

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the April 22, 2008 Meeting**

1. **CALL TO ORDER** by Chairman Ben Nadeau at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE**, led by Selectman Massey.

3. **ATTENDANCE**

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

**Staff/Others:** Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Kevin Burns, Road Agent; David Yates, Recreation Director; Richard Gendron, Chief of Police; Sean Sullivan, Director of Community Development; Howard Dilworth, Jr; Ryan Halliday, TEL; Tom Tollefson, HLN

4. **PUBLIC INPUT**

**Proclamation in Recognition of Hudson Volunteers** was read by Selectman Massey.

There was no response when Chairman Nadeau asked if anyone in the audience wished to address the Board at this time.

5. **NOMINATIONS & APPOINTMENTS**

6. **CONSENT ITEMS**

Selectman Jasper removed Item B; Selectman Coutu removed A-3.

*Motion by Selectman Massey, seconded by Selectman Coutu, to approve the consent items, A-1, 2, 4, 5 & 6 and C-E, as noted or appropriate, carried 5-0.*

A. **Assessing Items**

1) 2007 Abatement, Map 133/Lot 69, w/recommendation to approve.

2) 2007 Abatement, Map 111/Lot 27 w/recommendation to approve.

3) **2007 Abatements, Map 156/Lot 5-12 and Map 156/Lot 5-11, w/recommendation to approve.**

Selectman Coutu didn't understand why they would abate this property. Selectman Jasper said it appears it has something to do with current use, but it wasn't very clear; they need more information from the Assistant Assessor. Being removed from Phase 1 doesn't really tell them anything.

*Motion by Selectman Coutu, seconded by Selectman Massey, to withhold the abatement until the next meeting to seek further clarification from the Assessor's Office carried 5-0.*

4) 2007 Abatement, Map 165/Lot 141-518, w/recommendation to approve.

5) Veterans' Tax Credit Applications (Map 229/Lot 042; Map 204/Lot 006/sub 314; Map 133/Lot 019; Map 156/Lot 005/sub 017; Map 229/Lot 013; Map 160/Lot 095/sub 002; Map 157/Lot 035; Map 191/Lot 016) w/recommendation to grant.

6) Elderly Exemptions (Map 179/Lot 001; Map 197/Lot 181; Map 158/Lot 001/sub 010; Map 147/Lot 017/sub 034; Map 191/Lot 085; Map 158/Lot 035); Disabled Exemptions (Map 178/Lot 013/sub 063; Map 228/Lot 036; Map 153/Lot 010; Map 148/Lot 040/sub 066) w/recommendation to grant.

B. **Water/Sewer Items**

**Applications for Abatement -- Ref. No. S-08-06 (S-UTL-08-14, Sparkling River, 3 Doveton Lane, Acct. #6633; S-UTL-08-15, Sparkling River, 2A+B, 3A+B, 11 A+B Taunton Lane, Acct. #'s 6648, 6649, 6660, 6661, 6654 & 6655; S-UTL-08-16, Sparkling River, 1, 2, 4, 5, 7, 8, 9 Cricketfield Lane, Acct #'s 6617, 6624, 6623, 6618, 6622, 6620 & 6619; S-UTL-08-17, Sparkling River, 7, 9, 10A+B, 11 Leybridge Drive, Acct. #'s 6621, 6644, 6646, 6647, 6645; S-UTL-08-18, Sparkling River, 10 Brackett Lane, Acct. #6616), w/recommendation to deny.**

*Motion by Selectman Jasper, seconded by Selectman Coutu to defer for clarification.*

Selectman Jasper said most of the recommendations to not abate say it's because it's against the policy, so maybe it's time to revisit the policy. He didn't have a problem if it's a lot because each lot should pay the access fee, but it appears these are lots with multiple units. If it's only one lot, then they should really be charging for the land. He'd like to defer this until they can get clarification on whether these are individual lots or planned units. He didn't think there justification for charging an access fee to seven units on one lot when there aren't any buildings there. If that is the case, they would grant the abatements. Selectman Maddox thought it would be much higher than \$23. Selectman Jasper said it's \$23 x 7 x 6—for just the access fee, which is paid on a quarterly basis, so that's \$100 a unit. If it's seven units per lot, that would be \$700 a lot for the access and that's unreasonable.

*Vote: Motion carried 5-0.*

C. **Licenses & Permits**

1) Application by Second-hand Dealer/Pawnbroker License by Cash Converters

2) Request by the VFW to hold the annual Poppy Drive Fundraiser at Wal-Mart, Market Basket and SAM's Club on Memorial Day and Veterans' Day weekends.

- 3) Request by the St. Jude Council to hold its 2008 Tootsie Roll Drive Fundraiser at SAM's Club May 15-17.
- 4) Request by Nashua School of Gymnastics to hold a fundraiser at SAM's Club on May 18.

**D. Acceptance of Minutes**

- 1) Board of Selectmen's Workshop Minutes of April 1, 2008
- 2) Board of Selectmen's Meeting Minutes of April 8, 2008

**E. Calendar**

4/23 7:00 Planning Board in CD Mtg. Rm.  
4/24 1:00 Trustees Trust Funds BOS Mtg. Rm.  
4/24 7:30 ZBA in CD Mtg. Rm.  
4/28 7:00 Recycling Committee BOS Mtg. Rm.  
4/28 7:00 Green Team in CD Mtg. Rm.  
5/01 6:00 Recreation Committee @ Oakwood  
5/01 7:00 Ice Cream Social for Hudson Volunteers at the Community Center  
5/05 6:30 Hudson School Board in BOS Mtg. Rm.  
5/05 7:00 CIP in CD Mtg. Rm.  
5/06 7:00 Board of Selectmen's Workshop w/Fire Department  
5/07 7:00 Planning Board in CD Mtg. Rm.  
5/08 5:30 Sewer Utility in BOS Mtg. Rm.  
5/08 7:30 ZBA in CD Mtg. Rm.  
5/12 7:00 Conservation Commission in CD Mtg. Rm.  
5/13 7:30 – 4:00 Local Officials Workshop by LGC at the Community Center  
5/13 7:00 Board of Selectmen in BOS Mtg. Rm.  
5/14 7:00 Planning Board in CD Mtg. Rm.  
5/15 7:30 Budget Committee in BOS Mtg. Rm.  
5/19 7:00 Green Team in CD Mtg. Rm.  
5/19 7:00 Recycling Committee in BOS Mtg. Rm.  
5/20 7:00 Cable Utility Committee in BOS Mtg. Rm.  
5/20 5:00 Water Utility Committee in BOS Mtg. Rm.  
5/20 7:00 Library Trustees in BOS Mtg. Rm.  
5/21 7:00 Hudson Senior Council on Aging in CD Mtg. rm.  
5/22 7:30 ZBA in CD Mtg. Rm.  
5/26 Town Hall closed for Memorial Day Holiday  
5/27 7:00 Board of Selectmen in BOS Mtg. Rm.  
5/28 7:00 Planning Board in CD Mtg. Rm.

**7. OLD BUSINESS**

**A. Votes taken after Nonpublic Session on April 8, 2008**

Motion by Selectman Massey, seconded by Selectman Jasper, to hire Kyle Janco as an intern in the Engineering Department at \$13 per hour and Adam Goudreau at \$12 per hour, from May 27 through August 22, 2008, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Massey, to assign Gary Webster, Civil Engineer, to the position of Acting Town Engineer at the minimum salary, Step 1, \$68,026, effective April 9, 2008 and until a Town Engineer is hired, carried 4-1. Selectman Maddox voted in opposition.

Motion to award a temporary stipend to Betty Holt, Administrative Aide in Engineering in the amount of \$1.00 per hour, effective April 9, 2008 and until a Town Engineer is hired, carried 4-1. Selectman Maddox voted in opposition.

Motion by Selectman Maddox, seconded by Selectman Massey, to adjourn at 9:45 pm, carried 3-2. Selectmen Massey and Coutu voted no.

