

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the February 12, 2008 Meeting**

1. **CALL TO ORDER** by Chairman Jasper at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Massey.

3. **ATTENDANCE**

**Selectmen:** Shawn Jasper, Ben Nadeau (arrived 7:02), Ken Massey, Rick Maddox and Doug Robinson

**Staff/Others:** Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Sean Sullivan, Director of Community Development; Michael Mell; Leo Bernard; three residents; Tom Tollefson, HLN

4. **PUBLIC INPUT**

No one wished to address the Board at this time.

5. **NOMINATIONS & APPOINTMENTS**

**Recreation Committee** (1 member and 1 alternate, terms to expire 12/31/10)

Michael A. Mell, 67-A Sullivan Road, said he's been a Hudson resident for over five years. He and his wife have three children and another on the way. He is interested in serving on the committee because of his interest and involvement in sports, and he is also running for the School Board. Selectman Maddox asked Mr. Mell for a "new idea," since his application stated he wanted to bring new ideas to the committee. Mr. Mell thought there could be more programs for the younger kids. They already have a good summer program because his daughters attend that. There already is a toddler play group, but he'd like to see more activities geared toward that age-group.

*Motion to waive the procedures and make the appointment tonight by Selectman Nadeau, seconded by Selectman Robinson, carried 5-0.*

*Motion by Selectman Nadeau, seconded by Selectman Robinson, to appoint Michael Mell as a member of the Recreation Committee, with a term to expire 12/31/2010, carried 5-0.*

6. **CONSENT ITEMS**

*Motion to approve the consent items, as noted or appropriate, by Selectman Nadeau, seconded by Selectman Robinson, carried 5-0.*

A. **Assessing Items**

- 1) Veteran Tax Credits (7 Vernon St, 8 Stable Rd, 1 Bridle Bridge Rd, 6 Deer Run); Blind Exemption (22 Westchester Ct.); Disabled Exemption (15 Frenette Dr.) w/recommendation to grant.
- 2) 2007 Abatement Applications (3 Ash Street, 4 Leor Circle) w/recommendation to approve.
- 3) Abatement Applications (47, 49 & 50 Lexington Court) w/recommendation to deny.

B. **Water/Sewer Items**

C. **Licenses & Permits**

- 1) Hawker/Peddler License for Glenn Smeltzer to sell flowers on behalf of the Blushing Rose at True Value Hardware on Rouet 102, from 2/14/08 – 12/31/08
- 2) Outdoor Gathering Permit for Hudson Kiwanis to hold an Ice Fishing Tournament on Robinson Pond on Feb 17, 2008
- 3) Request to hold a fundraising cookout at SAM's Club, June 7 & 8, 2008.
- 4) Request by Girl Scout Troop #1152 (Tyngsboro) to sell cookies at SAM's Club on Apr 5 and Wal-Mart on Apr 13.
- 5) Request by Dr. HO Smith School for a fundraising cookout/bake sale at SAM's Club on May 3, 2008.

D. **Acceptance of Minutes**

- 1) Minutes of the Meeting of the Board of Selectmen Meeting January 22, 2008
- 2) Minutes of the Special Meeting of the Board of Selectmen of February 2, 2008
- 3) Minutes of the Board of Selectmen's Workshop of February 5, 2008

E. **Calendar**

- 2/06 8:30 am, Highway Safety Cmt in CD Mtg. Rm.
- 2/06 7:00 Planning Board in CD Mtg. Rm.
- 2/09 School District Deliberative Sess Community Ctr
- 2/11 7:00 Conservation Commission in CD Mtg. Rm.
- 2/11 7:00 Seniors BOS Mtg. Rm.
- 2/12 7:00 Board of Selectmen in BOS Mtg. Rm.
- 2/13 7:00 Planning Board in CD Mtg. Rm.
- 2/14 6:30 Recreation Committee @ Oakwood Facility
- 2/14 5:30 Sewer Utility in BOS Mtg. Rm.
- 2/14 7:30 ZBA in CD Mtg. Rm.
- 2/18 Presidents' Day—Town Hall Closed
- 2/18 6:30 School Board in BOS Mtg. Rm.
- 2/19 7:00 Cable Committee in BOS Mtg. Rm.

