

HUDSON, NH BOARD OF SELECTMEN
Minutes of the May 27, 2008 Meeting

6:30 – 7:20 p.m. Attorney-Client Session Pursuant to RSA 91-A:2 I (c) Consultation w/Legal Counsel

1. **CALL TO ORDER** by Chairman Nadeau at 7:24 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE** led by Selectman Jasper.

3. **ATTENDANCE**

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

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Gina, HLN

4. **PUBLIC INPUT**

There was no one in the audience who wished to address the Board on any particular issue.

5. **NOMINATIONS & APPOINTMENTS** (Interviews to be conducted at the June 10th meeting.)

6. **CONSENT ITEMS**

Motion by Selectman Coutu, seconded by Selectman Jasper, to approve the Consent Items, A – D, as noted or appropriate, carried 5-0.

A. **Assessing Items**

- 1) 2007 Abatement, Map 248/Lot 74, w/recommendation to approve.
- 2) 2007 Abatement, Map 216/Lot 14-42, w/recommendation to approve.
- 3) 2007 Abatement, Map 183/Lot 120, w/recommendation to approve.
- 4) 2007 Abatement, Map 152/Lot 58, w/recommendation to approve.
- 5) 2007 Abatement, Map 160/Lot 16, w/recommendation to approve.

B. **Licenses & Permits**

- 1) Request for Raffle Permit by Alvirne HS Friends of Music for June 7, 2008 at Hills House (conclusion of Chili Fiesta)
- 2) Request by the Senior Activity Center of Nashua to hold a fundraiser at SAM's on May 30 & 31, 2008

C. **Acceptance of Minutes**

Board of Selectmen's Workshop Minutes of May 6, 2008

Board of Selectmen's Meeting Minutes of May 13, 2008

D. **Calendar**

05/28 7:00 Planning Board in CD Mtg. Rm.
06/02 6:30 School Board in BOS Mtg. Rm.
06/03 7:00 Board of Selectmen in BOS Mtg. Rm.
06/04 8:30 am Highway Safety in CD Mtg. Rm.
06/04 7:00 Planning Board in CD Mtg. Rm.
06/05 6:30 Recreation Committee @ Oakwood
06/08 1:30 Library Ground-breaking
06/09 7:00 Conservation Commission in CD Mtg. Rm.
06/10 7:00 Board of Selectmen in BOS Mtg. Rm.
06/11 7:00 Planning Board in CD Mtg. Rm.
06/12 5:30 Sewer Utility in BOS Mtg. Rm.
06/14 Boot Drive
06/16 6:30 School Board in BOS Mtg. Rm.

06/17 7:00 Cable Committee in BOS Mtg. Rm.
06/18 5:00 Water Utility Committee in BOS Mtg. Rm.
06/18 7:00 Library Trustees in BOS Mtg. Rm.
06/18 7:00 Seniors in CD Mtg. Rm.
06/19 1:00 Trustees of Trust Funds in CD Mtg. Rm.
06/19 7:30 Budget Committee in BOS Mtg. Rm.
06/21 9:00 Town Auction at the Highway Facility
06/23 7:00 Green Team in CD Mtg. Rm.
06/24 7:00 Board of Selectmen in BOS Mtg. Rm.
06/25 7:00 Planning Board in CD Mtg. Rm.
06/26 7:30 ZBA in CD Mtg. Rm.
06/30 7:00 Recycling Committee in BOS Mtg. Rm.

7. **OLD BUSINESS**

Votes taken after Nonpublic Session on May 13, 2008

Motion by Selectman Maddox, seconded by Selectman Jasper, to hire Diane Morrisette as Assistant Town Clerk/Tax Collector, effective June 1, 2008, at \$13.92 per hour, Step 1 of the Administrative and Support Union Contract, as recommended by the Town Clerk/Tax Collector, carried 5-0.

Motion by Selectman Massey, seconded by Selectman Jasper, to deny the request for a Tax Deferral for Elderly and Disabled for Map 229/Lot 004 carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Maddox, to adjourn at 10:00 p.m., carried 4-1. Selectman Massey voted no.

