

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the March 10, 2008 Meeting**

6:30 – 7:00 Attorney-Client Session.

1. **CALL TO ORDER** by Chairman Jasper at 7:03 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Ben Nadeau.

3. **ATTENDANCE**

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

**Staff/Others:** Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Kevin Burns, Highway Road Agent; Police Lt. Bill Avery; Bob Haefner; Paul Inderbitzen, Moderator; Marilyn McGrath; Norm Martin; Ed Mercer; Thomas LeBlanc; Robert Iannaco; Richard Sevigny; Ted Luszey; Ray Rowell; Maryellen Davis; Roger Coutu; Kevin McGuire; Kevin Mason; Ryan Halliday, TEL; Tom Tollefson, HLN

4. **PUBLIC INPUT**

**Marilyn McGrath, 81 River Road,** spoke on behalf of the appointment of Maryellen Davis to the Board of Selectmen. She couldn't think of a better candidate for this job, having served with her over the last several years on the Zoning Board of Adjustment. She makes thoughtful, well-reasoned decisions when she has had to that are not always popular. She also doesn't have a political ax to grind; she is interested in what is best for the town—nothing more, nothing less. No one is better suited to this position than Maryellen. She also has a good business background with good management skills that would lend itself very well to being a Selectman. She does not consider this a popularity contest; she is able to make difficult decisions without considering any political ramifications. She bases her decision on the ordinances and recent court decisions. That is what the Board and the town needs; someone like Maryellen.

**Paul Inderbitzen, Town Moderator,** said he just wanted to touch base with the Board relative to tomorrow's elections. The Selectmen didn't make his training session he had with all of the ballot clerks and supervisors, but he assumed most Selectmen would be there. Because Selectman Nadeau is running for an office, other than his own, he can't be behind the rail tomorrow. However, Selectman Massey can because, as an election official, you can still participate in the ballot process. That leaves two other Selectmen, and they need to be present during the day. Selectman Massey said he will be participating, but he will step on the other side of the rail when the polls close. Selectman Jasper said he'd be there, but would have to leave for a brief period late morning. Mr. Inderbitzen said he'd appoint two temporary Selectmen tomorrow to cover, since there is already an open position, so there will be a majority of Selectmen at the meeting. The Deputy Town Clerk is going to do their end of the counting process, although that is his responsibility and he has everything ready to go. Ms. Barry is also going to step away at the close of the polls. They have three new ballot clerks, who will be paired up with an experienced worker. He shifted things around a bit today, looking towards September and November, how to reconfigure the Community Center to have more check-in booths, which they might be able to do lengthwise. He hopes everything will go well tomorrow. The machines have all been tested and a head was replaced on one of them because it wouldn't take the ballot.

Selectman Maddox asked what the Moderator's estimation was of tomorrow's turnout. Mr. Inderbitzen said because of the 1,600 new registrants at the Primary, Patti ordered extra ballots, just in case. They usually see around 2,000 so if they see 2,500 that would be a good day. The Community Club, as a fundraiser, will come in to count the school ballots. He anticipated progressing quickly at the end, but there will be a lot of write-ins for the town, so he will set up three crews to count those. The first thing they will process are the write-ins, but they do have to count the ballots and coordinate the ballots with the check-ins. They didn't do that until after the fact at the Primary, and they really needed to do it up front because at state elections, he has to sign off on is the check-in and how many ballots they have. He didn't have that number (at the last election) because it was so late and everyone was so pooped that they couldn't count up the checklists. They will put the ballots in piles of 50 so they will know what they are doing. They will do the write-ins first so they can get a crew starting to count those.

Selectman Maddox was sure there was a device, such as the one that can count money, that can count those ballots so they can have a machine count 50 rather than them trying to count because they are tough; they are stiff. Maybe something they can look at for November, if they are going to be doing 12,000. He didn't want to be counting them in packs of 50 until 3:00 a.m. Mr. Inderbitzen said this year's ballot was smaller than in past years. Between the school and the town, there are only three pages. Most of the counting will be on the first page because that's where the write-ins will be for the offices. It's not too bad; he's done it with the school. He usually has six people, and they are pretty much done in an hour and a half. He anticipates the town should be able to do the same thing.

**Bob Iannaco, 7 Hilindale Drive,** spoke on behalf of the appointment of Maryellen Davis to fill the seat of Selectman. He is good friends with her and she has got a lot of passion for the town; a true love for the town of Hudson and he highly recommended her.

**Normand Martin, 3 Edgar Court,** spoke in support of Maryellen Davis. She is clear, concise and informed when attending ZBA meetings. She asks appropriate questions and doesn't pre-judge. She has the best interest of the town at heart when it comes to hearing cases. She would make a good Selectperson.

5. **NOMINATIONS & APPOINTMENTS**

Chairman Jasper said interviews for A-C would be conducted tonight appointments made on March 25 but the plan for the vacancy on the Board of Selectmen is to interview and appoint tonight because there is the possibility of another vacancy occurring on the Board. Selectman Massey called for a point of order, saying he was not prepared to suspend the rules to appoint tonight.

*Motion by Selectman Massey, seconded by Selectman Maddox, to not appoint until the 25<sup>th</sup>.*

Selectman Maddox said he was going to split the baby, as usual, and to hold a special meeting on Thursday to give them time to sleep on this. There are a lot of good candidates coming before them and he didn't know if they wanted to race to make a decision tonight—but he didn't know if he wanted to wait until the 25<sup>th</sup> because of the possibility of only having three Selectmen. Selectman Nadeau would still be a Selectman until Friday. Chairman Jasper said he'd be in Florida on Thursday.

Selectman Massey said another reason to wait until the 25<sup>th</sup> is because they have an applicant who is not able to be here tonight and has requested to be interviewed on the 25<sup>th</sup>. His real reason is that he wants to be able to sleep on this and not made a decision in haste. Chairman Jasper said he's certainly been had by this Board because he came up with a schedule to interview last week, but the Board said no, they needed more time. So, he asked if they could interview and make the appointment (on the same night) so a vacancy doesn't occur, and the Board had no problem. He's been had, if this is what the Board wishes to do because this discussion should have taken place at that time. They moved it along so more people could apply and now they've come up with another argument. The whole idea was to avoid a situation where two Selectmen were making the decision for the Board, and that's what will happen, in all likelihood, if they put it off. He's been had, thank you very much.

Vote: Motion failed by a 2-2 vote. Selectmen Jasper and Maddox voted in opposition.

Selectman Maddox said they will see where it goes. Chairman Jasper said the problem is that is the normal procedure; that is the policy of the Board so it will not be waived and the appointment will be made on the 25<sup>th</sup>. Selectman Massey said the motion failed. Chairman Jasper said they were in a clever situation; he moved not to waive it, but in order to waive it, there needs to be a positive motion, which won't pass so, in effect, the motion carried—in a manner of speaking. It's the policy of the Board to wait until the second meeting. In good faith, he went along with moving the interviews out so they could appoint tonight, with the understanding the policy would be waived. But, as he said before, he's been had. Selectman Massey said the motion was not to waive, and it failed.

Chairman Jasper said they would need a motion to waive which, in all likelihood, fail. He was really disappointed in Selectman Nadeau. He was running for another office and would potentially create the vacancy, leaving them with a three person board, and he's not willing to make the decision tonight, apparently. He really was upset by that. Selectman Nadeau said the problem was one of the applicants today... Chairman Jasper said to be serious about that. Selectman Nadeau asked if (the applicant) couldn't be given a chance. Chairman Jasper said Mr. Peters has done nothing but bash this town and this Board and he couldn't believe that a majority of the Board would appoint Mr. Peters to this Board after his behavior of late, so he finds that to be... he is sorry, but they should call it as it is. He didn't think there was any chance Mr. Peters would be appointed to the Board, based on the reality of the situation.

