutu, Selectman