8. **NEW BUSINESS**

Town Auction

Motion by Selectman Jasper, seconded by Selectman Massey, to hold the annual town surplus property auction on Saturday, June 21, 2008 at the Hudson Highway Garage, starting at 9:00 a.m., and to approve the list of surplus property for auction that is attached to the memo from the Town Administrator, dated May 22, 2008 entitled Town of Hudson Town Auction List, carried 5-0.

Town Administrator Steve Malizia indicated this would be posted in the appropriate places. Last year, the auction brought in about \$6,500.

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

Selectman Coutu said the ZBA would like to meet with the Board in a workshop. Mr. Malizia suggested next Tuesday, with the Planning Board for the sake of continuity, but Chairman Nadeau didn't think Mr. Seabury would be up to it by then. Selectman Coutu said the ZBA has nothing for an agenda, and will be holding only the June 26th meeting. The Recorder indicated the ZBA had also reserved the meeting room for the 12th. Selectman Coutu thought they had said they were just going to meet on the 26th.

Another ZBA issue was the question of the driveway. Supposedly, there was a letter sent about the interpretation of a driveway. If there is paved driveway to a property, and an unpaved second means to the property where cars are parking, does that constitute a driveway? He didn't think this was a Selectmen's issue because it's a zoning decision. Selectman Maddox said it's in the regulations, adopted by the town through the Planning Board. A driveway does not need to be paved; it could be gravel or grass. It is an access point from the roadway. Selectman Coutu felt that whether a driveway is paved or unpaved, it's still a driveway. He hopes this question will get resolved. Chairman Nadeau suggested the July workshop. Selectman Coutu thought that date would work and if no one had a conflict with that, since it's close to the 4th of July weekend, he would approach the ZBA with that date. No one indicated they had a conflict with that date.

Selectman Maddox spoke on Green Meadow, saying he was going to dance around the edges, but he has asked the Town Attorney for an opinion as to how much the two representatives that sit at the Planning Board can be involved in this. At some point, the Board of Selectmen will need to get involved in this process. To have the Planning Board get down into the minutia of the angle of the granite curbing to a roadway that the Board of Selectmen is ultimately going to have to put to the state for application to cut into the highway, at some point, and maybe some of this can be discussed at the workshop, but this is something this Board is going to have to look at. He didn't think the Planning Board should, or could, work in a vacuum. There's a lot of unknowns of what is going in there and how it's all going to work. But, again, they are getting into the design of a bypass, a roadway—whatever they are calling it this week—and it's ultimately going to have to come to this Board if it's going to tie into the highway and that needs to be addressed. At the last meeting, he stood up and did not represent this Board, which he made very clear, but they are always talking about retail for that property. Is that the only option? Are there other options they could look at through Economic Development? Are there other avenues they could look at, besides a mall on that property? Before it becomes cast in stone, is there something else they can look at, as a community, as a region, as a state, to bring in something 'other than'? This shouldn't be tied to just the Brothers Friel. The town has to have a commitment as to whether they would be willing to give tax deferrals, or whatever, to do something on that property, 'other than'. His thought was to task the Town Administrator to see if there are other avenues this community can look at to see if there's something else, if there are other resources they can bring to bear to assist in doing something else there. He was looking for input, and maybe they want to talk about it with the Planning Board at the workshop. It's time for everyone to think about it because it's something they will have to deal with at some point.

Selectman Massey wanted to make sure they had closure on Selectman Maddox's issue about other uses for the Green Meadow property. His understanding was that Selectman Maddox was requesting, through the office of the Town Administrator, they look to the state to see if there could be some form of a partnership formed between the town and the state to go after, such as in his words, a bio-medical campus, or a research campus of any type that requires a large acreage, etc., but it's not going to happen in a vacuum.