**B. Public Hearing on using the Surplus from the Solid Waste Trash Contract for Street Paving**

Road Agent Kevin Burns said he was asked to submit a list of streets that needed work, if they were able to use the surplus from the solid waste contract. He focused on main roads so the money saved by the residents' recycling would be shared by all the residents instead of doing isolated neighborhoods, where only those people would see the improvement. The streets he proposes to pave are Ferry and Burnham Road, from Central Street to just below George Street by the DQ, milling off the bad section and overlaying the rest of the entire width of the street; the total reclamation of Wason Road from Bush Hill Road to just below the fire station on Burns Hill Road, similar to what they did last year with Bush Hill Road—smash the entire road surface so they would have a brand new road. The last one would be County Road, off Lowell Road by Belknap. That would be a shim and overlay. In 2006, he was asked to prepare a paving schedule. In 2006, they were on a 68-year rotation of roads with the \$400,000 they are spending. With today's dollars, it is probably a 75-year rotation. If they want to keep up with the roads, they should try to make improvements. Wason Road is expensive to do. If they don't use the surplus, it won't be done for a long time. Under the current contract price, Wason Road will cost \$240,000; if they waited until July, the price would go up \$26,000. With only \$400,000 budgeted annually for roads, he didn't see how he would ever be able to do Wason. There would be very little left to do the rest of the roads because he has to set aside dollars to pave the streets where they replace the sewer. He'd be able to do only Wason Road and sewer-related work during one fiscal year.

Selectman Coutu asked, if the \$300,000 was used, if that would put him back on track with the cycle of road repair he'd like to see. Mr. Burns said they won't be in the same mess a year or two from now, but they will still be behind. If

they are on a 75-year rotation and the life expectancy of a main road is 20 years for total reconstruction, they won't be close to where they should be. Selectman Coutu asked if Kevin has estimated what would actually be needed to put them back on a workable rotation. Mr. Burns said yes, in 2006. At that time, to do the whole town would cost \$27 million in one year. To get on a 25-year schedule, \$1 million a year would be ideal, but this isn't an ideal world.

Selectman Massey said if the sewer is the cause of a road being opened up, the sewer should bear the cost of the roadwork. Mr. Burns said that's not the adopted policy was. When Mark Devine was the Public Works Manager, they came up with a schedule that if the road is more than 10 years old, it probably needed to be paved, so the town would pay to repave it out of the tax rate. He didn't think that was fair, but that's the policy. On Holly Lane, when the water was put in, the Water Utility paid to put the road back. If the gas company tears up the road, the gas company puts the road back. This is something the Sewer Utility came to the Board with—either the Town Council or the Selectmen--and it was approved. Selectman Massey said this was something he would bring to the Sewer Utility for them to revisit, adding he'd take this as an action item. Whoever opens the road should be responsible for closing it.

Selectman Jasper asked if the scheduling of replacing sewer lines had any thing to do with the condition of the road. Mr. Burns said the biggest influence is the I & I program, where they are having the most infiltration. Most of those roads were in need of repaving. However, when the sewer line was replaced on Belknap because of root problems, it probably wouldn't have been reclaimed and repaved as quickly as it was, but with the sewer being redone, it was pushed up to the front of the line.

Selectman Massey asked former Sewer Utility member, Howard Dilworth, if the former Town Council or Board of Selectmen established a policy about who pays for the repaving work. Mr. Dilworth believed that went back to the waning days of the Town Council, around '91 or '92 and it was a sliding scale. It has been so long since the roads have been paved that the sewers are being replaced on, the town is picking up a share. If a sewer line is being replaced in an area that had been done recently, i.e., within five years, there is a percentage scale of who pays what.

Selectman Coutu asked if there has ever been a situation in the town of Hudson where a utility had to cut up a road for any reason, and if they are charged for repaving the road or if they do it themselves. Mr. Burns said the utility pays to do the repaving. If someone comes in and digs up 50% of the road, even if it is 50 years old, that contractor pays to replace the whole road, in its entirety. Selectman Coutu asked if the policy in question applied only to sewer. Mr. Burns said yes. Selectman Coutu asked if that was a written policy that clearly defines and separates the sewer utility from anybody tearing up the road and repaving the road. Mr. Burns said he's sure they have it.

Selectman Jasper thought there was a policy on replacing just to the center line in certain circumstances. Mr. Burns said the street opening policy is at his discretion and he tries to squeeze as much as he can out of that. The rule of thumb he's been following is if you disturb half the road, he'll make you reclaim half the road, but then he'll say they can't have a joint in the road, so once they're done reclaiming and put the base down on that half, they need to overlay the entire road; he won't make you reclaim the entire road, but when they are done, they overlay the entire road. When Empire Homes ran the water line up Wason Road, they wanted to do only half of the road, but he said no, that road was reclaimed four years before; they could reclaim half, but would have to overlay the entire thing.

Chairman Nadeau opened the public hearing at 7:25 p.m. and asked if anyone in the audience wished to speak.

Howard Dilworth, Jr., 15 Sycamore Street, said before anyone on the Board has any wonderful ideas about having the Sewer Utility pay for paving because pipes get replaced, this got put in place because the town was taking advantage of the sewer users by passing off costs to the Sewer Utility that belonged to the town. He asked the Board to keep that in mind when they look into that. He wouldn't be surprised if that information was in the sewer handbook.

Relative to the public hearing, it was only a month after election day, at which time they adopted the town budget that starts in July. He heard this evening that the paving overlay is \$400,000, because that's what the state gives them for block grants; they've also all known for a period of time that \$400,000 isn't doing the job, but at no time during the process this winter did anyone request to increase this amount. He didn't hear what streets were going to get paved with the \$400,000 and now he hears they are going to do three with the extra money. It wasn't asked for and yet they are asking to use the money that's been saved from trash to do more paving. He might be inclined to support this if there was a real plan, but since no one asked for any more money for paving this year or the previous year, and it's likely they're not going to ask for any more money than the \$400,000 next year, he'd say there really isn't much of a plan for this. One of the Board members has an opportunity to put his money where his mouth is. The Board's newest member wrote several letters to the paper last year, complaining about high taxes. "Well, sir, you have an opportunity to give this back to the taxpayers." He read in the paper that the surplus is somewhere around \$6 or \$7 million today. There will be more on the first of July, but the individual who wrote the article probably is not very well versed in municipal financing. When the budget was put together last year, it was recommended that \$1.2 million be used from surplus to offset the taxes. Previously, they used \$1.5 million. As Selectman Jasper pointed out, the chickens are coming home to roost; they've spent all their money and the surplus is going down, so they recommended using \$1.2 million. Everybody accepted that. The Board now has an opportunity to give \$300,000 back to the people who pay the bills. They could do \$1.5 million in property tax relief through the use of surplus. If it was a case of \$600,000 that had been asked for during deliberations and it got cut, they could use the \$300,000 now, but this is taking money that rightfully belongs to the taxpayers and reallocating it for something that was never discussed.

Fire Chief Shawn Murray read the following statement into the record: "I am here tonight to express my support and ask the Board to support the use of surplus funds, resulting from the cost savings of the solid waste contract, to repair our town's roadways that have been affected by the record-breaking snowfall this past winter season. The Fire Department travels these main roads every day when responding to emergency and non-emergency calls for service. One of the critical travel routes, Ferry-Burnham Road has experienced a line of pavement degrading that creates a hazard to oncoming traffic when cars attempt to avoid these areas. From a fire apparatus standpoint, equipment experiences accelerated wear and tear on shocks and suspension systems, as well as potential damage to tire sidewalls. The savings in the solid waste contract, when used to repair those areas most affected by the hard winter, will result in a long-term cost savings by minimizing the damage done to emergency vehicles."

Police Chief Richard Gendron said, on behalf of the Police Department, he echoed what the Fire Chief's remarks. His department responds to motor vehicle collisions on Ferry Street, Burnham Road and County Road. On Burnham Road, they had a serious head-on collision, as a result of someone driving to the left of where the road is torn up, putting them in the middle of the road and they collided with an oncoming vehicle. Now drivers tend to go to the right of where it is all torn up, and there is a playground there with kids always at the edge of that road. It's just a matter of time before they will have a pedestrian accident at that location. County Road is torn up badly, and although it has been patched, people tend to drift over to the left to avoid all the bumps and if someone is coming around Belknap Road, making a left-hand turn, they are right there. There have been collisions there, as well. As a matter of safety, those are the main roads that he hoped the Board would seriously consider seeing repaired.