**A. Conservation Commission** (2 Alternates, terms to expire 12/31/09 & 12/31/10)

Edward D. Mercer, 93 Highland Street, said he has been active in the town since 2001 in regards to water conservation. He is co-chair of Advocates for Ottarnic Pond and works closely all the appropriate parties for the preservation and conservation of Ottarnic Pond in restoring and battling the aquatic weed problems. He is interested in overall preservation of watershed problems. The Robinson Pond folks have been very helpful in the Ottarnic Pond restoration program. The Merrimack River Watershed Council is another active group. They've been working closely on the weed monitoring program on Ottarnic Pond water sampling programs and it's an excellent opportunity to come on board with the Conservation Commission and continue to work with the town on future programs, watershed programs and, hopefully, in the near future, to develop watershed management plans, which is advocated throughout the state.

Selectman Maddox asked if Mr. Mercer has attended a Conservation Commission meeting. He said yes, he has. Selectman Massey asked if Mr. Mercer was aware that there are two functions of the Conservation Commission—the preservation and conservation of property and to provide input to the Zoning Board on special applications for wetland incursions, etc. The second part is quasi-judicial, so he would be asked to review an applicant's request for a special exception and, on the basis of that presentation, make a recommendation to the Zoning Board to either approve or disapprove the requested action. Is that something he would be comfortable doing? Mr. Mercer said yes.

**B. Recreation Committee** (1 Alternate, term to expire 12/31/10)

Thomas LeBlanc, 3 Belknap Terrace, said he moved to Hudson about two years ago and has enjoyed assisting a friend on the committee during a couple of Cabin Fever and movie nights. It was fun, rewarding and he wanted to serve on the committee. Selectman Massey said there were three people applying for one opening and if he was not selected, if he'd be interested in the Conservation Commission or Recycling Committee. Mr. LeBlanc said yes, the Conservation Commission.

Robert Iannaco, 7 Hilindale Drive, said his children have been very involved in Hudson recreation over the years and he has been a coach. It's time for him to give back to the town and Dave Yates does a tremendous job. He works in Haverhill and is vice-chairman of the Chamber of Commerce and has been the chairman of the Health Care Committee for the Chamber. He now wants to get more involved in Hudson, specifically with the Recreation Committee.

Selectman Massey said there were three people applying for one opening and if he was not selected to serve on this committee, if he'd be interested in being considered for the Conservation Commission or Recycling Committee. Mr. Iannaco said probably not; the Recreation Committee is what he wants and in line with time constraints with his work commitments.

Karen Weinberg Chairman Jasper said Karen Weinberg was unable to be present tonight, but she indicated she would look for additional opportunities. The Board could give her the opportunity to come in on the 25<sup>th</sup>.

C. **Recycling Committee** (3 Members, one term to expire 12/31/09; two terms to expire 12/31/10)

Richard Sevigny, 6 Woodland Drive, said he's lived in NH since 1986 with his wife and two kids on Woodland Drive and has worked for Casella Waste Systems for 10 years, starting out as a CDL truck driver and worked up to a transportation manager. He noticed the ad for Recycling Committee while he was on the town's web site and thought his knowledge of the new recycling systems, etc., would help educate the Hudson residents. He could also help in getting more programs going to reduce the waste and improve recycling to, hopefully, reduce the cost of the waste, which is always a good idea.

D. **Selectman** (1 member, term to end at next town election, March 2009)

Thaddeus Luszey, Jr., 13 Cathedral Lane, said he has been involved in the town through a number of different committees. Currently, he is vice-chairman of the Budget Committee. Through no fault of his own, he missed getting his name on the ballot for re-running for the three year position, so he is looking for a write-in on that. Given the opportunity to sit on the Board of Selectmen, he ran two years ago against Doug and was ousted by 2-1/2%; not a big margin. Why he is interested in sitting on the (Board of) Selectmen, he has been involved with NRPC for about six years; he is currently the vice-chair of the Recycling Committee and he's looking forward to talking with Mr. Sevigny. He has been involved with the Technology Committee for a number of years. He has no real political agenda, other than hoping that his input into the different areas of the town will help to provide Hudson to be a better place. He has been working strongly in the technology area, trying to get the school district and town district together to help reduce the tax burden. He works very closely with the schools to get technology within the schools. Most of those who have worked with him as a Budget Committee member know that he does put in the extra effort to go and look at areas of opportunities and ask the difficult questions. He doesn't always see eye-to-eye with the department heads that come in, but he listens to them and has often changed his views and opinions, based on data that has come in. He believes he would be an excellent candidate to fill the vacant seat.

Selectman Maddox asked what, since July 2007, Mr. Luszey's percentage of attendance was at Budget Committee meetings. Mr. Luszey said he missed three meetings, being out of town on business. Of 22 meetings, he missed two of the budget cycle. Selectman Maddox asked why he didn't put his name on the ballot to run. Mr. Luszey said that at this particular moment in time, his job is extremely demanding and he has been traveling quite a bit and he missed getting to Town Hall before it closes, and that continues to be difficult for him right now because he is spending a lot of time in Massachusetts. Selectman Maddox asked if that would be a problem, depending on where he is assigned as liaison. Mr. Luszey said there is a period of time right now which, in terms of the requirements for his job, will settle down on April 10 because on April 10, he will relocate a 183,000 sq. ft. facility from Nashua, NH to Andover, MA. Chairman Jasper said, as a follow up, Mr. Luszey's primary time problems are getting here before 4:30-5:00 and not 7:30. Mr. Luszey said exactly, and there are times when his work takes him out of town, but normally, if he has notice, he can schedule his time. Chairman Jasper said the Board of Selectmen schedule their meetings a year in advance.

Selectman Massey asked Mr. Luszey, if he was a member of the Board of Selectmen, and they had just discussed and debated an extremely contentious issue, a vote is taken, and he is not on the prevailing side, what he would do. Mr. Luszey said he'd go with the wishes of the Board; that's part of a team environment. You debate and exchange ideas and when the team makes a decision, then the expectation of one is they will support the team decision. It's not every man for himself. It's a team.

Selectman Maddox said there are nights when you go home and you're still tossing and turning at 3:00 a.m. He asked Mr. Luszey to tell him about one that comes to mind and what he would have done differently. Mr. Luszey said the one that comes to mind is probably the Solid Waste Committee. He was on that Board and this Board disbanded it, then asked them to get back together and then they decided they didn't particularly care for the direction in which he and the chairman was taking that Board and decided to rename it the Recycling Committee. What he would have done differently is probably work a little closer with the Board to get them to understand that solid waste, the issues they were facing back then, was the renewal of a contract and whether he agreed or disagreed with the current situation as good or bad, that is an example of where he had a very strong opinion about the direction the town was going and the work he has done with the Recycling Committee is an example of where, having reviewed the data and talked to people, he does put energy into making something that he didn't feel was right, good.

Raymond Rowell, 6 Marshmallow Path, read the following into the record:

I was born and raised in Hudson. I'm a Hudson native for 40 years. I reside at 6 Marshmallow Path. I am employed at Worthen Industries. I've been employed there for 17 years. My position at Worthen Industries is a project manager. I've been a project manager for 10 years in which I receive major projects. My most current projects was, we just purchased a new facility up on Amherst Street in Nashua. My main goal was to outfit the building with new paint, new lights; we also installed a 160' coder machine for a shoe industry they work with overseas. Located in Nashua, we also have a facility off Spitbrook Road, which is a solvent and adhesive manufacturing facility. I'm a current member of the Hudson Water Utility. I'm a current member of the LEPC for the town of Hudson. I'm also a former member of the Hudson Budget Committee and president of a local non-profit group for the town. I come before you tonight for the position of Selectman, knowing it is for a one-year term until the next election. If I were to be selected, I would keep an open mind towards any situation that would arise in the town. I would also keep an open dialogue with the town departments and hope to gain the trust and to be an open-minded person, if elected as a Selectman.

Selectman Maddox asked why he didn't put his name on the ballot this year. Mr. Rowell said it's quite difficult to run against a person who knows a lot, and everybody on this Board does know a lot. The information that one man could hold is precious and he didn't think he would have the votes to win against Mr. Massey. Selectman Maddox asked what issue has kept him up till 3:00, and what he would have done differently. Mr. Rowell said there were some decisions that were made on the Budget Committee on a certain subject and he didn't feel the place where it was going to be built was the proper place. He expressed his feelings of what was on the site, what needed to be addressed, to make a decision on the Board not to be in favor of allowing it to be built where it was supposed to be built—the library. The site it is currently on is full of asbestos. The properties, the two homes that are up on Ferry Street are also on asbestos. That site was not the proper site and that's the point he had wanted to make.