Selectman Coutu said he watched the meeting and got the clear impression from their attorney that they were exploring every possible avenue to entice anybody to come in there. They just want to get rid of it. He didn't know what their bottom-line asking price was, but it's in the \$190 million range. He's sure they will let anyone develop it that's willing to buy their land; it's theirs to sell. What bothers him about the whole scenario is—and he wanted to tread very lightly on this, too—is the fact that they come to the meetings and get priority booking, while the citizens sit and wait. The citizens should be given priority when they come before the Planning Board to have their cases heard. They shouldn't have to sit and wait for these other people (Green Meadow) to make presentation after presentation. He heard what Selectman Maddox said when he spoke as a citizen, that if there were tax incentives the town could offer, and a lot of things they could explore, but they would have to sit down with the property owners to see if these things had been touched upon and if they could work in unison or in partnership with them, and join together to explore that, or other possibilities.

Selectman Jasper said he was very hesitant to support where this seems to be going, only because it's their (the Friels') land; it's their choice as to with it as they please and he didn't want to tell them what the Board thought they ought to do with it, or to say they were exploring something. It's not the town's land. If their (Friels') plans fit within the zoning that's allowed, then that is their choice. From what he's seen, they have some serious problems with where they are going with the roadway system. It's going to be difficult, if not impossible, to make that happen and then it's who's responsible for the road maintenance and all those things. He would have no problem with them benignly saying, "We'll stand ready to assist you in exploring other options beyond retail for your property," but he didn't think there were tax incentives they could do. There have been trial runs within the state, called crop zones, for areas that were economically depressed, which were tax incentives to get people to come in to develop those, but that didn't work terribly well. They expired and were more for the north country than locally. He's not sure there is anything on the books that allows them to do anything on a raw piece of property like this. If there is anything, it has to do with redevelopment of existing structures, or existing areas that are blighted. He didn't think there were any tax incentives to change where they want to go. The town still has to continue to make sure that whatever traffic impacts they are proposing are mitigated and it appears they are not going to be able to put the type of traffic into the roadway system that they would like to. He has no trouble in saying, "If you're interested in exploring other avenues, the town of Hudson is willing to assist," but in terms of the Board actively looking to bring somebody in to somebody else's land, that is a little too socialistic for him.

Nadeau Farm. Selectman Maddox said he sent to all of them a questionnaire for the Community Development Director, who assured them that these documents appear to meet the spirit of Mr. Baldwin's vision, but he has concerns, especially after Selectman Massey told him that the detention pond will be the responsibility of the town. Selectman Massey said that's the position Community Development is taking. Selectman Maddox said they don't do that with any other parcel. Before this becomes an approved subdivision, they need to get a handle on what the documents say; they need to see them. He asked that copies of the development agreement and the documents that Mr. Sullivan

references be provided to every member of the Board of Selectmen, and probably the Planning Board, and make sure they work out the issues before this gets to the point where they have to play backstop, rather than directing the program.

Selectman Jasper said he has greater concerns that the Community Development Department doesn't understand what Mr. Baldwin's vision was and, apparently, doesn't understand what was sold to the Planning Board in terms of the town having no maintenance responsibility out there beyond the pavement for snow removal purposes. The swales and everything else will be maintained by the association. As you drive in, on the right and to some degree on the left, there are areas that cannot be farmed and other areas such as that, that will have to be maintained on a regular basis. It needs to be in the development agreement and the association agreement that twice a year, the areas that are now open space, that cannot be farmed, need to be mowed, or otherwise maintained. The swales are full of large pieces of granite that will have weeds and grasses growing out of there, and they're not going to be able to use traditional equipment through there. The association needs to maintain that regularly, or trees will grow there, which will eventually become a problem in terms of sight and road maintenance. If there is nothing in the agreement that specifies that the homeowners have to hire somebody to come in and maintain it, the town will have to because it's the town's right of way. He has grave concerns and wants to see those documents himself. It wasn't his understanding that the town was going to maintain the detention pond or the other areas; the association needs to maintain those things. The town will have a mess on their hands out there and, at this point, it's nobody's fault but their own.