2/20 5:00 Water Utility in BOS Mtg. Rm.  
2/20 7:00 Library Trustees in BOS Mtg. Rm.  
2/21 7:30 Budget Committee in BOS Mtg. Rm.  
2/25 7:00 Green Team in CD Mtg. Rm.  
2/25 7:00 Recycling Cmt. In BOS Mtg. Rm.  
2/26 7:00 Board of Selectmen in BOS Mtg. Rm.  
2/27 7:00 Planning Board in CD Mtg. Rm.  
2/28 1:00 Trustees of the Trust Funds in BOS Mtg. Rm.  
2/28 7:30 ZBA in CD Mtg. Rm.

7. **OLD BUSINESS**

A. **Public Hearing on Petition to acquire land for the construction of a sidewalk--60 & 64 Lowell Rd**

Chairman Jasper opened the public hearing at 7:05 p.m. and asked if anyone in the audience wishes to speak on this item. There was no response. Chairman Jasper asked the Director of Community Development to explain to the Board what he told him this morning. Mr. Sullivan said he received a visit from the owner of 60 and 64 Lowell Road, Mr. Jordan, saying he had an unexpected family emergency and asked if the Board would continue this until the next meeting. Chairman Jasper said he had a letter from the Eldredges from 5 Roosevelt. They wanted to make sure the Board wasn't going to do anything in terms of negotiations that would violate the site plan. He didn't think the Board's intention was to negotiate; they are proceeding, at this time, with the eminent domain. However, given that the property owner is unable to be present, and did request to be present, he'd entertain a motion to recess the public hearing until the Board's next meeting.

*Motion by Selectman Massey, seconded by Selectman Maddox, to recess the public hearing until February 26, 2008.*

Selectman Robinson said he was going to vote against the motion; this was the second of two hearings, and the owner wasn't here for the first one. This has been an on-going concern for the town and has spent thousands of dollars on this matter already. Selectman Massey said, so people who are watching, although this is an eminent domain proceeding, this is strictly a piece of sidewalk that would enable them to have a sidewalk all the way from Central Street to Birch Street; this is just for an easement in order to have a sidewalk, and that's all that's involved. Selectman Maddox said he, too, would vote against the motion and, if it fails, he'd make a subsequent motion to defer this to the next meeting. Chairman Jasper said if the motion fails, he will close the public hearing and entertain a motion to adopt the resolution regarding the necessity to acquire the land. Selectman Maddox had misunderstood the motion. When it was clarified that it was to recess to a date specific, he said he was in favor of the motion.

*Motion carried 4-1.* Selectman Robinson voted in opposition.

Chairman Jasper declared the public hearing recessed at 7:11 p.m.

B. **Draft Letter re Nashua Continuum of Care**

Town Administrator Steve Malizia said the Board directed that he prepare a draft letter for the Greater Nashua Continuum of Care folks that came in a couple of meetings ago. The Board supports their mission but did not want to sign the agreement. There was unanimous consensus to approve the draft letter the Chairman would sign it.

8. **NEW BUSINESS**

A. **Liaison Reports**

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

**Selectman Massey** said he anticipated the Board would be receiving a memo from the Town Engineer for the next meeting, stating that he thought the moratorium on the south end water supply can be rescinded.

**Selectman Maddox** said his items were for Other Business.

**Selectman Robinson** said tomorrow at Hills Garrison School, the State of NH Banking Department will be on-site from 4-8 p.m.. to discuss with homeowners what will happen with the adjustable mortgage rates and non-traditional mortgages. If someone would like to have their mortgages reviewed in a confidential and private matter, they are welcome to attend—and it's free.