Selectman Massey asked Mr. Rowell, if he was a member of the Board of Selectmen, and they had just discussed and debated an extremely contentious issue, a vote is taken, and he is not on the prevailing side, what he would do. Mr. Rowell said he would be open-minded and look at what needed to be done. If the decision was to be made tonight, they would need to consider a different avenue of what they could do to make it work, to push back the issue to make a decision would need to be worked out, hoping it would be clarified in a way that would be rectified and would be handled in a proper manner.

Maryellen Davis, 14 Nathaniel Drive, said she is a 4-year member of the Hudson Zoning Board of Adjustment and is the vice chair, taking over for Brad Seabury when he needs to step down. She is familiar with all of the other boards and has a good working relationship with the Planning Board and the Conservation Commission and she knows how both of those boards work. She has been on most of the site walks the Conservation Commission holds. She also has a good working relationship with the Community Development Director and most of the departments within the town. She could step into this position (Selectmen) running; she could hit the ground running, not needing much on-the-job-training. Regarding her background, she has resumes that she will leave copies of for additional information. She is currently employed at Sun Microsystems, headquartered in California. They have a large campus in Burlington, right off of Route 62. She works out of a satellite office in Nashua and from home two days a week. She is a supplier manager for the software operations group and manages the suppliers that build the product for Sun. Typically, it's software on disks and CDs. She has suppliers worldwide—Japan, Europe, California and Utah. She has been at Sun for about 18 years. She has some contract employees that report to her, but it's basically a dotted line because they actually are part of the supply base; they work for the supplier and dotted line it to her. Prior to that, she worked at Shawmut National Corporation. She worked at Arlington Trust Company. They were bought out by Connecticut National Bank, CNB, and then they merged with Shawmut National Corp. When she left there, she was the first vice president in charge of deposit services group, which is your savings deposits, savings accounts, club accounts, CD investments and then the IRA and KEOGH accounts. She managed a portfolio of about \$750 million and had a staff between 30 and 40 people; it flexed, depending on the need. Those were not contract employees. They were employees of the bank. In both positions she had at Shawmut and Sun Microsystems, she had extensive budget responsibilities, planning responsibilities, the hiring and firing of employees, so she is very conversed with not only the computer systems that are involved, but the budget process, the hiring process and fiscal management. The reason she wants this position is it's a natural progression. She has been on the Zoning Board for about four years and she knows the town and the people within the town. She feels she could be very effective in making good decisions for the town.

Selectman Massey asked Ms. Davis, if she was a member of the Board of Selectmen, and they had just discussed and debated an extremely contentious issue, a vote is taken, and she is not on the prevailing side, what she would do. Ms. Davis said based on his history on the Zoning Board, they have had some pretty contentious issues and have had some very difficult decisions to make. Sometimes she has not been on the prevailing side. Typically when she makes a decision, she states her reasons of why she made that decision, so it's publicly known where she stands. At that point, once she has said her commentary with the decision, she would support the Board. They are a team, as Mr. Luszy said, and they need to stand united. Even though she was opposed to the decision, she would support the Board and move forward. It's OK to agree to disagree. The town needs the support of a good, unified board. Selectman Massey asked what she thought the biggest challenge she would face as a Selectman, given that municipal government is managed differently than in the private sector. Ms. Davis said two comes to mind. First, getting the money to get the job done and two, getting people to move and react quickly. Government moves much slower than private business and the appropriations are much different. It takes a longer time to put budgets in place, get them approved, get the money freed up, if there is even any money to be had. Reaction time and money are the two biggest issues to deal with regard to government versus the private sector.

Selectman Maddox asked her the 3:00 a.m. question—the issue that kept her up till 3:00 a.m. and what she would have done differently. Ms. Davis said nothing keeps her up till 3:00 a.m. She has had to deal with some contentious issues, but the decisions they make on the ZBA, which may be very different from the Board of Selectmen, are pretty much based on the regulations and ordinances and that's what she uses to make her decisions. When she goes home, she knows the decisions she has made are sound and she will stand behind those. She has a real sense of accountability, so she would not do anything she would not stand up for the next day. She sleeps quite well.

Selectman Maddox asked her to fill him in on the process she went through in trying to close off her road on what he might have missed; she had gone to the developer, WS Development. Ms. Davis thanked him for asking that question because she had received some bad Letters to the Editor and Thumbs Down and never had the opportunity to publicly state what she actually did. They knew Green Meadow was going to go in, and will eventually get developed, which will probably be one of the biggest, most challenging decision the Board would have to make. She and all her neighbors had an issue with traffic on the street and cut-through traffic that was increasing. They have a dangerous S-curve in that neighborhood, so if someone drives over 20 mph, they end up on the wrong side of the street. There have been two accidents on that street. Sean Sullivan

outlined the process to her. She went to the Highway Safety Committee with a petition signed by 90% of the residents; there are 23 families there and about 46 people had signed it. They wanted to actually close off the end of Nathaniel Drive at the Dracut Road point. Nathaniel Drive is the only street that is a cut-through on that entire side of south Hudson from Wal-Mart down, except for Sanders Road, which is designed differently. They asked the Highway Safety Committee for a cul-de-sac. At the time, when Green Meadow was going in, the developer would have been responsible for any off-site improvements. There is an A list and a B list for off-site improvements of any streets that would be impacted by a huge development, such as Green Meadow. Her street would have been impacted because they are in that vicinity. She had asked if there would be an A list and a B list and the developer said yes and there would be off-site improvements and her street could be included. That would still need to go before the Planning Board to get on the list, but that's available to any citizen in town. Any citizen can go before the Planning Board to ask for that type of consideration. When they went to the Highway Safety Committee, made up of the Police Chief, Fire Chief, Road Agent, a Planning Board member and Director of Community Development, they said they would never approve a cul-de-sac because the road was too long, it wouldn't really be feasible, but they did agree for the police to monitor it and install the Dangerous S-Curve signs, and they reduced the speed limit to 25 mph. That has significantly reduced the amount of traffic because people need to slow down and it's more difficult for them. They know the speed limit will be enforced and they know the road is dangerous because of the S curve. Approaching WS Development is something any citizen can do, if they are impacted by a significant development.

Roger E. Coutu, 10 Rita Avenue, was recognized and then approached Selectman Maddox to shake his hand, saying, "Sir Richard," then shook "Sir Ben's" hand, but Chairman Jasper refused to shake his hand, to which Mr. Coutu said the Chairman showed his true colors. Chairman Jasper said he declined to shake Mr. Coutu's hand because of the comments he made which were hurtful to his family at the time, and uncalled for. He doesn't generally decline to shake someone's hand, but that was an anonymous letter that went on for weeks and that was uncalled for and showed his (Mr. Coutu's) true colors.

Mr. Coutu said he owns a market in Hudson, Rodgers, which is located on the state line. He has been a town resident for 10 years. Prior to that, he resided in Woodstock, NH for 10 years and prior to that, he resided in Lowell. He has been in the grocery business the better part of his life. With the exception of 10 years, he served the city of Lowell as its Emergency Employment Act director and Comprehensive Employment & Training Act director. After that, he did human resources for First Securities Corp. and some consulting work for Beacon Communications in Acton MA. Following that, he went back into the grocery business. Thirty years ago, he managed Ayotte State Line and bought a market in Dracut, MA. He retired in 1988 to move to Woodstock. He let his children run the business that they eventually sold. While in Woodstock, he was an elected member of the Board of Adjustment. While in Lowell, he was appointed to several boards and commissions so he is familiar with government operations and feels he would fit well on the Board of Selectmen. He has absolutely no agenda, other than a willingness to want to serve the citizens of the town of Hudson.