Selectman Maddox said his biggest concern all along has been the shared driveways, some of which are 1,500' long. Unless the documents clearly state, not just the development agreement, but the documents that get recorded, the documents that a homeowner is going to buy, this Board is going to be looking at people asking why their street isn't being plowed. It's not a street, it's a private driveway. The Board is going to end up with those types of issues. They've been through this before and he didn't think the Board wanted to go through it again. It's imperative that the documents are worked out in advance this development starting, because once it starts, there won't be any way to bring it back. He hoped that Steve would convey this to Mr. Sullivan, to get copies for all of the members, and it probably will be an issue to be discussed at the workshop with the Planning Board. Mr. Malizia said he made a note of it; nothing more needed to be said.

Selectman Massey said the Hudson Senior Council on Aging met last Wednesday. There is unanimous agreement that the terms and conditions of the summer program are acceptable--Wednesday and Thursdays at Oakwood, and on Wednesday mornings, the use of 1/3 of the Community Center for line dancing. If there are any logistical issues that need to be worked out, like moving furniture, etc., the Recreation Center will provide assistance. The Seniors are prepared to move into Oakwood in June and move out at the end of August.

There needs to be clarification because there were differing opinions at the meeting last Wednesday as to a building committee. He asked Selectman Coutu to reiterate what he said at the meeting of May 6, where he identified a course action because the Seniors are not clear. Is it a Selectmen's committee? An ad hoc committee? Etc, etc. He asked Selectman Coutu to explain what happened at the Unity Breakfast that caused that issue to get confused. Selectman Coutu didn't know what was muddled about it. Fortunately, the Town Administrator was there, and he knows that there was no committee appointed. What he had suggested was that a member from the Seniors and a member from the Recreation Committee get together and try to put together a group of volunteers, and form a committee—on their own, not Board-appointed—to begin the process of, perhaps, looking to see what's available for land in the community, go out and look at land and see if they can find a piece of land they could present to the Board for possible mutual agreement that could be leased to them on a long term basis. He also suggested that this committee of volunteers could try to put together a group of volunteers to help build the building on their own and they could provide the funds to supply the material. He would help facilitate recruiting people to volunteer to help build a building. He thought that was clearly understood. Mr. Malizia said it was clear to him that's what was said. Selectman Massey clarified that it's not a committee of the Board of Selectmen; it's an ad hoc committee made up of some private citizens, who will do the research and, at some point, make a proposal to the Board of Selectmen. Selectman Coutu said that was correct. Selectman Massey asked if the Board isn't going to be appointing a committee to go off and do this. Selectman Jasper said that was his understanding all along.

Selectman Maddox thinks they are just shoving it down the rabbit hole and hope it doesn't reappear. There's only four or five parcels in town that would meet their needs. Most of the parcels the town owns are either very small, slivers of land, in residential neighborhoods, or wetlands. There are maybe four, five parcels that would even get close to being usable to putting a structure on to house a senior center. It shouldn't be a long search and they don't need to have a big committee. Where is it going to go from there? They are going to find a parcel that the town will lease to them, if they do their own building and then do they run their own program, or will the town be involved? Those kinds of things should be the next step. He didn't want to wait until November or December and they come in with a warrant article. This is something they should be working on now, not later.

Selectman Massey said he'd work with the Seniors on that basis. They also asked the Board to consider putting a senior facility into the CIP--a public building, owned by the town. Selectman Maddox said to play back what he just said. The Seniors need to work out the details of what they are really looking for. What he just heard was the Seniors are going to go off and build their own building, so why would they go through the CIP? They need to decide what they want to do, or sit down with the Board on how they want to go. Are they trying to go in parallel with both ideas? CIP is over for this year, so it wouldn't be until next year to get on the CIP. Selectman Massey said the CIP has a meeting next week. Selectman Maddox said that was just to wrap things up. He didn't think they could even get a presentation before them.