The Cable Utility Committee is working on a couple of things that will be coming up at the next meeting, one of which is closed caption on HCTV. He will bring that up to the committee. He's not sure where it will go, but this is in response to a letter in the Telegraph. The Cable Committee also discussed and are recommending that Cable Committee volunteers not be paid. Selectman Jasper recollected being contacted relative to this issue. When he inquired, he was told the town did not have the capability, at this time, to provide that service. Selectman Robinson said it can be done, but it is expensive—but worth talking about.

Relative to recycling, December was the lowest month for recycling tonnage. When you break down the tonnage in recycling, for every 50 tons, 20 tons is co-mingled and 30 tons is paper. In December, paper goes up and co-mingled goes down, so that's why the tonnage was less. He did make a typo in the PowerPoint presentation (he gave at a previous meeting.) Last year, for the first six months, they expensed \$820,000; this year, they've expensed \$688,000 for a savings of \$131,000.

He received an interesting e-mail from Vin in IT, saying that some Wendy's—the hamburger store, the one in Nashua included, takes all their drive-thru calls in a call center that's located in Lexington, KY. They are using voice over the internet and are somehow tied into the town's internet, and that has conflicted with the town's lines. When the town goes down, it could be because of Wendy's.

Regarding the Highway Department, there is another storm coming in and the fleet is in good condition, with all of the equipment up and running. The maintenance account is 80% spent. Because of the breakdown of the 1983 CAT, \$20,000 was spent on that. Highway is at 80% of budget; gas is at 72% of budget. The good news is the Road Agent isn't concerned about over-expending the bottom line because other accounts in the Highway Department are running with a surplus.

**Selectman Jasper** said he received an e-mail from the Fire Chief and there is a flood watch for the Merrimack River. He didn't think Town Hall would be under water any time soon, but there may be some flooding. They got quite a bit of rain already, and more may be on the way, and there is moisture in the ground, so be on the lookout.

The Fire Chief would like to schedule time to come in and talk about the final facilities report, which would be a good workshop item, and asked if March would work. Selectman Robinson thought the ZBA was coming in in March. Selectman Nadeau thought the Rec Committee was coming in. Mr. Malizia thought that was in April. Chairman Jasper said they could check, but didn't think ZBA would take all that long and they could probably do both. They don't have that many workshops to do only one thing at a time. He'll put it in tentatively for March and if the Rec is coming in in March, it'll be moved to April.

Chairman Jasper attended a meeting of the Trustees of the Trust Funds and said they got a few things accomplished. One was the communications between the town and that committee. They feel they are out there by themselves which, in fact, they are. The Finance Director has volunteered to put in an appearance at their monthly meetings to see if they are in need of anything. They didn't all have keys, so they couldn't all get into the building to do the work they need to do, so she will be their contact person and will work with them to make sure the lines of communication are kept open. Also, as directed by the Board, he spoke to them about advertising of that position. It was a delicate area because the Selectmen don't have any authority over them and they are not in violation of any policies, so he talked to them about the appearance of hiring a spouse of one of their members to do the work. The amount of \$4,300 or something like that, and he suggested to them that they should think about advertising that and seeing that light is put on the whole situation so there aren't any questions. He made them aware of the Board's concerns.

Relative to a Legislative update on the Municipal Association page, it looks like there is some movement on the retirement on what is going to be recommended to the House. One of the things in group two that he worked on some 14, 15 years ago, would be for new hires to increase the retirement age to be eligible for health benefits from 45 to 55 and increase the time until retirement from the current 20 years to 25 years. They are also recommending that there be a 2% increase in the employee contribution to the retirement fund instead of putting all of the burden on the communities. That will be an interesting debate, but those are things that are necessary. Unfortunately, they didn't make some of the changes 15 years ago, because they wouldn't be in this bad situation that they are now, had they had a little more foresight.