Road Agent Burns said this wasn't setting a precedent; they did the exact same thing last year and it didn't seem to bother anyone on the Budget Committee because it hadn't been previously requested. They had a mild winter and spent \$160,000 out of snow funds—overtime, salt and outside hire for schools. Department heads are directed to come in with a level-funded budget, or with a cap, so they have to make their budgets work the best way they can. Some people are acting like this is the first time they've gone down this road, but it isn't. This isn't a new thing.

Selectman Jasper said it seemed to him that this year was an extremely harsh winter on the roads. There were more potholes and spalling than he can ever remember seeing. Mr. Burns said there were over 30 events that they rolled on; the average is 12. They had almost three winters worth of winter. It wasn't exceptionally cold, but they had a lot of thawing and refreezing, which wreaks havoc. When water thaws, it gets in little cracks, freezes and boom! a pothole. This winter was brutal. Selectman Jasper said town crews have done a remarkable job of filling in the spalled areas and potholes. He asked what the expected life was of those repairs. Mr. Burns said a year or two. A temporary repair is just that. It's tough to keep water out of them. If they did that on Burnham and Ferry, with their high volume of traffic, they'll be doing that every year. Next year, the road will probably look the way it does now.

Chairman Nadeau noted that a memo prepared by the Road Agent indicates that the surplus funds from the solid waste contract is \$300,000. The savings from that, in using it for the asphalt, for the average home, is going to be \$32.25 that would be given back to them. He can see that being paid out for repairs to people's vehicles.

Selectman Jasper called for a Point of Order, asking if the Chairman wanted to conclude the public hearing before going into that. Chairman Nadeau said no, that he was responding to things people had sent in, one of which had to do with the tax rate numbers. They were complaining about the damage being done to their cars. At the Board's meeting on April 8, Andrea Perreault of 143 Kimball Hill Road spoke in favor of using the surplus to pave additional roads. He also had a letter from Jerry Gutekunst of 194B Central Street, who said he'd like to see the roads repaired. There being no further speakers, Chairman Nadeau closed the public hearing at 7:40 p.m.

*Motion by Selectman Jasper, seconded by Selectman Massey, to use the \$300,000 surplus from the Solid Waste Contract to do additional road reconstruction and repaving*

Selectman Jasper hoped some of them remembered that during the budget process, he spoke about the need to put more money into the roads; however, he declined to make a motion at that time because he felt that, when looking at the overall budget, it was hard to justify ramping the tax rate up even further. At the time, they weren't anticipating a great deal of surplus in the solid waste, although they were hoping that might happen. The damage that was done to the roads this winter was certainly unprecedented and they are just getting further behind. They have to start making it a priority to put extra monies in because they do need to get up to that \$1 million a year mark—but probably by the time they get up there, it will be \$1.3 or .4 million, to do the same thing. The crews in the Highway Department are doing a great job patching the holes, but to continually put time and effort into patching the same holes is not a wise use of taxpayer money. This is an opportunity that doesn't come along often. Luckily, they had a mild winter the year before and were able to do some extra work, but they clearly need to get the roads in better shape than they are.

Selectman Maddox said Selectman Jasper was correct, but he could not vote for the motion. He told people, when they were taking them off the Cadillac-of-trash-removal programs and saying to recycle, they would see a savings. He can't go back on that. Standing next to a toter, he told a lot of people at various voting days that if they made the effort to recycle, they would see a savings. He knows it is \$32 and he knows this would be good to pave more roads; it's a function of the Road Agent looking at the worst roads, and Burnham, obviously, needs to be repaved. Take one of the ones scheduled for this year and pull it out and do the roads that need to be repaved. To take the \$300,000

and say you did what we asked you to do, you took recycling from 11% to 28%, we were only kidding; we are going to do something else with those monies. As much as they are not going to get a check, it's the symbolism of what he said and part of what this Board said, at various times, that this was going to be a big change; please work with us; you will see a return. To not do it, even though it is going on the roadways, is not something he can vote for.

Selectman Massey said he originally felt the same way as Selectman Maddox. If it was for anything else but repairing the roads as a result of this past winter, he would not support the motion. Going into July, there is a reduction in the cost to the citizens of almost \$300,000. If roads are not maintained, over a period of time they pay for it in terms of replacement front ends, tires, etc. He recently read that someone in Nashua hit a pothole and paid something like \$1,600 for repair costs. There is a real cost savings, if they can get the heavily traveled roads back to a usable condition. He concluded that this was the one area where they could use this money--to reclaim the roads.

Selectman Jasper said the Board never knew and, therefore, never promised that there would be savings within the budgeted amount. In the first year of the contract, when they went from the throw-everything-pick-up-everything, the numbers stayed pretty much the same from one year to the next, but the result was a savings of \$300,000-\$400,000 from what they would have paid, if they stayed on the same program. There was an initial savings, then they took the \$300,000 out of the next year's budget, so there's \$700,000 in two years that the voters have saved. This was not an anticipated savings that they told the voters they were going to get back. In reality, people would be paying a lot more than \$32, if they hit one of those potholes and they are spending a lot more in time and labor on crews going out to repair the roads. Some of the roads are almost gone, and the crews are putting them back together with a temporary fix. This was not money promised back to anybody; it was additional savings. The people he has spoken with would much rather have that \$32 going into saving the front end of their cars, tires and rims than a theoretical check because nobody is going to get a check back; nobody is really going to know the difference at the end of the day, but they will know it when they are not avoiding potholes.

Chairman Nadeau said if there is money at the end of the year in surplus, they can turn that back to the taxpayers, but with the increase in the asphalt, spending the \$300,000 now is more cost effective. It will also save the cars, as well as police cruisers and fire trucks that are also getting beat up.

Selectman Maddox didn't disagree that the roads need to be repaired, but some of the roads that were going to be done this year could be put off. If the major roadways are critical, those should be done with the \$400,000 budgeted for that purpose. Three people came to speak; the other 14,577 didn't. He never understood why they were doing this as public input. They are starting to look like Congress, having to take a poll first. The Selectmen were elected to lead and make decisions. He'll still stick to his stand that he told people, whether this Board did or didn't--it's important that if they ever want to get beyond 28%, they can't trick them and say they'll get the money back again. That won't work.

Selectman Coutu said shortly after he took the oath of office and his seat as Selectman, he said that he would listen to deliberation on all matters, without malice or prejudice--and not making a decision without listening to all sides. Yes, he did write letters to the editor, and he did express his concern about a soaring tax rate for the community and with all due respect to Mr. Dilworth—and he knows Mr. Dilworth's contribution to the community and he respects him and appreciates all that he has said, and he has the utmost respect for Selectman Maddox—common sense prevails. He cannot put a price on safety. He is willing to pay more than \$24 to avoid accidents, to avert having more damage done to the municipal vehicles and to the life and safety of the community, and he will wholeheartedly support the expenditure of the surplus this year for the paving that has been outlined by the Road Agent.

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

- C. **Public Hearing on the Application for a Discretionary Preservation Easement by Thomas & Katherine Smith**  
Chairman Nadeau said that on April 16, the Board received written notice from the Smiths that they were withdrawing their request for a discretionary preservation easement. Therefore, there was no need to hold the public hearing.

- D. **Skate Park Recommendation**  
Recreation Director Dave Yates said there have been many issues at the skate park, which were discussed at the last Recreation Committee meeting. Their recommendation, based on the Police Chief's recommendation, which was in the Board's packet, was they would like to see the park kept open. It was built in 2002 because kids were skateboarding all over the place, which created problems. The Chief felt those issues would resurface if the skate park closed. Mr. Yates has been going by daily; helmets are still an issue, but things have been getting better. There has been an increased police presence, which helps. If there are major issues, he will be back before the Board.

Selectman Coutu said at a previous meeting, he was quite vociferous about how the park was being treated. Since then, he has received several e-mails, a couple of phone calls and one letter. He now concurs with the Chief's findings that they should give it a trial period to allow him to have more police patrol and to use that area for the officers to write their reports. Perhaps there will then be less of a problem with vandalism. He wholeheartedly concurred with a statement made in the report, that if they closed the skate park, these kids would skateboard, regardless, and they would present a danger to the community by skateboarding out into the streets and sidewalks. He'd be more than willing to give them an additional 30 days, and then revisit the issue at that time.