Selectman Jasper said regardless of whether or not they could get on to this year's agenda, any talk of a public building is putting the cart before the horse. If they were going to have a public building for the use of all seniors, they need to develop a structure in terms of organization, they need to develop programs, at least theoretically, and that would be a lot of work. They'd have to sell this to the taxpayers and explain how it would be set up. Who would run it? What would the services be? They would need to get that program off the ground, probably using both Oakwood and the Community Center, on a trial basis to see how well received those programs were and what the needs were. To go down the path of building a public building for a private organization is not someplace this Board ought to go.

Selectman Massey said they need to be clear that never, under any circumstances, would they ever build a building for a private organization. They might build a building and using the Nashua's model, lease it to a private organization. Nashua paid for the building but the Seniors organization staffs it and runs all the programs, and they are required to pay the operating costs of that facility, including the employees' salaries. There is an agreement between the city and this organization as to who is responsible for what and what the financial obligations are. Selectman Jasper said he wasn't dismissing that concept out of hand; he was saying they are a long way from having a proposal for a building if they are going to go that way because there is a lot of other work to be done before they get there.

Selectman Jasper said, relative to a legislative update the retirement bill continues to be battled out between the House conferees and Senate conferees. At this point, there hasn't been any progress made, even though they've met several times. What is disturbing in the whole debate, and although there were no ethics violations as long as a person discloses their interest in a piece of legislation before they fully participate and vote, a number of people in the Legislature who have a vested financial interest in what's going on, participated. A few of them had the good sense to not participate, but unfortunately, there were many who did. When you are that close to an issue, and your retirement and all your benefits are coming from the state, you need to recognize that you do have a conflict, even if it's not a legal conflict, it's a moral conflict. People should have stepped away from the issue. Two members of the Speaker's leadership team, who were supposed to be whipping for the bill, were actually working against the House version and for the Senate version and were removed from their leadership positions by the Speaker of the House. This is a very emotional and volatile issue. Police, firefighters and teachers were lining up in the halls today as the Committees of Conference went on. This is a tough issue and it does affect people. Unfortunately, there are people that are being called by other people, being told things that are blatantly not true. No one is trying to cut retirement benefits at all. They are trying to save the system for the long term. Back in about 1994, he was working on this same issue and, at that point, the system was in very good financial shape, but they saw what was coming down the road. It was a tough time then. He had members of the Fire Department, at the time, including command staff, that would not speak to him, even though they would not be affected. When he was in for coverage, a firefighter from a neighboring community had to literally be pulled out of the room because he was ready to physically assault (Selectman Jasper), so this gets very personal for a lot of people. He understands that, but hopefully, people can step back and see the bigger picture, that if they don't fix the system, the taxpayers will be burdened to the point where it's unbearable. Two years ago, between the school budget and the town budget, the retirement portion of the increase was \$1/2 million and there was no corresponding increase on the side of the employees. This is a painful process and there has to be sharing of the pain because things have changed from when the system was created and when promises were made. That's the reality. They will be moving forward, but it's a very tough issue. He's not sure the House position, which is in the best interest of the taxpayers will prevail, because it's harder to influence 400 members. The 24 members of the Senate really feel the pressure very personally and he doesn't envy what they will be going through.

Selectman Massey said at the NH Municipal Association last Friday, this subject came up. He has two concerns. The first is people are making claims that are not true. There was a Letter to the Editor by an individual about a week ago, in which he was saying that if the House version of HB1645 passes, it is going to take away all these benefits, etc., and that's simply not true. The way that bill is written, the change only starts if for those hired on or after July 1, 2009. All existing people who are in these unions would continue to have the same pension benefits if they retire, regardless of when they retire. If you say everybody is impacted, of course people are going to be up in arms because "you're taking something that you promised me away from me," and that's not true. Secondly, he is really disappointed that the Senate didn't keep the governance change in their version of the bill. The current governance of the trustee system is composed of 14 members, eight of which are public employees, one of which is from the Municipal Association. Nobody is required to have any investment or financial expertise. The governance model would change to where there are only 12 members, four of which are public employees, one Municipal Association representative, but two at large people who would have to have financial and investment expertise in order to be appointed. If he could only get one thing out of that bill, he would want to see the governance model changed, which would be in the best interest of the state.