They talked a little bit about a bill allowing people, such as him, who hold an election official's position and a state position, working at the polls. The Election Law Committee unanimously passed a bill to the full House to allow people who would be an election official and running for another office to work at the elections, as long as they did not handle marked ballots or participate in the counting. It was his suggestion that they add handling of marked ballots because it originally was just counting. He didn't feel it was appropriate to have your name on the ballot and be handling marked ballots. That will be helpful in the election process around the state. Two of the people who brought that amendment forward, one of them being the City Clerk of Nashua, who was a state rep 35 years ago when the ban was put in, so there were two people, one a current legislator and one a former one, now a City Clerk, wearing a different hat, who put the ban in effect are now saying this isn't working out the way they thought it was going to. Sometimes things come full circle.

**B. Document Imaging Request**

Community Development Director Sean Sullivan said they are in the process of taking their paper files and converting them into computer files, an arduous but honorable project. Some day, in the near future, they will be completely electronic, in terms of the files. They will be retrievable via computer for staff members and to the public. The days of paper files will pretty much be gone. When new applications come in, they will scan that information into the computer file system. He encouraged Board members to come by to look at it. The equipment is state of the art and they have established a process with existing staff and they are making progress as this isn't the busiest time of the year. They have about 400, 500 files scanned in, at this point. He was seeking authorization to post at UNH for two interns who have experience in computer science and, ideally, with computer scanning that could assist. There is money in the budget for this fiscal year and next. He anticipated a May start date, after the spring semester ends, and come July, there is money in the FY09 budget to continue with interns through August, when school starts. He recommended the pay be \$12 per hour, adding that the positions would be temporary.

Selectman Massey said the memo indicated that Mr. Sullivan said he hopes to capture as much paper file data as possible and wondered what they would not be converting. Mr. Sullivan said he didn't envision that, for the interns' availability, that they would complete the project. Selectman Massey clarified that it wasn't that they weren't going to convert everything for every file, it was that they might not get all the files done by the time the interns leave. Mr. Sullivan said that was correct.

*Motion by Selectman Maddox, seconded by Selectman Robinson, to authorize the Community Development Director to advertise two intern positions for the purpose of implementing the document scanning file conversion project, carried 5-0.*

Mr. Sullivan said he was seeking authorization from the Board to close the Community Development Department on four consecutive Fridays, starting February 15. This is something they did about four years ago when the Assessing Department updated all of the property file map and lot numbers. They have over 8,000 files in the office and when that happened, it affected every single file they have. This project is similar. He'd like to have existing staff prepare documents to be filed. The interns would scan the information given to them, not have to determine what needs to be scanned, such as duplicative information. He would have John Cashell, Bill Oleksak and him make the determination of what needs to be kept and what doesn't. If duplicate information exists, it could be tossed. There are other issues, such as size and style of some of the plans. Paperclips and staples have to be removed, and that sounds menial, but it has to be done. He discussed with the IT Department the most productive way of accomplishing the task, and working with Vin, he agreed that preparing the files to be scanned will be most productive, so the interns will be ready to go on day one to scan plans and files. This did work a few years back. The inconvenience was minimal, since this is the slower time of the season. He wouldn't make this request in May or later. This can work; he's seen it work on a previous project.

Chairman Jasper thought February 15<sup>th</sup> was a little too close in order to give proper notification and asked if, instead, they could close February 22, 29, March 7 and 14 instead. Mr. Sullivan said that would work.

Motion by Selectman Robinson, seconded by Selectman Massey, to authorize the Community Development Department to close for business on four consecutive Fridays—February 22 & 29 and March 7 & 14, for the purpose of purging paper files for conversion to digital files.

Selectman Maddox said he was opposed to this motion, just as he was the last time. For the citizens who didn't read the 1" x 1" square in the HLN and didn't know the department would be closed and take Friday off, it's not fair. There could be someone at the counter to take citizens' forms, questions, etc., and say someone would get back to them on Monday. Closing the office, even for a good purpose, sends the message that Town Hall is closed whenever. This is a bad plan and he cannot vote for it. Selectman Nadeau said he held the same opinion as Selectman Maddox. Closing the office is not the right thing to do. Selectman Robinson asked Mr. Sullivan if that would work. Mr. Sullivan said yes, but it would be challenging because if someone at the counter hears his, John's or Bill's voice, they will want to talk to them. It will be more fragmented and not as productive, but if that's the Board's decision, he will make it work. Chairman Jasper asked what the typical walk-in homeowner traffic was, not contractor people, on a Friday. Mr. Sullivan said at this time of the year, 15. Chairman Jasper said he was going to support the motion because for 15 people to come in and not get any real answers, or get any place, other than an application—and they could always put applications outside the door... that's why he wanted to move this out a week, so it could be advertised and scrolled on TV. He understood the concern about someone at the counter hearing people talking in the back. People aren't putting up pools or decks at this time of the year and there's not that much going on.