Selectman Massey said during the next 30 days, there is only one time period where the use of that park is probably in the last afternoon and weekends, that being vacation week. They need to find out what's going to happen when school closes in June, as well. He asked if the Rec Committee will be doing random checks, both at day and night. Mr. Yates said it will be at various times. He goes by after school and again around 5:00 or 6:00. The police officers are there more than they have been in the past, and that's the biggest deterrent. A couple Rec Committee members went by and told the kids if they don't wear helmets, they have to leave. It is a hangout, but like the Police Chief indicated, they are concentrated in that one area. He has even learned a new language from the skate park, but even the kids he's had trouble with in the past have started to follow the rules. Selectman Massey noted that Mr. Yates is a military veteran and he couldn't believe Mr. Yates has heard language he hadn't heard in the past.

Selectman Jasper said he was by there at about 8:00 p.m. on Sunday, and there was somebody in there skating, without a helmet. What are they doing to secure the facility at night? That continues to be a concern. When the skate park was opened in 2002, a Rec Committee member would take a different night to go by and lock it. Mr. Yates said when he brought it up at the meeting, everyone had a reason why they couldn't do it, so he didn't know what the solution was. Selectman Jasper thought the police were going to lock it up, at some point during their patrol, recognizing they can't do it every night at the same time. He is concerned if it's not being locked up at all. Seeing as the Chief is pushing to keep it open, he didn't see what the big deal is, since they have cruisers all over town. Unless there is a major incident, it should be easy to have a patrol officer lock it up. Selectman Massey said last year, the Police Department was going to do it, but there was no guarantee they'd get there at a specific time. The Chief didn't want to be held accountable if it didn't happen to get locked up on a particular night. Selectman Jasper asked if, just because they can't guarantee to lock it up every night, they're not going to lock it up at all?

Chief Gendron said what he is hearing from Lt. Avery is that when the lights are out, there's not a lot of activity in there. Extinguishing the lights, like they are doing at Greeley Street Park, addressed the majority of the problem—but he can't guarantee that kids won't be in there. This is the same problem he ran into with Robinson Pond. They thought they were doing the right thing by saying if they could lock up, they would. Very quickly, a certain individual was there at 10:05, saying that the police didn't lock it up. He'll do his best, but if the police are busy and they forget about it, that's going to happen. That area is Sector 2, a very busy area. He told Dave Yates he'd have the officers write their reports at the skate park, instead of at the sub-stations. While they are there, they will speak to the kids, putting the responsibility back on them. They already had a talk with about 40, 50 of the kids. They told them that they needed to police themselves, or it was going to close. That message got through loud and clear. The majority of the kids are decent; it's just a small core of bullies that's disrupting things. The other night, they made a drug arrest out of there, so they are making an impact on what's happening there. The parents are there watching their kids skate, so he didn't want to disrupt that. He talked with Kevin, who said they aren't knocking over the trash any more. He asked the Board to give them a chance to see what happens. Give him some leeway with the helmets; they are working on it. He wanted to take one problem at a time and he thinks they can turn it around.

Selectman Jasper said he wasn't as concerned with someone skating after dark, it's the vandalism. If someone complains that it's not locked 10 minutes after dark, they can tell them that's the way it is. What he is hearing is because they can't guarantee a certain time or it's not going to be locked every night, they're not going to lock it at all. As soon as it's known that the park isn't locked, kids will be doing damage in there at 3:00 a.m. Chief Gendron said the majority of damage was outside—the water bubbler, the Coke machine, the benches, the electrical outlets, the flowers that were planted, etc; things inside the park are almost indestructible. That's why they decided to kill the lights. He'll do his best; he just doesn't want to run into what happened with Robinson Pond. When the weather is warm and all the kids are out, his workload picks up. He'll try to bring it under control before school lets out.

Selectman Coutu said it wasn't the Police Department's responsibility to go around locking up buildings. That's not what they are paid to do. Why don't they have the Fire Department do it? Why don't they have another department do it? Why don't the Selectmen do it? That park is made available to the youth of the community. Those children have parents who should be monitoring their children's activities, volunteering to assist the Recreation Department, and lock that park. It's not the Police Department's responsibility. He cares more about a cruiser being available to be out in the community, stopping people from racing up and down the streets and handling domestic violence calls, etc. The police are not the keepers of the buildings and whatever. They are way off base with this and it's ridiculous. Selectman Maddox agreed. They are spending too much time on this. It's a skate park--a small part of recreation.

*Motion by Selectman Maddox, seconded by Selectman Massey, that for the remainder of the season, the Town Administrator is authorized to close the park at his discretion.*

Selectman Maddox asked why the Selectmen need to get tied up in this. If the Town Administrator, after talking with the Chief of Police, Road Agent and Recreation Director, decides it needs to be closed, it's closed. They should start utilizing the Town Administrator for these types of issues. Selectman Coutu asked if that meant just locking it or permanently closing it. Selectman Maddox said closing it, not locking it. The Selectmen don't need to get into this minutia; he's trying to give it to a man who is here 40 hours a week. Selectman Jasper said he wasn't suggesting this be a primary duty of the Police Department. The Rec Committee should find somebody to lock it, but if the police are there writing reports, they could do it. If people know it's never locked, they're going to see more problems there.

*Vote: Motion carried 3-2.* Selectmen Jasper and Coutu voted in opposition.

8. **NEW BUSINESS**

A. **Walk NH Week 2008 (June 1-7)**

Recreation Director Dave Yates said the Governor is going to declare the first week in June as Walk NH Week. As part of the statewide effort to encourage people to get out and walk, they are asking recreation departments and others to hold walks. Hudson Rec would like to hold a walk at 6:00 p.m. on Wednesday, June 4, with a rain date of June 5. He mapped out a one-mile loop, from the Community Center, up Lions Ave, right on Adeline, right on Central, right on Library, right on School, right on Second and left on Lions Ave, back to the Community Center. He's coordinated this with the Police Department. It's mostly sidewalks on flat areas so anybody can do it. They had considered Robinson Pond, but decided the terrain was too rough for some people. The Rec Committee will help out.

*Motion by Selectman Coutu, seconded by Selectman Jasper, to authorize the Recreation Director to organize a walk for June 4, 2008 at 6:00 p.m., with a rain date of June 5, carried 5-0.*

B. **Dedication of Softball Field behind Jette Field, June 16**

Recreation Director Dave Yates said Road Agent Kevin Burns feels the field is not ready to be used by June 16. There's some issues with the grass and there were a lot of rough areas. Manny Sousa is going to redo the field, so it probably won't be ready until late August. Therefore, he asked to postpone the dedication to a later date. At their meeting, the Rec members voted unanimously to recommend to the Board of Selectmen to dedicate it to Manny Sousa and call it Sousa Field because he put so much time and effort into this.

Selectman Massey asked if this field was part of the original Jette property because they donated that area to the town. Mr. Yates said it was part town property and part Jette property. Selectman Massey asked if the new field was on town property or school property. Mr. Yates said there wasn't enough area on the town property--Jette Field--so they asked the school for permission to cut into their property. Part of it is on the original Jette property and a piece is on school property. The Recreation Committee felt that since it was a separate field, calling it Sousa Field would be less confusing because the first one is still called Jette Field. Selectman Massey thought, at the very minimum, they should look at the grant from the Jette family before they make a decision, and there is enough time to research that.

Selectman Maddox said he was at the Rec Committee meeting at that time and this field comes from the project off of Greeley Street—Pond View—which was before he was on the Planning Board, which means it was over 12 years ago, that the developer, Manny Sousa, committed to building a ball field. Through no fault of his own, but because of typical bureaucratic adventures, he built the field--at a much higher cost. He didn't just shrug it off, so this recognition is fitting for a man who stuck with it and did what he promised to do, even though it took 12 years. If the fields are called Jette I and Jette II, there will always be some confusion. If the field is given a different name, people will know exactly what field they are going to. They should research it, yes, but he believed Manny Sousa was deserving of having the field named after him for what he went through to get it built. Selectman Massey absolutely concurred.

*Motion by Selectman Coutu, seconded by Selectman Jasper, to defer dedication of the field until the Recreation comes back to the Board to notify them the park is ready for dedication, carried 5-0.*

Mr. Yates asked if coming back meant with the name, as well as the date. Selectman Coutu thought so, that it would give them time to research it. Selectman Massey said he agreed with Selectman Maddox, but he wants to make sure there is nothing in the grant that would give them any problems. Since he knows the Jette family, he will contact them to ask them. Chairman Nadeau thanked him and asked him to convey that information to Mr. Yates.