Selectman Maddox asked the 3:00 a.m. question. A decision was made that caused him to toss and turn; what would he have done differently? Mr. Coutu said, like Maryellen, he has never been in a situation where he allowed any decision that was made to foreshadow his home life or to take away from his family. When he went home, he left his decisions behind and was attentive to his family and his family's needs. He never let situations in which he did not prevail or felt strongly that action could have been done differently to affect his personal life—and never would. Selectman Maddox said there are many other meetings than the Board of Selectmen and asked if that would be a problem. Mr. Coutu said no, it would not.

Selectman Massey asked Mr. Coutu that if he was a member of the Board, and they had discussed a very contentious issue and Mr. Coutu was on the prevailing side, how he would deal with the individuals who were not. Mr. Coutu said it was a very hypothetical question. It depends on how incensed those who were not on the prevailing side. There are options available. He assumed the Board was governed by Roberts Rules of Order. Any person who is not on the prevailing side can then move to change his vote, go on the prevailing side, and move for reconsideration. In so doing, could use the time to the reconsideration period prepare a document to give more evidence as to why they feel as strongly as they do. If the issue was contentious and someone feels strongly about the issue, and they've won, they can only hope that those who opposed your position, or disagreed with your position on the issue, will side with you and work together in unison to try to make whatever the decision was work for the community. Members of the Board of Selectmen and other members of the community who run for public office run to serve the community, as a whole, and he would expect, having served in government both as an elected and an appointed official, and as an employee, that they all come together with one common interest—to serve the community and its citizens, as a whole, and to try to achieve a balance which will make the community a better place to life, a better place to conduct business and a wholesome and healthy environment for everyone. Selectman Massey said Mr. Coutu cited a large background of both private and governmental work and asked what he thought the biggest challenge was to manage a municipal environment. Mr. Coutu said one of the biggest problems he sees for the town of Hudson that needs to be address, either by Community Development or action that is being spearheaded by the Board of Selectmen, or a subcommittee thereof, is the outflow of industry from the town. There are many viable, saleable buildings in the community that were constructed for the purpose of bringing in an industrial base in town, and they are losing that base, not because of government negativity but because of the economy and the gloomy outlook for the future of the economy. They need to spearhead a drive to encourage industry to come back into the town of Hudson in order to enhance their tax base and to help them continue to grow and prosper, as a community.

Chairman Jasper said Mr. Coutu's reply to Selectman Massey's question was very good, yet his rhetoric of the past speaks quite differently to how he has operated in attacking the Board and made much of it very personal in doing so. Chairman Jasper then quoted from Mr. Coutu's letter dated December 1, 2006, "Our town fathers have allowed our tax rate to skyrocket with increasing fees and fines. It's time for a change and the time is now, before it's too late. I urge you to take hold of your

ballot and freeze all spending. Hold the budget line to 2006 level.” He asked if Mr. Coutu every attended any Selectmen’s meetings or Budget Committee meetings on the budget, or attend Town Meeting to voice his concerns.

Mr. Coutu said no, he did not. Like most Hudson citizens who take an interest, he watches on television. He is sorry Selectman Jasper has taken his column so personal. They were never intended to be a personal attack on him or any member of the Board. It was done in jest. The publisher of the newspaper was aware of it. They said they would put a stop to it and eventually identify himself. He owned a newspaper when he was 20 years old and it is a hobby of his to write. He didn’t think any of them took it personally. No one ever came back to him to say that. As a matter of fact, he heard dissimilar comments about his column. If it has offended him, personally, he apologized for having done so. It was never intended as such. If anybody would have been offended, in hindsight, it would have been Steve Malizia, who he identified as a jester only because every time he watches television, he is sitting there smiling and that’s all that came to mind and that’s how he was fit into the picture of the kingdom. It was never intended as a personal attack on (Selectman Jasper) or any member of the Board. He has the utmost respect, not for just members of a board of Selectmen, but for any person who would put their name on the ballot and offer their services to serve a community. He has the utmost respect for any person who comes before this Board and applies to serve on various board and commissions who receive absolutely no compensation whatsoever and the compensation the members of the Board of Selectmen receive is nil in comparison to the amount of hours they put in. Again, he can’t emphasize enough that it was never intended as a personal attack on him (Selectman Jasper) or any member of the Board and, as a citizen of the town of Hudson, he thinks he is entitled to voice opinions, whether he is speaking to them publicly or if he decides to write a column in a newspaper or a letter, whether he does it anonymously or not, his intent was pure and always to identify himself. He was not trying to hide behind anything. He is a member of the same church (Selectman Jasper) and Ken Massey are; he’s gone before them several times, many times, and said, “two thumbs up, Shawn,” and he just looked at him and smiled. He had no idea who he was and he said in his letters he never met any of the Selectmen individually or collectively. He ran George’s State Line for several years and he (Selectman Massey) came in several times and that’s the only way he knew him. All he knows about (Selectman Maddox) is the feedback from Old Home Days when he was trying to figure out who was writing the column. He got a kick out of that because he (Selectman Maddox) took it as it was intended. He apologized again to Selectman Jasper.

Chairman Jasper said that was fine and he’d be glad to accept that apology, but the first thing he said when he sat down was to say he (Chairman Jasper) showed his true colors. He was offended by the way it was done, by the fact the paper violated its own policy on anonymity and that’s fine, but that’s personal to him. His concern, as someone who comes before the Board, looking for appointment to the Board, is a letter from last year. “I urge the voters to act responsibly. Let’s begin to take our town back by voting no on the new budget and force the town to stay within last year’s spending allocation.” It doesn’t appear that (Mr. Coutu) has attended town meetings or come to workshops, and yet, if you look around, the Town Administrator does an analysis on where the taxes are and what the spending was. This town is the most responsible community in the entire area with the lowest tax burden of the largest communities in the state. Only Rochester, which few of them would like to move to, has a lower tax burden and Salem, which they all know has a fantastic commercial and industrial base that Hudson can’t possibly meet because of their location to I-93 and the Massachusetts border. He is very concerned how willing Mr. Coutu is to attack the job that the Selectmen and Budget Committee do, and the voters do, ultimately, because the Board doesn’t spend or approve the money; the voters do. Mr. Coutu hasn’t participated, but he’s attacked and criticized and that’s his concern. Why should the Board be willing to put Mr. Coutu in such a position?

Mr. Coutu said he was offering his services to the town. He has come before them with no personal agenda, other than the willingness to serve the citizens of the town of Hudson to make this a better community for everyone. It’s Selectman Jasper’s prerogative to vote for him or not. He has offered his service.

Selectman Maddox asked why Mr. Coutu didn’t put his name on the ballot. Mr. Coutu said he and Maryellen Davis have discussed whether or not they were going to run this year. He felt very strongly that Ken had been doing an outstanding job and he would be very difficult to beat. They talking about putting their name on the ballot just to get themselves known, even though they could lose. At least they would have given the citizens an opportunity to get to know them via their candidacy—which shouldn’t just be putting your name on a ballot and putting out a few bumper stickers and signs. You should go out and meet the people. But he felt very strongly that Ken was going to win, regardless of his opponent this year, so he decided not to run this year, but would, potentially, next year. When this opportunity availed itself, he gave it some serious thought and felt this gives someone an opportunity to sit on the Board for a year and then make the decision whether or not it is something they can do in the long term or, after one year, realize it’s so cumbersome on that person’s time that it’s not something they’d be willing to pursue further. He is willing to serve for the year the position is available.

Kevin McGuire, 148 Robinson Road, said he’s known Ben since he was in elementary school. He respects him and is sorry to see him leave the position. He’d like to step up to serve not only his country, but his little piece of this country. Hudson has been his home for 35 years. He’s raised two kids, gone through the Hudson school systems. He’s seen its progress and its sliding backwards. As in a large part of the country, education is not as it was when Mr. Massey, Mr. Maddox and he went to school. He looks at various issues and he comes from a neutral position. Shawn knows that his wife is off to the far Left and he is Right, but they get along in doing that. They both feel that what is best for the majority of the people and it is the people that they serve and the people that should tell them what they want. They need to expand the tax base. They need to address issues, some of which are already on the ballot. One is the boiler at the school. There are other alternatives. Working with the VFW in Milford to go green. They will be able to see back electricity to the electric company. And that’s only one small building. The school could do that, as well. The Senior Citizen Center is still up in the air, but so are the schools. They are looking at possibly expending the school system at H. O. Smith and downsizing or eliminating the Library Street School. It’s

a perfect location for expansion for the town committees and possibly putting in a Senior Citizen Center. His background is in finance. He has taken two companies public. He's spent 25 years in public accounting, prior to that, auditing banks and towns, so he knows his way around the monetary issues of it. What he didn't have, and didn't want, is to be politicized. He looks at things rationally, in a logical format, looking at the monetary, as well as the personal impact. They serve the people and that's why he is here.