Vote: Motion carried 3-2. Selectmen Nadeau and Maddox voted in opposition.

C. **Lowell Road Sidewalk Project, Amendment #4 and #5, CLD**

Town Administrator Steve Malizia said there were to modest amendments for continued engineering work from CLD on the Lowell Road sidewalk project. As they've done in the past, these amendments go before the Board so there is a paper trail. The actual scope is attached to each amendment.

Motion by Selectman Massey, seconded by Selectman Robinson, to approve Amendment #4 in the amount of \$1,900 and Amendment #5 in the amount of \$3,500 to the CLD engineering contract for the Lowell Road Sidewalk project; the total contract will equal \$59,810 with these amendments.

Selectman Maddox said this was capped at \$40,000. Mr. Sullivan said not only that, there has been a revised cost estimate he received today from CLD, to \$405,000 total project cost, with a town match of \$81,000 and an NH DOT 80% funding of \$324,000. Those numbers are definitely different. This project has been back and forth between his office and Engineering. The numbers provided by CLD today are more up-to-date than the memo of January 24. Chairman Jasper asked if he knew where the state stands on this, in terms of funding. Will the revised numbers cause a problem with the budget? Mr. Sullivan said he hasn't had a chance to talk to the Town Engineer yet. He was up in Concord a couple of years ago and was able to get additional monies. They may have to do that again.

Vote: Motion carried 5-0.

Selectman Maddox said the packet information, a memo from Steve, indicates the project was \$200,000 and now he was hearing it was doubled. Someone needs to tell him how it went up \$200,000 in a month. Mr. Sullivan said in the timeline he gave him earlier, there is a jump from 200 to 360, at one point. Selectman Maddox said Mr. Sullivan apparently didn't give that information to the Town Administrator, who said the cost was \$200,000. Mr. Sullivan said Steve was looking at a document the Town Engineer had, which had been revised to 360 on something he had in the file from DOT, so he knew there was an issue with the numbers. That's why he said to CLD they needed to work with him because he needed an accurate, up-to-date number, which he got at 4:00 this afternoon--\$405,000. Selectman Maddox said Steve's memo said \$200,000. Mr. Malizia said that wasn't his memo. (It was Mr. Sullivan's.) Mr. Sullivan said that was the number that was available in the file, confirmed by the Town Engineer. In the time frame, it jumped to 360. He found that number after he wrote the memo. He realized there was an issue with the numbers, so he contacted CLD and said he needed a firm number, and it came in at 4:10 today. Selectman Maddox said he didn't see 360 anywhere in any of the paperwork. Mr. Sullivan said it was in the timeline that he gave Selectman Maddox the other day; it was a separate document. Selectman Maddox asked for some follow up to make sure the state has the monies for

the 360. Chairman Jasper asked what funding sources the town has. Mr. Sullivan said money was available in the corridor account; and he will check with Ram Madahli at DOT. Selectman Maddox said this project has ballooned substantially and the longer they wait, the more it is costing.