C. **Public Hearing to accept a \$5,000 donation from Wal-Mart to the Police Department for Community Policing Projects and the K-9 Unit**

Police Chief Gendron said the Police Department has a good working relationship with Wal-Mart, and there is a sub-station there. Each year, they generously help with the programs. Last year, they were instrumental in paying for the trading card program, for which the department is appreciative. Chairman Nadeau opened the public hearing at 8:15 p.m. and asked if anyone wished to speak on this. There being no one, he closed the hearing.

*Motion by Selectman Massey, seconded by Selectman Coutu, to accept the \$5,000 donation, with the Board's thanks and appreciation, carried 4-1.* Selectman Maddox voted in opposition.

D. **Request by the Police Department to enter into an Agreement with the NH Highway Safety Agency, DWI Hunter Patrols, and to accept \$2,124 to cover the Cost of the Program**

Police Chief Richard Gendron said this was something they applied for every year. This deals with a roadblock during the Labor Day holiday and if extra money is available, they try to get in extra DWI patrols, as well.

*Motion by Selectman Massey, seconded by Selectman Coutu, to approve the request, carried 3-1.* Selectman Maddox voted in opposition and Selectman Jasper had stepped out of the room prior to the vote.

E. **Hudson Police Facility Chiller Repairs**

Chief of Police Gendron said compressor #2 in the HVAC system, and which operates on four compressors, is gone. It will cost about \$10,000 to replace. In 2006, they replaced one chiller, which was paired up with the chiller that is not

functioning. The remaining two compressors are working the system. They discovered that the compressor had to be repaired when the maintenance contract person from Carrier came in March. Another option was to replace all four because, eventually, the other two are going to go. The cost to do the changeover, then change over to an environmentally-friendly gas, is way too much at \$55,000. Eventually, it will have to be replaced because that gas won't be available—almost like the Freon that is in air conditioners and automobiles. Selectman Maddox said this is something that should look at during the next budget cycle, since the two old ones will need replacing. Selectman Massey said they are taking this out of contingency because it's an unexpected, unforeseen expenditure and the Chief is working pretty close to his budget numbers.

Motion by Selectman Massey, seconded by Selectman Maddox, to replace the failed compressor at a cost of approximately \$10,000 and to transfer that amount from the town's contingency fund to the Police budget to cover the cost of the repairs, carried 5-0.

**F. Request by the Police Department to apply for a NH Department of Justice Grant in the amount of \$6,742.85 for the project entitled, "Enforcing Underage Drinking Laws."**

Police Chief Richard Gendron said this grant was through the Attorney General's Office. This year, the Hudson Police initiated the Keys Program, in which they will be watching homes where the parents have gone away on vacation, etc., and leave their minors behind. Two people have recently participated. The program appears to be well received in the community and is designed to help reduce underage drinking. They are also working with the high school. Graduation and a prom are coming up, so the Police Department wants to do some proactive work with the students to discourage drinking. They are trying to save lives, but this costs money for posters, pamphlets and extra patrols. Another part of this is the alcohol compliance checks. Store owners can do better in not selling alcohol to minors. That area of enforcement needs to be increased and work with the store owners to try to get them to understand the dangers of that.

Chairman Nadeau asked how the seminar was the Police Department did for businesses in town. Chief Gendron said there over 50 people attended. They're trying to get people to understand the problem, so that message went over well. They'll see what happens at the next compliance check. One corridor in town seems to be problematic.

Selectman Maddox said some of the establishments have failed three times. At what point do they ask the state to revoke their license? He doesn't go into convenience stores a lot after hours, but he's seen what looked like two underage purchases, and they weren't carded. They need to get serious about this, but if it's consistent, what do they do? Chief Gendron said the first time, the person that sells it is summoned to court and the Liquor Commission handles the business owner. The second time, he brings the owner into his office and explains that if there is a third time, they will request a hearing before the Liquor Commission to pull the license. Only once he's had someone who sold for the third time and he sent a letter to the Liquor Commission. By the time they were ready to go to the hearing, that owner had sold the business. It's not always the business owner. Sometimes there is a kid working at night and for some reason, he just doesn't think, or his buddy comes through, and that's a problem. They work closely with the Liquor Commission but he will not request a license be suspended until the third time, and the fine is over \$1,000.

Selectman Coutu said up until last year, the Liquor Commission was quite generous in terms of how they handled liquor violations. The first, second or third offense could be warnings before any action was taken. He owns a store in town and they sell beer and wine. Eddie Edwards, a friend of his, is a Liquor Commissioner, but he couldn't influence him no matter what he said. The first offense to the store owner is \$500, and they're entitled to a hearing and the clerk is arrested. Sometimes it's fair, sometimes it isn't. About two years ago, one of his employees was caught selling to a minor, who was shopping for the state with a liquor enforcement officer. The clerk was arrested—a paper transaction—they're not taken away in handcuffs. Selectman Coutu had to pay a \$500 fine and his clerk was going to be hauled into court. Selectman Coutu said the kid who bought the liquor was 18, but looked to be 16, 17 years old. The clerk checked the kid's ID, then went to the side of the register where there are two charts, one for cigarettes and one for alcohol. The clerk looked at the cigarette chart, and sold him the alcohol. He was old enough to buy cigarettes, but not beer. When the clerk went to court, the judge threw out the case, but Selectman Coutu still had to pay the \$500 fine. He dismissed the clerk that day because he can't afford mistakes like that. The second offense is \$1,000. Now there is a point system. The first offense is three points. If you get 12 or 13 points, your license can be suspended permanently. The state has taken some serious action on how they are going to handle this and it behooves owners to stay on top of their employees. The Chief of Police knows how strongly he feels about this issue. And he encouraged the Chief to give this class.

Motion by Selectman Massey, seconded by Selectman Maddox, to approve the request to apply for a NH Department of Justice Grant in the amount of \$6,742.85 for the project entitled, "Enforcing Underage Drinking Laws," carried 5-0.

Chairman Nadeau declared a recess at 8:30 p.m. The meeting resumed at 8:40 p.m.

**G. Health Officer and Deputy Health Officer Appointments**

Sean Sullivan, Director of Community Development, said the Division of Public Health requested these appointments. Past practice has been to appoint Building Inspector/Health Officer Bill Oleksak and as Deputy Health Officers, Gary Webster and him. Last week, there was a water leak at a restaurant and Bill was called out on Sunday at 7:00 am by



the Fire Department. Bill responds to such incidents, day and night, and Gary pinch hits for him when he is unavailable for septic system inspections. If something should arise when neither Bill nor Gary is around, he'll step in.

Selectman Massey asked if the appointments had an expiration. Mr. Sullivan said they are valid for three years. The state called to say they hadn't received Hudson's appointments. He told the state that the town wasn't told they had to be renewed. In the past, the appointments were staggered, so that's where the confusion was at the state level.

Selectman Coutu said he was under the impression from a representative from the NH Division of Public Health that they were going to mandate that each town appoint a health officer to inspect local restaurants and stores. Mr. Malizia said Hudson is not a self-inspecting community. Selectman Jasper said Article 28-A of the NH Constitution says the state may not mandate any new, expanded or modified programs unless the community accepts the responsibility, or unless the state funds it in its entirety. The state cannot mandate that towns do that. Selectman Coutu asked if, as a result of these appointments, there was additional compensation. Mr. Malizia said no.

Motion by Selectman Jasper, seconded by Selectman Maddox, to designate Bill Oleksak as Health Officer and Sean Sullivan and Gary Webster as Deputy Health Officers, carried 5-0.

**H. Building Safety Week 2008**

Sean Sullivan, Director of Community Development, said May 5–11 has been designated as Building Safety Week by the International Code Council Foundation. The goal is to increase awareness of building safety. This year, the theme is "Building Safety where You Live, Work and Play." The department conducts building safety inspections daily and employees work to ensure that structures where people live and work are safe. They are active members of the International Code Council, an association that develops building safety codes used nationwide. He asked the Board to designate May 5–11 as Building Safety Week in Hudson and adopt the related proclamation.

Motion by Selectman Jasper, seconded by Selectman Massey, to designate May 5-11 as Building Safety Week.