Selectman Maddox asked why Mr. McGuire didn't run for school board where his passion is. Mr. McGuire said they turned down his books. He sent the school a book on short stories and essays. Mr. Miller, the advanced placement teacher at the time, put up a sign across that. He said he read that book and taught it in other places and couldn't teach it here. It's above them. That bothered Mr. McGuire, so he forced his children to use that as a form of punishment; read it and write the essay.

Selectman Massey asked Mr. McGuire would do, assuming he was on the Board and a difficult issue was before them for action, and he was not on the prevailing side when the vote is taken. Mr. McGuire said he'd go to the majority. If the majority says this action needs to be taken, and he is opposed to it, he still has a commitment, as an individual and a member of the Board, to follow through on the actions that are taken and voted upon. Selectman Massey asked what if the prevailing side defeated the issue and Mr. McGuire was in favor of it. Mr. McGuire said he would convince them they were wrong. Selectman Massey asked what Mr. McGuire would do. Mr. McGuire said if it came to the point where he was finally on the losing end of the argument of the prevailing issue, then he would throw his full forces back into it, regardless of whether or not he lost. He is here for the common cause. Selectman Massey said Mr. McGuire has quite a background in finance and asked what he thought was the biggest challenge in dealing with a municipal budget. Mr. McGuire said balancing out the needs and the wants of the community. Everybody comes with their pet projects. Just like in the federal government, there are positions where people are pushing you to vote one way or another. Selectman Massey asked how he would distinguish between a need and a want. Mr. McGuire said the want is more of a personal position where they want something; it's not a matter of need. If somebody comes with a need, the Board provides them an outlet for that need, but if it's a want this is not a need of the majority of the town, then they have to look at it in a different light.

Kevin Mason, 9 Dracut Road, said he has lived in Hudson for 12 years, but grew up in Hollis. He used to peddle oil in Hudson, though, and hang out here when he was five years old, so he's seen what the town has gone through since '73 before the bridges and everything else. He's been thinking about running for the Board of Selectmen for awhile and has been talking to a lot of people about some problems. People want to talk all the time about this stuff, but nobody knows how to get in touch with the politicians. He thought maybe this would be a good way to get involved with the town and help out the smaller people that seems to be getting run over and forgotten about while everyone one is running around doing this and that. Lower income people don't know what to do, how to come here and talk to people. Everybody calls up, they are doing this and doing that; they'd like to talk to you, but can't talk to you. Basically, he was there to see if he could be some help to some small people and small businesses in Hudson to see if they can get a little more respect from people in town.

Selectman Maddox asked why Mr. Mason didn't put his name on the ballot. Mr. Mason said at the time, he was hauling oil for the winter and didn't think he'd have the time, but now he is back to being a self-employed truck driver, from Boston to Keene, so he has the time now. Selectman Maddox said the meetings aren't only Tuesday nights; there's also Planning Board meetings and others on different nights and asked if he'd have the time for all of that. Mr. Mason said definitely; he could always make the time for that.

Selectman Massey asked Mr. Mason how he felt the town wasn't taking care of the little guy and the little business and asked for an example and, if he was on the Board, how he would have addressed it. Mr. Mason said he has more than one; he, himself, has had some problems and several of his neighbors have had pretty bad problems, the way everything is going, and nobody seems to dare to step up and say anything or try to get any help. He didn't know why. They should be at the Board of Selectmen's meeting, trying to talk to the Selectmen, who are the head of the organization. It seems like everyone seems to be getting pushed around. Selectman Massey asked for an example of someone being pushed around. Mr. Mason said there is a place down the street from his house, an older married couple who live in an apartment above their garage. It seems that, after five years, the Community Development Department tells them they can't live there any more or have to shut down their garage business, that they've got to leave. These people are barely making it with the garage business, and they are gone. Other friends' garage burned down, not the recent one, but he is probably going through the same problem, and it took two years to get a permit to build a garage, and you lose all your tools. It seems as though nobody ever knows what is going on. They bucket here, they bucket there, they bucket back another way and you can't get a real answer out of nobody. Selectman Massey asked how he'd address that problem if he were on the Board. Mr. Mason said he'd look into it and make sure people would know what is going on and he'd have brought it up to other Board members. He'd want to step on it and get it taken care of for the person so they could be back up and running and not be having a hardship.

Ron Peters, 16 Patricia Drive, was unable to be present and asked to be interviewed at the Board's meeting on March 25.

Chairman Jasper said he didn't see Mr. Peters' application and asked if he made the deadline. Ms. Boisvert said yes, he did, and the application was distributed separately (from the agenda packet). Chairman Jasper asked what the Board wanted to do relative to appointments. He said how disappointed he was. Selectman Jasper said the minutes don't reflect everything he had said, but Selectman Massey thought that the Board would be able to accomplish the goal if applications are due March 7 at noon, with interviews on March 10. If they wind up that night with a preferred candidate, they can make the appointment. If not, they can make the appointment at the next meeting. Chairman Jasper said they never got to see if there was a preferred candidate; that's his frustration. Then, if they have to hold off for Mr. Peters, and if they need to ruminate on everything,

they'd need another two weeks after that. He found that in the appointments he's made, waiting two weeks is probably not a good thing because he has forgotten most of what the candidates have said. The best time to make the appointments is when the information is fresh in their minds. That was the understanding he left the meeting with, and he feels sandbagged because he would have thought harder if he thought there was an intent to do something. He thought the intent was, look, we may have three members here. We recognize there may only be three members. This is a little extraordinary situation and that would put them in a situation where, potentially, two members would be making the decision, less than the three they should have. To make the appointment tonight, they'd be assured three members were making the decision for the town, and that is what is in the best interest of the town.

Selectman Maddox asked how the Chairman would like to go about that. Chairman Jasper said it would be to waive the normal procedure to make the appointments at the next meeting and, in this case, they could easily make the appointments for the Conservation Commission, the Recycling Committee and the Board of Selectmen. Selectman Massey said given the importance of the selection of a Selectman, he asked if the discussion on the selection of the candidates would be done in public or nonpublic. Chairman Jasper said it has to be done in public; they do not have the ability to go into nonpublic for appointments to the Board. Selectman Massey said they did with the Town Clerk. Chairman Jasper didn't believe they did. Selectmen Maddox and Nadeau said they did. Selectman Massey said the discussions on the various candidates was done in non-public and they voted in public. Chairman Jasper said he stands corrected; they do have the ability, if the Board feels comments would be made, which would be detrimental to any member, they could go into nonpublic for discussions, but the appointment has to be made in public. Selectman Maddox said he'd characterize it slightly different. He believed that in the course of discussing it, they may be talking about the pluses and minuses of individuals and he didn't think that rises to the occasion they would be talking detrimental; they'd be saying this individual has this strength, that individual has that strength and on balance, etc., etc., and that type of conversation ought not be public. Chairman Jasper said the only section they could go in under is 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. It's only if they would potentially say something that would adversely say something that would affect someone and that's the decision they made when they went in for discussions on the Town Clerk, using 91-A:3 II (c). Selectman Massey said if he said somebody didn't have the following strengths, that could adversely impact them, if it were made public. He's not predisposing at this point that that's the issue, but he thinks it has the possibility and, if so, he'd prefer to do it in nonpublic. Chairman Jasper said they certainly have the ability to do that. They have nonpublic noticed and he didn't think it was a requirement to have it noticed, as long as they have an agenda. His understanding is that any time there is a need, the Board has the ability to go into nonpublic. He asked what the pleasure of the Board was. Selectman Maddox asked if the Chairman had draft motions for Conservation and Recycling; they have to move this somewhere.