**D. Sagamore Park Road Right-of-Way**

Town Administrator Steve Malizia said a representative from the NH DOT Bureau of Right of Way came down and met with Mr. Sullivan and him regarding a strip of land that the DOT owns, under Sagamore Park Road, at the end where it used to go out on to Lowell Road, which is now dead-ended. It's near the little white house; that piece of the road. The agent from the Bureau of Right of Way wanted him to run this by the governing body to determine if there was any interest on the town's part in having the state retain this property. They are not looking for the town to make an offer to buy it. They just want to know if the town has any reason why the state shouldn't sell the property. He couldn't think of anything the town had going there, but the Planning Board might know something more than he does. He believes there is a small turnaround there for the Highway Department when they plow the town-maintained Sagamore Park Road. If the person, who wants to, buys the road, they will replicate that turn-around back on the road somewhere so it could still be used as a turn-around. The town maintains the road, but they don't own the land underneath it. The state retained that.

Chairman Jasper didn't see a time line on this, so he thought the memo should be circulated to town departments and to the Planning Board for comment, particularly Highway, Police and Fire. Selectman Massey said he'd include the Highway Safety Committee, which is the Police, Fire and Highway, anyway. If that property were conveyed, he wouldn't want to see a curb cut on the combined property. It's too close to the on-ramp area, so that would be a concern. He didn't think the state would look too kindly on it, either. Selectman Maddox asked for a better map. At some point, they are going to have to do something, as traffic exists Lowell Road on to the circumferential, making it two lanes on at some point, due to the amount of traffic that's going through there, so this would be cutting off their nose a little early. He didn't know how close it was, though, which was difficult to tell from a tax map. It would be foolish to get rid of it when the town might need it, at some point. Chairman Jasper agreed.

Mr. Malizia said the town doesn't own it. It used to be a curb cut on to Lowell Road, but the state blocked it off and dead-ended it, so it's no longer a curb cut. He asked what kind of a map Selectman Maddox was looking for. Selectman Maddox said something that shows on to the circumferential, where that entrance ramp actually comes. If they had to cut into those Lowell Road parcels, where a second slip ramp would be. It's tough to tell from the drawing where the entrance ramp is. Chairman Jasper said they have a couple of maps; the virtual earth, which is a poor copy, that delineates the property next to it, but not on this map exactly what it is. It would be nice to get something that really shows the actual road layout, how much right of way is being maintained by the state, if they were to sell this and put it in better perspective. They really don't know what they are talking about here. With all of the GIS mapping, they should be able to come up with something that gives them a better idea.

Selectman Massey said one other possibility... when you send letters, you always like to know that somebody at the other end is doing something, so it might be appropriate to send a letter to the DOT, saying they are asking the land use boards to look at it and the town will get back to them by the end of the month. Chairman Jasper thought mid-March was more appropriate, but a replay saying the Board has discussed it and are asking department heads to review it. Mr. Malizia said he'd call them. Selectman Maddox said the letter says no action is necessary if the town is not interested, so they should send something to say there are some concerns and are trying to do due diligence. Chairman Jasper said the Town Administrator will call, but should follow up with a brief note, something for the record. Mr. Malizia was agreeable to that.

Chairman Jasper said this would be placed back on the agenda, as appropriate.

**E. Local Government Center Request for Litigation Funding**

Town Administrator Steve Malizia said the Executive Director of the Local Government wrote, seeking the town's participation in the litigation effort. It is fairly complex and there is a lot of information in the memo. The bottom line is the LGC believes the recent ruling regarding pensions is putting towns at financial risk. It appears that one method of funding is now void and a different method of funding for pension costs may be foisted upon the towns and cities in the state through their pension contribution rate. This memo from LGC is seeking the town's financial support in its litigation effort against this. They are asking towns to band together to fight this. He doesn't have an opinion on it because he hasn't studied it enough. LGC believes it has an obligation to protect the towns' and cities' interests. They are seeking a contribution towards litigation in the amount of \$4,731.51, which is Hudson's proportional share, and based on the contribution rate, seems to be reasonable.