Selectman Massey asked what this means on a day to day basis. Mr. Sullivan said it helps educate the public, to bring awareness of what they do. They work with local media, advising them of the Boards' votes, they provide information to people about the value of a building permit, when a building permit is needed, what to do if there is a flood and they need to repair their home, if there are mold problems, the resources available, etc. They also try to involve the youth, when they come into the department with their folks, by giving them coloring books and stickers to help educate them. He'd like to say they go through the schools, but resources are rather slim to do that, so they do as much as they can in Town Hall, with the assistance of the media. Selectman Jasper said back in the Town Council days, when everything went to a second reading, by the time they got around to the proclamation's second reading, the week had passed but, with a straight face, they read the proclamation a week or two after the event.

Vote: Motion carried 5-0.

**I. Request by the Lions Club to use the Community Center on June 9 for the Alvirne HS Scholarship Dinner**

Town Administrator Steve Malizia said for the last several years, the Lions Club has hosted this event. Selectman Maddox thought that this request could go on the consent agenda. Selectman Jasper said then nobody would know about it. On an agenda, those watching the show would know about it. It's a little extra publicity.

Motion by Selectman Jasper, seconded by Selectman Maddox, to approve the request carried 5-0.

Selectman Maddox moved to put this on the consent agenda in the future, but it didn't receive a second.

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

**Selectman Maddox:**

❖ Town Clerk's Office On-line He received a note from Lisa Nute from IT and today is the first day they (Town Clerk's Office) went live. There were a few small glitches, but from now on, they'll be able to do vanity plates and a number of other tasks. He apologized if anyone was inconvenienced this morning. In the long run, this will benefit everyone.

❖ CIP Process Monday night was CIP, the Capital Improvements Program. They need to do something. The CIP Committee agrees that, without representation from the School Board and the Budget Committee, they're just going through the motions. If this is going to work, this Board, the School Board and the Budget Committee need to decide how its going to work. It is a worthwhile tool. It gives the town the ability, all of the agencies that could expend money, including the library, to facilitate showing where they are coming with their projects over a lengthy period of time. Simply going along the path they are going, it is broken and they need to find a way to fix that. He is hoping that in a workshop, as they discussed at the CIP, they sit down with the Budget Committee and School Board and find a method which works for all, to show the monies that need to be expended for future large projects for the town. Selectman Jasper agreed, but the CIP process is under the jurisdiction of the Planning Board, so they are the ones that need to fix it. It would be appropriate for the Selectmen to make suggestions, but it belongs to them.

Selectman Maddox said it's up to the Selectmen to pull the other groups together, including the Planning Board. He will bring it to them but if they keep going around in a circle, it will all go down the drain. If they don't involve the School Board and Budget Committee, they will always be chasing their tail. Selectman Jasper said the Planning Board needs to come up with a process, or mandate that the committee that they create—and he didn't think there has to be a CIP committee—and it's their creation, to a large degree. He hasn't looked at the RSA lately, but that's his recollection. Selectman Maddox said unfortunately, they are meeting on the same night as the School Board. Foolish, but that's the way it's set up, and they didn't appoint somebody until the first meeting was already held and the Budget Committee doesn't want to go. He'll bring it to the Planning Board, but he thinks the Selectmen will have to take the leadership. He didn't think the School Board will want to come in.

❖Lowell Road Sidewalk Lowell Road sidewalk is finally moving forward. It has been a long 10-year journey and he hoped the next sidewalk they do—and there's one this Board deferred for another year—they need to get all their ducks in a row before they start chasing that one. He understands most of that sidewalk will be in the town's or state's right of way, but they need to verify that in advance and find out a real cost before they go streaming down this again because this Lowell Road one has been a real project to get anything done. There is a walk scheduled to get people to exercise, and he wouldn't want to walk on Lowell Road without a sidewalk.

❖About six months ago, the Planning Board voted to support the Minor Site Plan Review Committee. There has been a couple of instances where it has worked fairly well, and a couple that hasn't. He was looking for the Selectmen's continued support. He went to the Chamber; they have a sub-committee for government regulations and all that—here's something the Planning Board and the Board of Selectmen are actually behind, trying to make it easier for businesses to do small projects--a shed, flagpole, transformer pad, etc.—simple, easy things that if you have a site plan go through fairly quickly... Selectman Massey is on this committee, along with a Planning Board member and Mr. Cashell. He hears there is some resistance by town staff. He is looking for the Board's support of this effort.

Selectman Jasper said he pushed for this, and the Board gave its unanimous support to that effort. He was very disturbed to hear there was some resistance because town staff works for the Board of Selectmen and they should not have any personal opinions on liking it or not; they should be implementing the policy of the Board of Selectmen. He told Mr. Sullivan that message needed to get through to the individual representing the Community Development Department on that committee, that they will do as directed, and that is to make this process work. It is something supported by the business community and the Selectmen and it allows people to save a lot of time and money. It's not like someone is building a new business or setting up a new site. It's minor things and it needs to work.

Selectman Massey said the Minor Site Plan Committee was formed so that if you had an addition that you wanted to make to your property, as long as the addition is less than 1,000 sq. ft., or 20% of the total size of the building, whichever is smaller, if you have no more than six parking spots that you're talking about and if you are not currently having a site plan violation, you qualify. The only exception to the site plan violation is if the minor site plan is being brought forward to correct the violation. An example is if you want to put a 5 x 5 pad on the outside of your building to put a generator up, in the past, you'd have to get a full site plan, which could take anywhere from three to six months. Now you have the ability to do it in about 30-60 days. All of the controls for abutter notification and appeal processes are in place, so it's not like this group's decision is final; it has to be reviewed by the Planning Board, or at least brought to their attention, and the applicant has a right to appeal. It is in the best interest of the town and they need to make sure that everybody is on board to make this happen.

#### **Selectman Massey:**

❖Preservation Discretionary Easement Selectman Massey said it turns out that his wife's brother and his wife own a farm in Epsom and they traced their barn back to 1790. As a result of this program, they were able to get a grant from the state and Epsom for an abatement, which allowed them to renovate the barn. When you see it, it's well worth it.

❖Ice Cream Social The Ice Cream Social for Volunteer Appreciation Night is Thursday, May 1 at 7:00 p.m. at the Community Center. As of this morning, about 20 people had responded. He sent out another reminder to the boards and committees yesterday, asking them to reply by the end of this week.

❖Projects for Eagle Scouts The Conservation Commission identified three items of interest. If there are any scouts interested in doing an Eagle Scout project, the Commission is looking to get trail markings, similar to what's at Mines Falls, where a tree will have the GPS coordinates for that location, contact Conservation Commission Chairman Tim Quinn. The areas they are looking to have this work done is Musquash Pond, the town forest off of Kimball Hill Road and the Ingersoll property, adjacent to Windham and Londonderry. A nice project for an eagle scout candidate.

❖Engineering Update 1) The reason for the delay in getting started on Library and Chase intersection project is they were still waiting for some parts, but he noticed they were out there today.

2) Application has been made for the state permit for the Pelham Road dam. The state has done an additional hydraulic study and may change the designation from a dam to a bridge, but it doesn't appear that the price will change substantially. The work needs to be done when school is out, so the bid will go out in the winter with

construction sometime in late June 09. They will have to do public relations starting in January to let people know that in June, Pelham Road is going to be closed in that one section.

3) There is a meeting with Weston & Sampson on Friday relative to doing the town-wide water model.

4) The bid for the Lowell Road sidewalk is due on May 22 and it's intended that the contract will come to the Board on June 10 for review and award.

5) The bid specs for the Ottarnic Pond sewer and water project are scheduled to go out May 4, due back on June 4, and to the Board on June 10 for an award. There is a 60-daytime frame to order the pump station.

❖House Bills 1) HB 1645 He is a representative on the NH Municipal Associations' Committee on Government Affairs and they meet quarterly. Last Friday, they had an update on two bills that are of major concern. The first one is House Bill 1645, the pension overhaul bill. One aspect is the change in how the funds are administered and the eligibility to receive a pension. The other piece is the change in the governance. Right now, it's made up of 14 trustees, eight of whom are public employees--one is a state Senator, one is a state Rep, one is from the Local Government Center, the state treasurer and two non-member trustees, appointed by the Governor. The change in the bill would reduce the membership to 12, and there would be only four public employees on it. He asked for a consensus to have the Chairman send a letter to Senator Clegg because it has passed the house and it's going to a public hearing tomorrow at 1:00 p.m. They will probably vote in the Senate the first or second week in May. If this bill is passed, the impact will be \$22,000 or \$0.17 on the tax rate. They may not be able to change the funding mechanisms, but it's imperative that they change the governance to put less emphasis on public employees. He asked if there was a consensus to send a letter to Senator Clegg, recommending support of HB 1645. (There was a consensus.) Selectman Jasper suggested including the cover sheet regarding the dollars in the letter.