Selectman Jasper said one other piece of legislation that passed has to do with the Evergreen Clause, referred to in contracts. It has to do with pay increases. COLA, was taken out, so if you have a contract that's three, three and three, that wouldn't continue the fourth year, but step increases would. This will only apply to new contracts, so as they go into the negotiating season, they have to figure out how they are going to deal with step increases in the future because the way they've done the law now it is probably not unconstitutional in that they are accepting it by entering into that negotiation. They will have to talk to their labor attorneys about putting in step increases that have a life span of the length of the contract. He didn't know how they can do that. They might have to look at a whole new model, which is what he would suggest, and do away with steps entirely. It would be wrong to put in cost obligations that continue beyond the life of a contract. All of the municipalities are going to have some difficulty in dealing with this, but that's the new reality and there's nothing they can really do.

Selectman Nadeau thanked the American Legion and VFW and all of those who took part in the Memorial Day celebration yesterday for the hard work in putting the parade together, the ceremony and afterwards, for having refreshments at the Legion. Selectman Maddox asked the Chairman to read a speech that he had prepared for yesterday, but was not presented.

I think it is sad that we tend to forget about our freedoms and also I'd like to thank the American Legion and Veterans of Foreign Wars for helping us properly remember and observe Memorial Day. Only one day out of the year does not seem enough to honor our loved ones, our ancestors or our friends, who have died in conflicts and wars--not to honor war, but to honor those who died fighting for our freedom. Memorial Day was officially proclaimed on May 5, 1868 by General John Logan, the National Commander of the Grand Army of the Republic and was first observed on May 30, 1868, when flowers were placed on the graves of Union and Confederate soldiers at Arlington National Cemetery. General Logan wrote, "Cherish tenderly the memories of our heroic dead who have made their breast a barricade between our country and its foes." While the numbers have grown considerably since the first memorial service, we do not doubt that we should remember that if it weren't for these brave men and women who gave their lives for our country, we would never have a strong and unified country that we have today. I'd also like to remember our soldiers who are currently fighting and for those fallen heroes who have died for our freedom.

CTAP offers a couple of classes on different things, such as how to look at land, how to assess land, how to look at projects, etc. They have guest speakers that come in and will do a presentation, one per town. There are three or four different categories, which he will bring for the next meeting. They talked about different ways to use the CTAP money in the towns. A couple of them updated their master plans; a couple of them did some economic development plans for their industrial parks. Pelham or Windham did that, which he thought was interesting. If anyone has any questions, they can contact the town that did it, or CTAP would answer the questions.

10. NONPUBLIC SESSION

Motion by Selectman Massey, seconded by Selectman Coutu, to enter nonpublic session under 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted; and (c) Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting, carried 5-0 by roll call vote.

Nonpublic session was entered into at 8:10 p.m., thus ending the televised portion of the meeting. Any votes taken upon the Board re-entering open session will be listed on the Board's next agenda. Nonpublic session was terminated at 8:37 p.m.

Motion by Selectman Jasper, seconded by Selectman Massey, to adjust the rate of pay for temporary employee Joyce Williamson from \$14.93 per hour to \$15.37 per hour, effective July 1, 2008, carried 5-0.

11. ADJOURNMENT

Motion by Selectman Massey, seconded by Selectman Jasper, to adjourn at 8:40 p.m., carried 5-0.

Recorded by HGTV; transcribed by Priscilla Boisvert, Executive Assistant

HUDSON BOARD OF SELECTMEN

Benjamin J. Nadeau, Chairman

Richard J. Maddox, Vice-Chairman

Kenneth J. Massey, Selectman

Shawn N. Jasper, Selectman

Roger E. Coutu, Selectman