Chairman Jasper said he'd need a motion to waive the Board's policy and make the appointments this evening for Conservation and Recycling. Selectman Maddox so moved, seconded by Selectman Nadeau, which carried 4-0.

Selectman Massey thought they might have an opportunity to fill both positions on the Conservation Commission, depending on what the Board's persuasion is on the Recreation Committee. Based on what he heard tonight, he'd be inclined to nominate Iannaco for the Recreation Committee and ask Mr. LeBlanc... Chairman Jasper said the problem was to waive the procedures for only two of them, but he'd be happy to take that motion afterwards. Selectman Massey said it'd be inappropriate because they were going to see if Karen Weinburg was available for the 25<sup>th</sup>. Chairman Jasper said she was contacted and said, "thank you for contacting me and I will continue to look for additional opportunities that come up," so it does appear, from her e-mail, that she is not looking to come on the 25<sup>th</sup>.

Motion to appoint Edward Mercer as an alternate to the Conservation Commission, with a term to expire 12/31/10 by Selectman Maddox, seconded by Selectman Nadeau, carried 4-0.

Motion to appoint Richard Sevigny to the Recycling Committee, with a term to expire 12/31/10 by Selectman Maddox, seconded by Selectman Nadeau, carried 4-0.

Selectman Massey asked if on the basis of the e-mail, if that individual was no longer interested in the Recreation Committee. Chairman Jasper said that's how he took the e-mail.

Motion by Selectman Massey, seconded by Selectman Maddox, to waive the waiting period for appointments to the Recreation Committee, carried 4-0.

Motion by Selectman Massey, seconded by Selectman Nadeau, to appoint Mr. Iannaco to the Recreation Committee, term to expire 12/31/10 and Mr. LeBlanc to the Conservation Commission as alternate, with a term to expire 12/31/09, carried 4-0.

Chairman Jasper asked for the Board's pleasure relative to the Board of Selectmen. Selectman Maddox said they need to do something and asked if they should keep it moving by going into nonpublic. Chairman Jasper said they could do that. Selectman Maddox asked if they could take a recess first. Chairman Jasper said yes. Selectman Massey said if they are going to go into nonpublic, it would be at the end of the meeting. Chairman Jasper said that was up to the Board. Selectman Massey said he'd be willing to look at the compromise; it depends on when he wants to do it. Selectman Maddox said when they come back from break, he'd like to take care of B under new business. Chairman Jasper said they'll take a break and then proceed with the regular agenda because it didn't look like anything would take a long period of time, but any Board member could change the order of the day at any time.



Chairman Jasper declared a 10-minute recess at 8:35 p.m.

6. **CONSENT ITEMS**

*Motion by Selectman Maddox, seconded by Selectman Nadeau, to approve consent items, A-E, as indicated/appropriate, carried 4-0.*

A. **Assessing Items**

- 1) 2007 Abatement, 51 Gowing Road, w/recommendation to deny
- 2) Veteran Tax Credit (17 Stonewood Lane, 43R Wason Road, 149 Barretts Hill Road); Elderly Exemption (15 Amanda Drive, 25 Bowes Circle, 55 Melendy Road) w/recommendation to grant.
- 3) 2007 Abatement, 205 Pheasant Run, w/recommendation to approve
- 4) 2007 Abatement, 4 Hickory Street, w/recommendation to deny
- 5) 2007 Abatement, 24 Circle Drive, w/recommendation to approve
- 6) Timber Tax Warrant and Timber Tax Abatement, 90R Gowing Road, Map 222/Lot 1, Hudson and Pelham w/recommendation to sign the timber tax levy (warrant) and abate the full timber tax.
- 7) 2007 Abatement, 13 Richman Road, w/recommendation to approve.
- 8) 2007 Supplemental Tax for Verizon, Map 100/Lot 10, w/recommendation to approve.

B. **Water/Sewer Items**

- 1) Ref. No. S-08-04--S-UTL-08-07 (Elmwood Drive, Bldg. 3 Laundry Room, \$63, Acct. 2938; S-UTL-08-08 Elmwood Drive, Bldg. 2 Laundry Room, \$63, Acct. 2960; S-UTL-08-09 Elmwood Drive, Bldg. 6 Laundry Room, \$63, Acct. 3376), w/recommendation to approve.
- 2) Ref. No. S-08-04b--S-UTL-08-10 (Elmwood Drive, Bldg. 9 Laundry Room, \$63, Acct. 3468; S-UTL-08-11 Elmwood Drive, Bldg. 1 Laundry Room, \$79.66, Acct. 2960; S-GLN-08-02 23 Burns Hill Rd, \$562.28 Acct. 1573), w/recommendation to approve.

C. **Licenses & Permits**

- 1) Raffle Permit for Johnny's Pizzeria Bar & Grill to benefit Avon Walk for Breast Cancer on April 19, 2008
- 2) Raffle Permit for Hudson VFW Post 5791 for March 14 for a meat raffle to benefit the Men & Ladies' Auxiliaries
- 3) Request to hold Tag Day on March 22 at Market Basket to benefit Hudson Hawks U14 AAU Travel Baseball
- 4) Request to hold a Veterans' Buddy Poppy Drive on March 21 & 22 at SAM's Club by Nashua VFW Post 483 in support of veterans' needs.

D. **Acceptance of Minutes**

Minutes of the Board of Selectmen's Meeting of February 26, 2008

E. **Calendar**

- |  |   |
|--|---|
| 3/11 7 am-8 pm Voting at Community Center        | 3/19 7:00 Library Trustees in BOS Mtg. Rm.        |
| 3/12 7:00 Planning Board in CD Mtg. Rm.          | 3/19 7:00 Senior Council on Aging in CD Mtg. Rm.  |
| 3/12 6:00 Chamber Dinner at the Castleton        | 3/20 7:30 Budget Committee in BOS Mtg. Rm.        |
| 3/13 5:30 Sewer Utility in BOS Mtg. Rm.          | 3/24 7:00 Green Team in CD Mtg. Rm.               |
| 3/13 6:30 Recreation Committee--Oakwood Facility | 3/25 7:00 Board of Selectmen in BOS Mtg. Rm.      |
| 3/13 7:30 ZBA in CD Mtg. Rm.                     | 3/26 7:00 Planning Board in CD Mtg. Rm.           |
| 3/18 7:00 Cable Committee in BOS Mtg. Rm.        | 3/27 1:00 Trustees of Trust Funds in BOS Mtg. Rm. |
| 3/18 Noon-7 Red Cross Blood Dr at Community Ctr  | 3/27 7:30 ZBA in CD Mtg. Rm.                      |
| 3/19 5:00 Water Utility in BOS Mtg. Rm.          | 3/31 7:00 Recycling Committee in BOS Mtg. Rm.     |

7. **OLD BUSINESS**

**Sagamore Park Right of Way**

Town Administrator Steve Malizia said at the February 12 meeting, the Board discussed this issue. The NH DOT had asked if the Selectmen had an opinion about a piece of land known as the Sagamore Park Road. It's the end by Lowell Road. It's the land underlying that road that the state apparently had someone interested in procuring that land. At the time, the Board directed him to send a request to Police, Fire, Highway and the Planning Board for their input. Fire and Police had no objections, but the Road Agent and Planning Board both expressed their recommendation that the Board notify the state that the town was opposed to the sale of the land. Basically, they felt it was in the best interest of the town that the property underneath Sagamore Park Road not be sold to a private developer.