2) HB 1436 Selectman Massey said also mentioned on Friday was the Evergreen Bill, HB 1436, that says if the bargaining unit and the employer cannot reach an agreement, that the existing contract stays in force, but it's not clear what they'd be signing up for, if this passes. For example, if the management team agreed to add something into the contract in order to get a concession from the union, would that be there forever? If the contract says for the next three years, you get X percent raise, would those raises continue? If so, there's no incentive for a new contract.

3) HB 1472 House Bill 1472 is workforce housing. Some sort of workforce housing is coming, and it's in relation to a Supreme Court decision, Britton versus Chester. The question is how much impact the Planning Board is going to have to determine the makeup of workforce housing. They haven't even defined what workforce housing is. Selectman Jasper said it passed the House, but it's a terrible bill, due in large part to the lack of definition. As he looks at Hudson and all the various zoning, you'd wonder what it would require of the town because they have the town zone with a half acre zoning, they've got all the things you'd like to have, and yet this bill would seem to allow a developer to come in and make the argument that the town would have to let him do this wherever he'd like to. It's typical feel-good legislation that this Legislature has been passing all too many times, just like the adequate education with \$200 million of unfunded costs. The hearing was held in the Senate last Friday, with quite a bit of interest in getting people to speak against it. Hopefully, the Senate will realize that this bill is not ready for prime time.

❖State-wide Trash Removal Selectman Massey said the state is looking at the cost of trash disposal in the state. For the most recent year, the total cost spent by all the municipalities on trash removal in the state is \$165 million. The state is trying to look at how they can encourage municipalities to do more recycling to bring those numbers down. He will talk to the Green Team because there's a group called America the Beautiful that's willing to come in to a town and help with recycling programs.

❖Planning and the Environment Committee Selectman Massey said he'll be going to Concord four times in the next six weeks for the Planning and Environment Committee, and they'll be looking at all the legislation that's going through on those areas. He will coordinate with Selectman Jasper.

### Selectman Jasper

❖Excessive Litter on Rural Roads While he was out raking all of the sand that the town put on his lawns, a constituent stopped by to talk to him about all of the litter, particularly on rural roads. He asked why there weren't more No Littering signs. That's probably a good place to start, putting up signs stating "no littering in town, \$250 fine" and try to get the police to enforce it. Old Derry Road is just a total mess. The town used to pick up the trash; sometimes the county prisoners would do it. He's done it numerous times, as did Shirley Nadeau, who still does the stretch in front of the farm, but it's a losing battle. You'd think that was the landfill. He didn't know what the process is, what monies they may have available, but maybe Steve could talk to Kevin to see what his thoughts are and come back to the Board, if there's general agreement to look at signage on the more rural roads to get people aware of it.

❖Update on Benson's He and Steve went up to DOT in Concord last Friday, and "went around Haselton's Barn." The issues haven't really changed. The preservation people understand the problem and said it could be a matter of benign neglect because the town wouldn't be obligated to make it any better than it is today. Selectman Jasper didn't think that was satisfactory because the barn is an eyesore, but to do what the preservation people want to do is too

expensive. Assistant Commissioner Brillhart announced that now that they've defined what they need for wetlands mitigation, they don't really need to have any restrictions on the remainder of the property, other than perhaps the historic structures, and therefore, they are going to be reassessing the property at current market value to maximize the money for the DOT. Selectman Jasper asked him about the agreement with the town for \$188,000 that was approved by the Governor's Council. The attorney's opinion was that because they'd been unable to reach an agreement and transfer the property, that agreement was null and void. Selectman Jasper said he found that interesting because the only reason they've not been able to reach agreement is because the state was never ready to transfer the property because of their asbestos-laden material, because of not defining the various areas of the two unregistered landfills and their lack of ability to figure out what they are going to do with it. He didn't think that even with taking the Haselton Barn, with all its problems, was where Assistant Commissioner Brillhart was going. The representative from the Governor's Office was taken aback by those comments and said they needed to have an internal meeting. However, he put a call in to her yesterday and she has yet to call him back, so he's not terribly encouraged. Obviously, there is now a recognition that the state might be able to get some money by selling that property, which is highly unethical, given everything that the state and the town have put into that property to try to move forward. Other than the question of the barn, the town has been ready to proceed for years and probably would have, without reservations on the Haselton Barn, except that it has continued to deteriorate because the state has not been able to transfer the property. While he is in Concord tomorrow, he will try to contact the individual from the Governor's Office again and, if not, see if he can catch up with the Governor in person.

❖Ball Field at Stop & Shop For many months, he has been in contact with two different people from the Governor's Office, and neither one of them has ever gotten back to him about it. Given that it is Assistant Commissioner Brillhart who put the fly in the ointment, he didn't think anything positive was going to happen there, either.

❖Nonpublic Issues Selectman Jasper said the position reclassification should be handled in open session because it's about a position, not an individual. The intern appointments, whether to go with two or three is a policy issue and should be addressed in open session. Also, part of the Town Engineer search update could be public. Selectman Massey said all of that issue should be in nonpublic. Selectman Jasper agreed with that assessment, but the other two—one partially and the other totally—should be discussed in open session. Chairman Nadeau said they'd take up those issues after Other Business.

#### **Selectman Coutu:**

❖ZBA Driveway Issue A member of the Zoning Board of Adjustment asked him to confer with the Board relative to a letter they feel the Board has ignored regarding a policy for driveways. Selectman Jasper said he spoke to Steve about this when he was chairman, about a driveway that didn't need a permit because it was on a Class 6 highway. He asked Steve if that had been relayed back, so he apologized if that information wasn't, but his understanding was that it had been. It wasn't a mistake on the part of town staff; it's not a town accepted or maintained road, so there's no requirement for a driveway permit. Selectman Maddox said the confusion lies with the Town Engineer having left. The Planning Board is actually responsible for driveways. They had delegated that to the Town Engineer. There was just some concern as to who was going to take that responsibility and realizing that the Planning Board had a standing rule, if there was a second driveway required, it got kicked to the Planning Board. That's his understanding of the issue. Selectman Jasper said it wasn't a town road. Selectman Maddox said this one wasn't, but there was a case where there was.. there was just concern that if the policy was known and that was going to be continued to be followed... Mr. Malizia said to his knowledge, they did not deviate from the policy. (Talking over each other.) Selectman Massey said he spoke with Gary Webster and he is very much aware of the policy of the Planning Board and said he is automatically kicking up second driveway requests to the Planning Board.

❖Televising Budget Committee Meetings A Budget Committee member wanted to know why last week's Budget Committee meeting was not televised. Leo told him he was in the process of contacting all of the committees in town to see who wants to be televised and who doesn't. Selectman Coutu didn't know who decided what the policy was on that issue. Selectman Jasper said when the Budget Committee is not in deliberations, they are not televised. He didn't think there was anything the Selectmen could do about that, although he disagreed with that policy. Once the Budget Committee is done with the budget in January, they are not televised again until their budget is submitted to them in the fall. Selectman Coutu said his impression was they wanted to be televised. Selectman Jasper said they may have changed their policy, but that was the policy under Chairman Dilworth.

❖Unity Breakfast He had hoped all of the Selectmen would be able to be at the breakfast, but if there are more than two Selectman present, it's an official meeting and it would have to be posted, and that wasn't the intent of the Unity Breakfast. It's still on for Friday and he's looking forward to it. He hopes to return with some positive and concrete news from the Seniors and the Recreation Department with regard to helping the Seniors, giving them some direction on how they should and could go in order to find them permanent housing. Chairman Nadeau said Selectman Coutu was the only Selectman attending the Unity Breakfast.

#### **Selectman Nadeau:**

❖Business After Hours at UPS was very interesting. Selectman Massey said a few weeks ago, he gave that store something to mail on Thursday at 10:00 and, amazingly, it was in the panhandle of Texas at 3:00 the next day.

❖ Liaison for Recycling Unless someone else wanted this assignment, Chairman Nadeau said he would take it. The rest of the Board members willingly let the Chairman take the assignment.

### **Position Reclassification**

Selectman Massey asked what the Town Administrator thoughts were on this. Mr. Malizia said during budget deliberations, the Board put money into the budget in anticipation of this position upgrade. Mr. Sullivan has prepared a memo for that upgrade for the Board's consideration. If the Board would like to discuss the position, or change the responsibilities, that's something that would be appropriate, as long as they don't get into anything that may be nonpublic in nature. They could discuss with Mr. Sullivan his rationale for proposing this.

Mr. Sullivan said during the FY09 budget preparations, he contacted various towns and asked them what the salary was for the position of Building Inspector and found that Hudson was the lowest paid of Windham, Salem, Londonderry and Derry. At that time, he put a proposal together in terms of dollars—a job description and dollar value—and he included that in the budget, as he did for a couple of other positions. The Selectmen did favor making the dollars available in the fiscal year 09 budget for this position, and his clear direction was that he needed to come to the Board of Selectmen for a detailed discussion and convince them that this position is one of the lowest in the region for a community of like size and duties. This is currently an AFSCME position in the Admin & Support Union and the proposal would be to leave that as an unfilled position and add a position into the HPFTSA contract and identify it as Inspectional Services Chief, with the duties and salary recommended. The Board authorized something very similar about five years ago for the former Project Inspector position which evolved into Civil Engineer for an existing town employee. The position they are discussing has never been compensated for the health duties that are associated with it. The recommended position now requires certification from the International Code Council, along with a degree. There are some qualifications in the job description for Inspectional Services Chief that will not be found in a typical Building Inspector job description.

*Motion by Selectman Jasper, seconded by Selectman Maddox, that effective July 1, 2008, the position of Building Inspector/Health Officer be reclassified as Inspectional Services Chief Supervisor at a wage scale of \$49,139 to \$65,639 in the Hudson Police, Fire & Town Supervisors' Association, and commence at Step 3 of said wage scale at \$55,741 annually and to approve the Inspectional Services Chief Supervisor job description.*

Selectman Jasper supported this action, as the job was more than just building inspector. They did talk about this during the budget season and included the money for it, with the understanding this would come forward. Selectman Massey was concerned with the title because it appears this position would be supervising only one person. Mr. Malizia said they also have a contractor that works two days a week and this position coordinates, assigns and makes sure that contractor is performing his duties. He didn't think the title of Chief was bad, but it might give a certain connotation. The intent is to convey this is the person with the authority. Since they have Police Chief and Fire Chief, it might give a different connotation. They could use director, but they have a Community Development Director and a Finance Director. He's at a loss for a name for that position.

Selectman Massey asked what the rationale was for putting it on the same salary schedule as Town Accountant and Civil Engineer. Mr. Sullivan said he tried to fit in where he thought similar duties would be. Mr. Malizia said when Mr. Sullivan came to the Board during budget season and identified the range of other towns, this was the most appropriate range; and this position and the Civil Engineer both had the same step in the AFSCME contract, so that's the rationale.

Selectman Maddox agreed with Selectman Jasper, this was something they talked about during budget season, but he wasn't thrilled with the title. Supervisor works for him. Nonetheless, this is something they need to move forward with and is probably long overdue. He asked if Supervisor was in violation of some rule. Mr. Sullivan thought it was a good idea. Selectmen Massey and Jasper agreed, with Selectman Jasper saying he'd make that amendment to his motion.

Selectman Coutu asked how much more money this would mean for this position. Selectman Massey said about \$4,500. Selectman Coutu said he would not support this; it was a back door raise. Selectman Jasper understood that position because Selectman Coutu wasn't here during the budget negotiations. It's not back door because it was budgeted for this specific purpose. This is the implementation of the budget plan. It wasn't a secret to anything or anybody.

Chairman Nadeau asked why they didn't go with Step 2. Mr. Sullivan said when they did the Civil Engineer's position, it was similar in wage recognition and they tried to be consistent. Chairman Nadeau asked if this person would get another raise on July 1. Mr. Sullivan said this wouldn't be effective until July 1, so there wouldn't be another raise. Mr. Malizia said this is as of July 1, 2008. On July 1, 2009 like everyone else, there will be adjustments.

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

### **Interns in Community Development Department**

Mr. Sullivan said a couple of months ago, he requested authorization to hire two interns to help with the document imaging project. Thirteen people applied, mostly Alvirne graduates, all well qualified. After the interviews and learning more about the system from IT and his staff who worked on the project, he evaluated his budget and it became apparent that three interns could be hired, but the clear direction from the Board was to hire two. There is sufficient work and they can make better progress with three interns. If one takes a vacation, the other can step in and not skip a beat, and the money is there for three—and there are, at a minimum, three qualified people who could help with this project and make the town proud.

Selectman Massey said they budgeted \$2.15 for gas for this year, but the most recent Police Department invoice was \$2.75. The Highway Department is almost deplete of their gas money. He would not be in favor of approving more than the budgeted two interns because between now and the end of June, they will have to figure out how to pay for some of these escalating costs. In the upcoming budget, they allowed only \$2.50 for gas. They need to make sure they have enough money at the end of the year for the essentials. He can't understand why a summer intern would be taking a vacation.

Selectman Maddox said he had suggested to Mr. Sullivan to bring this to the Board, but he is heading in Selectman Massey's direction because the revenue numbers are abysmal. If that trend keeps up, staff will not see the same volume of work they have in the past; the workload won't be there. He can't support a third intern.

Motion by Selectman Jasper, seconded by Selectman Coutu, that they remain with two summer interns this year in the Community Development Department, carried 5-0

**10. NONPUBLIC SESSION**

Motion by Selectman Jasper, seconded by Selectman Maddox, to enter Nonpublic Session under 91-A:3 II (b) The hiring of any person as a public employee, carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:50 p.m., thus ending the televised portion of the meeting. Any votes taken upon exiting nonpublic session will be listed on the next agenda. Nonpublic session was terminated at 10:10 p.m.

Motion by Selectman Jasper, seconded by Selectman Maddox, to hire the following student interns in the Community Development Department at \$12 per hour--Keegan Deppe from April 28 thru August 22 and Kelly Giaguinto from May 19 thru August 22, as recommended by the Community Development Director, carried 4-1. Selectman Coutu voted in opposition.

Motion by Selectman Jasper, seconded by Selectman Massey, to hire the following 2008 summer recreation staff: Effective May 24, as Counselor I at \$8.75 per hour, Matthew Brownrigg and Lauren Chesnulevich; as Counselor II at \$9.25 per hour, Matthew Barry, Jess Destramp, Larissa Miller and Allison O'Donaghue; and as Counselor III at \$9.75 per hour, Mollie Buttrick, Ralph Carpentiere, Frank Girginis, Jenna Lambert, Derek Lee, Michele Martineau, Thomas Scruini, Quinn Sendall, Sean Sendall, Debra Smith and Keith Thibault. Effective May 24, as substitute Counselors/Robinson Pond attendants, Counselor I at \$8.75 per hour, Courtney Collishaw, Meghan Kostro, Briana Terrill, Kerri Wesson, Allysha Roth, Ernest Gifford and Beau Galloway; as Counselor II at \$9.25 an hour, Andrew Gora and Vinnie Scurini; as Counselor III at \$9.75 per hour, Paul Durham, Sarah Jardim and Thomas Tollefson. As Counselors in Training, effective June 1 at \$7 per hour, Brandon Doyle, Samantha Pulsifer, Zach Spaulding and Ashley Tomaswick; and as substitute Counselors in Training, at \$7 per hour, Colin McGrail, Lauren Prince, Caitlin Sullivan and Nikia Quesnel, as recommended by the Recreation Director, carried 4-1. Selectman Coutu voted in opposition.

**11. ADJOURNMENT**

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

Recorded by HGTV; transcribed by Priscilla Boisvert, Executive Assistant

**HUDSON BOARD OF SELECTMEN**

\_\_\_\_\_  
Benjamin J. Nadeau, Chairman

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Richard J. Maddox, Vice-Chairman

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Kenneth J. Massey, Selectman

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Shawn N. Jasper, Selectman

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Roger E. Coutu, Selectman