*Motion by Selectman Maddox, seconded by Selectman Massey, to forward a certified letter to the NH DOT requesting that state-owned property located at the Sagamore Park Road right-of-way, adjacent to the property at Map 222/Lot 3, not be sold to a private developer, carried 4-0.*

8. **NEW BUSINESS**

A. **Liaison Reports**

**Selectman Nadeau** said he didn't have anything.

**Selectman Massey** said he had two items. The first was relative to the water utility. (He had previously distributed a copy of a map.) The drawing was part of the submission from the St. Joseph Hospital to build a new medical facility on Robinson Road, just south of Route 102. In the course of their presentation to the Planning Board, they have indicated they wish to build a connection to the town water system that would connect on Route 102 at Map 105/Lot 7. There is a line going across that lot that connects on to their property. In the discussions that go on between the applicant and the water utility, it is clear that the town is going to require a 12" main up to the point where they wish to connect to the water system and that the main 12" line would extend 40' beyond that, which is two pipe lengths, that there would be three T's at that point and that all pipe and hydrants on the private properties, which is going to be traversing at least two properties, be owned by the applicant. Further, that the applicant only needs 8" pipe, so the 12" pipe, the difference would be borne by the water utility. They would pay for the digging of the trench, the laying of the pipe and the difference in cost between, etc. Chairman Jasper asked if Selectman Massey was making a motion. Selectman Massey said he wanted to start out with an explanation first. He has talked with the civil engineer and this is what they did on Wason Road with the Wason Heights extension. The developer, at their cost, ran the line; the town paid for the incremental cost between an 8" pipe and a 12" pipe. His recommendation to the Board was not to accept ownership of the pipe on the private properties. Originally, he thought they could ask them to move the line all the way down to Robinson Road, but in thinking about that, they would wind up with a long run of town-owned pipe on private property. If at any time in the future if somebody wishes to connect north of Robinson Road, then they could do the same thing there—ask them to extend the line up Derry Road.

Motion by Selectman Massey, seconded by Selectman Maddox, to establish, as the criteria for any connection to the town water system by this proposed development, a 12" main up 102, at least 40' beyond the connection to the private line and that all the line and hydrants inside the private properties be owned by the private property owners and that this is all contingent on Pennichuck certifying there is sufficient flow today to deliver the water to their system.

Selectman Nadeau asked, if the third building up decided they wanted water while the trench was being dug, if they could request it to be brought up to their property and then cut through theirs. Selectman Massey said if they were to request it, they would have to pay for the extension, or they would have to discuss with the other one a shared cost. All they would be doing with this motion is saying that any line that goes up 102 would have to be 12" and the cost would have to be borne by the property owners, except for the delta between an 8" pipe and a 12" pipe.

Selectman Maddox said there was talk at the Planning Board level about getting a hydrant, at least, on to Robinson Road. Selectman Massey said the current thinking, upon the part of the Fire Department is about 10" or 15" inside the property line. Selectman Maddox asked if that water line would be private from Derry Road, all the way back, wherever they went, down into the subject parcel. Selectman Massey said no; Map 105/Lot 107 and Map 105/Lot 8, the line goes in between those two lots and then cuts across the back part of Map 105/Lot 8. Selectman Nadeau asked if 107 was owned by the person doing this. Selectman Massey said no. They are going to have to get an easement between those two properties to drive the line, but that's their problem, not the town's. Selectman Nadeau asked if 107 would be required to hook up. Chairman Jasper said there aren't any requirements to hook up. Selectman Massey said no, they are not required to hook up. They would use the same formula for anybody on that line. As an example, Lot 105 would pay the same development cost that all of the people on Wason Road are going to pay if they are going to hook up to the town water and those monies would go to the developer. There is a formula that has been established of what they would pay for their cost of that construction.

Chairman Jasper said if you look at the map, it does not look like it actually goes on the property of Map 105/Lot 7. It appears that the roadway between 8 and 7 is a separate lot. Selectman Massey thought that might be a shared driveway. Chairman Jasper said it may be a shared driveway, but it is indicated as being a separate lot. Selectman Massey said even if it is, they would all be responsible for running the line. If the Board would prefer to think about this and come back on the 25<sup>th</sup>, they have enough time. Selectman Nadeau didn't have a problem with this. Chairman Jasper said the 12" line would go down Derry Road and 40' beyond where they are going and assumed it would end at a hydrant. Selectman Massey said no. There will be a T, a valve on the northern side of the line and then the 40' will be capped at the end. Chairman Jasper said, at any rate, he didn't have a problem with it.

Vote: Motion carried 4-0.

② Selectman Massey said as his last thing, the Chief of Police has asked him to publicize that on Wednesday, at 6:30 p.m. in the Ann Seabury Conference Room at the Hudson Police Department, the Liquor Commission is going to be providing a service and sales of liquor training program that's free of charge to any establishment in town that sells or serves liquor. The goal is to achieve 100% compliance when they do their compliance checking. This will give individuals tools on being able to be in compliance with liquor laws.

③ Selectman Massey said finally, with the leaving of the Town Engineer, the contract for Weston & Sampson as the water consultant is expiring. It was Civil Engineer's recommendation to go to bid for the next contract for the Water Utility's water consultant. At some point, they will have to write an RFP and send it out to bid.

④ Ottarnic Pond, the bid is due in April. The construction for septic and water improvements are scheduled to start in June.

⑤ Hampshire Drive, which is just across the street from the Oblate entrance on Lowell Road, the construction is scheduled to start in the May-June timeframe, which basically says that they would then connect Lowell Road to the Industrial Park through Hampshire Drive and go past what people now know as Fairview.

Ⓞ Derry Road construction from Highland to MacDonald's is scheduled to be completed by May 15 by Continental.

**Selectman Maddox** said he has only one thing and that will be under Other Business.

**Selectman Jasper** said almost all of the stocks for the library are in hand. A small amount of cash differential needs to be made up but that will be done and as they begin the project, the town will have \$4 million in hand to construct the library. That's important to know as people vote tomorrow on the warrant article; the promise has been delivered early and he certainly hopes people approve the warrant article so the town can complete its part of what needs to be done.

Ⓞ Relative to the Fire Department, Tanker 5—he thinks, but he heard Tanker 5 dispatched this morning, but that may mean they just moved Tanker 1 up there—is out having its pump rebuilt. They'll see what happens with the others, so that will give them two pump rebuilds this year and puts them in pretty good shape.

**B. Replacement Grader (Highway Department)**

Road Agent Kevin Burns said this purchase was approved in the '09 budget; this is a little early, but there is a five or six month lead time on orders. This is a standard practice for any major purchase. The vendor knows he can't take delivery or make payment prior to July 1. He recommended awarding the bid to the low bidder. Chairman Jasper asked if this shouldn't wait until the '09 budget is approved. Mr. Malizia said this has been done before. Selectman Massey asked if included in the contract, there was an every year out clause, with no penalty. Mr. Burns said yes.

*Motion by Selectman Nadeau, seconded by Selectman Maddox, to award the lease/purchase for an all-wheel drive articulated motor grader to the lowest bidder, Chadwick-Baross, Inc., with a yearly lease of \$43,250.11 and a five-year total cost of \$216,250.55 with the first payment due no earlier than July 1, 2008, carried 4-0.*

**C. Request for Reimbursement for Granite Mailbox Post**

Town Administrator Steve Malizia said the town has a policy on replacing mailboxes that is limited to \$25 and neither he nor the Road Agent can arbitrarily waive it. He thought it was appropriate to bring this to the Board to give the property owner some satisfaction that it went through the proper steps. To his knowledge, the town hasn't paid for or replaced any other mailbox post. Selectman Massey said he had a copy of an aerial photo taken with the GIS system that would indicate the property line is set back from the road sufficiently enough that the mailbox is on the town right of way. Mr. Burns said, as a courtesy, the town offers to replace with a standard rural mailbox, or reimburse people up to \$25, which is far more than most towns in the state do. Chairman Jasper asked if Mr. Burns believed the mailbox to be within the town right of way. Mr. Burns said absolutely. Chairman Jasper asked if he had any advice for people who want to invest in granite mailbox posts, or the placement of such posts. Mr. Burns said they don't hit many, but accidents do happen. He would not invest a lot of money in a mailbox in New Hampshire.

*Motion by Selectman Massey, seconded by Selectman Maddox, to deny the request for reimbursement from Paul and Linda Bolduc for damage to their mailbox post, carried 4-0.*

**D. Request for Extension on Route 102 Sidewalk Project, Municipal Agreement #13894**

Town Administrator Steve Malizia said the Board previously put in a request to extend this project back in April 2007 to December 30, 2008. One of the last acts that Tom Sommers looked at was this project, which was discussed with the DOT. It is actually DOT that is recommending an additional extension, to December 2009, based on some of the other activities. Selectman Maddox said he was confused. The cover letter from the Community Development Director says the estimated cost is \$401,000; how can that be... document dated January 2004, the price was \$401,000. They just saw, on Lowell Road, the price went up dramatically in the last three years. How can that number be correct? Chairman Jasper said there probably is no better number at the moment. Mr. Malizia said there hasn't been another estimate done by engineering or the engineering consultant. This is the number that was received from a grant for the town. Obviously, when they get closer to the actual event, they will reevaluate it. He didn't believe there was much land taking with this one. Selectman Maddox said they've put this project out several times and was wondering, if they are going to do the project, who is going to do it, and he didn't think it would be done for anywhere near that money—and if it's going to be the same thing, that the state is going to cap theirs at 280, Hudson will be making up the difference and probably to the tune of \$280,000. He wondered if this was a doable project and if they are going to be surprised by the final price.

Chairman Jasper hoped not because under the contract, the duties and responsibilities, the department *shall* after receipt and approval of properly documented invoices, pay to the town, 70% of the total cost after the invoices have been certified by the town. It appears on this one, they are locked in at a percentage. Selectman Maddox said it will still be much higher. Chairman Jasper said at some point, this will go out to bid and if the number change, they will have a discussion at that point. Selectman Massey said the 30% represents a concession on the town's part to get them to do the project; the normal match is 80-20. By going 30%, they got a more favorable response. That's what happened with the 102 construction at West Road and Robinson Road. That may be what this is. Chairman Jasper said he found a note in the document that stated the maximum amount of funds available for the project for reimbursement under this agreement from the department shall be \$280,700 so they'll have to see what it comes in at and decide what to do at that time.

Motion by Selectman Massey, seconded by Selectman Nadeau, to request an extension to September 30, 2009 for the Transportation Enhancement Agreement, State Project 13894, due to design and coordination efforts with adjacent projects, carried 3-1. Selectman Maddox voted in opposition.

**E. Request to participate in Join the NH Clique Enforcement Campaign**

Police Lt. Bill Avery said the Police Department was asking for authorization to enter into an agreement with the NH Dept. of Highway Safety for a joint Join the NH Clique enforcement campaign. The department would receive \$2,307.01 in which to do seatbelt enforcement. They are going to focus attention on the schools—Alvirne and Memorial—looking for violations. People under the age of 18 who are not wearing their seat belt. This is an annual event the department participates in, which is funded by the state. Another spot they sometimes target is Wal-Mart because there is a high volume of traffic going in and out of there. There will be seven patrols for six hours in length. Selectman Maddox asked if the Highway Safety Committee needs to sign off on this also. Lt. Avery believed they did.

Motion by Selectman Massey, seconded by Selectman Nadeau, to authorize the Police Department to enter into an agreement with the NH Highway Safety Agency to participate in the annual "Join the NH Clique" enforcement campaign and accept \$2,307.01 to cover the cost of participating, carried 4-0.

**F. Protest Petition**

Town Administrator Steve Malizia said the town has received a protest petition on Warrant Article 5, to amend the official zoning map of the town by rezoning from residential one (R-1) to residential two (R-2), the parcel of having an address of 51 Burns Hill Road, Map 211/Lot 40. Said parcel abuts a R-2 zoning district and is generally located across the street in the immediate south of Glen Drive and Burns Hill Road intersection. That article is on the warrant for tomorrow and has been approved by the Planning Board. Mr. Malizia ran this petition by the town attorney to make sure it was in compliance by both date and content and he found them both to be in compliance. Under the attorney's guidance, he also had an analysis done (by Sean Sullivan) to calculate the area. There is a clause in the petition law that 20% of the abutting area must be owned by the petitioners, and it is. This protest petition appears to be valid and meets the requirements of the law. That being the case, the Board needs to accept the conclusion and forward this to the polling place for the Moderator, who would need to read the protest petition at the opening of the polls, and it needs to be posted at the polls.

Selectman Massey said he looked at the ballot and believed there was some confusing language. It references Amendment #4 on Article #5. It was explained to him that is the way the ballots are worded every year because the first article is the official ballot--the elected positions.

Selectman Maddox said they've talked about asking the legislative delegation to look at the ability of the time schedule being different, now that Hudson is an SB-2 town. This came to the Planning Board on the last day. He understands the applicant was upset the Planning Board had to make a decision that night; that was the only time. Locked in. Hopefully, as the liaison to the Legislature, hopefully he could do something during the next round. Chairman Jasper said if he runs again, and if he makes it through the primary, remind him in September. Selectman Maddox said it's a done deal. Nobody thought about this, that they would put the Planning Board up against a wall that they had to make a decision, based on very little time. Hopefully, they can correct that.

Mr. Malizia read the protest petition announcement into the record: The town of Hudson has received a zoning protest petition concerning Article 5. The Hudson Board of Selectmen has determined, pursuant to RSA 675:5 that the protest petition is valid. As a result of receiving this valid zoning protest petition, a 2/3rds vote of the Town Meeting shall be required to pass Article 5.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to accept the town staff conclusion that the zoning protest petition for Warrant Article #5 is valid and to post a notice of receipt of protest petition at the Community Center and to have the Moderator announce, at the opening of the Town Meeting, that a protest petition has been received, carried 4-0.

**G. Town Engineer Interview Process**

Town Administrator Steve Malizia said they've posted for the position of Town Engineer, which closed February 29. They received a number of resumes and he was recommending an interview committee consisting of Engineering liaison Selectman Massey, former Town Engineer Tom Sommers, who agreed to come back in to evaluate the candidates on a technical basis, and himself. He was seeking a consensus from the Board to follow that as the initial procedure. Chairman Jasper said, without objection, that is the committee.

Selectman Maddox asked if the committee would whittle it down from X number to two or three. Mr. Malizia said the committee would make recommendations to the Board for further interview, if desired, or hiring, if the Board desired.

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

Selectman Nadeau said the Rec Department had a movie night and over 250 people attended, parents and kids. It was a good time. He thanked all the Rec Committee members who helped out with that event.

Selectman Massey said he didn't have anything tonight.

Selectman Maddox said he didn't have anything.

Selectman Jasper said he didn't have anything, either.

10. **NONPUBLIC SESSION**

Chairman Jasper said they were sort of back to where they started and asked what the Board wished to do regarding making an appointment to the Board of Selectmen. Waive the procedure and possibly make the appointment tonight? Waiving the procedure would not necessarily mean they would do so, if they can't reach a consensus. If they do that, and the Board so desires, they can go into nonpublic for discussion and then come back out for a decision, or lack thereof.

Selectman Massey said they can accomplish what they need to do in two steps: vote to go into nonpublic and during nonpublic, they can make the determination when they come out whether or not they are going to waive the procedure and waive, or not waive.

*Motion by Selectman Massey, seconded by Selectman Maddox, to enter nonpublic session under RSA 91-A:3 II (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 4-0.*

Nonpublic session was entered into at 9:23 p.m. and was terminated at 9:46 p.m.

*Motion by Selectman Maddox, seconded by Selectman Massey, to waive the normal procedures and make the appointment to the Board of Selectmen this evening, failed by a tied vote, 2-2.* Selectmen Nadeau and Massey voted in opposition.

Chairman Jasper said the Board would be making the appointment at the next meeting and Mr. Peters is welcome to come forward to be interviewed at that time.

11. **ADJOURNMENT**

*Motion by Selectman Maddox, seconded by Selectman Massey, to adjourn at 9:47 p.m. carried 4-0.*

Recorded and transcribed by Priscilla Boisvert  
Executive Assistant

**HUDSON BOARD OF SELECTMEN**

\_\_\_\_\_  
Shawn N. Jasper, Chairman

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Benjamin J. Nadeau, Vice-Chairman

\_\_\_\_\_  
Kenneth J. Massey, Selectman

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Richard J. Maddox, Selectman

\_\_\_\_\_  
Vacant