*Motion by Selectman Massey, seconded by Selectman Maddox, to participate in the Local Government Center unfunded pension liability litigation and to authorize the expenditure of \$4,731.51 for this purpose with funds to come from the town's legal cost center 5200-218.*

Selectman Maddox asked what the Legislative Liaison thought about this. Chairman Jasper said he thought they ought to participate in this. The dollar amounts the town is at risk for is enormous each and every year going forward. It is important this take place. There has got to be a sharing of the pain and that's going to involve everyone. It looks like the state is trying to push as much of it on the towns and cities as possible and the earlier they get involved with this, the better off they will be. Selectman Maddox asked if the present contribution was \$1.1 million. Mr. Malizia said there is an actual chart on the internet that shows the amount of payroll. Selectman Maddox said the memo said it was based on .5% of what they pay in and Strafford County was going to pay \$2,854 based on 570,000. He was just trying to see if it was proportional... he didn't think they put that much in. Mr. Malizia said when he looked at it, Londonderry was close to Hudson's and Merrimack's was a little more. Hudson's seems to be reasonable, based on what he saw.

Selectman Nadeau asked what would happen if they put in \$2,000 instead of \$4,000. Mr. Malizia suspected that if they don't get full participation, they won't be able to press the lawsuit as much as they'd like to. If they need less than what they raise, there will be a refund. They are estimating what they think it will cost, including hiring pension and actuary consultants, which are specialized fields. If it's more, they'll probably come knocking again. If Hudson is going to participate, it should do so fully. He didn't think half would accomplish anything. Chairman Jasper said when you look at the dollars at stake, this is something they need to fully participate in.

Vote: Motion carried 5-0.

- F. **Semi-Annual Blood Drive** (Date change, from September 9 to September 23)  
Motion by Selectman Maddox, seconded by Selectman Massey, to change the date for the semi-annual blood drive from September 9 to the 23<sup>rd</sup> because the Primary is held on the 9<sup>th</sup>, carried 5-0.
- G. **Request to Waive the Fee to the Community Center by the GFWC Hudson Junior Woman's Club for Candidates' Night**  
Motion by Selectman Massey, seconded by Selectman Maddox, to approve the request to waive the fee for Candidate's Night on Thursday, February 21, as well as for the Bunny Breakfast on Saturday, March 8, carried 5-0.
- H. **Water Polices and Procedures Recommendation**  
Motion by Selectman Massey, seconded by Selectman Nadeau, to approve the Water Policies and Procedures for Services Charges, Non-compliance Disconnection and Non-payment Disconnection, as recommended by the Water Utility Clerk and the Finance Director, with the approval of the Water Utility Committee.

Selectman Maddox thought the motion was ambiguous and wondered if this had been approved by the Water Utility Committee. Selectman Massey said the Committee has recommended adoption to the Board of Selectmen. Selectman Maddox asked what the fees were based on. Mr. Malizia said cost of service for Pennichuck to go out and do things, plus an administrative fee on top of that for the town's cost. Selectman Maddox said after hours service fee... and maybe it's in the big book, but he didn't see it... asked what was after hours. Mr. Malizia thought it was between 8:00 and 3:00, which are the hours Pennichuck makes service calls. Anything other than normal business hours is after hours. Selectman Maddox said it jumps dramatically, so he was trying to justify in his mind because nowhere does it say what those hours are. Mr. Malizia said there is a thick file in the office that outlines the policy, the contract with Pennichuck, and states what the hours are—the various breakdown of the fees and what they charge, the overtime rate, the hours of operation and the fees.

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

- I. **Department Head Reviews**  
Selectman Robinson said since becoming elected to the Board of Selectmen in March 2007, he has been searching for a way for the Board of Selectmen to become more proactive in regards to planning, implementation and follow-up, i.e., plan the work and work the plan, for the town of Hudson. He is concerned with the direction and guidance which aligns the department heads to a specific set of goals. As elected leaders of our community, it is our responsibility to keep an eye on the prize. Each year, our leaders, or our department heads, receive a performance review. This performance review is and has always been exercised by the Town Administrator. Also, Selectmen involvement has never been an integral part, nor a perfunctory aspect of their review. In an effort to change the mental model of this and future boards, he suggested the following: the Board of Selectmen participate in the review process by establishing set goals and expectations for each department head. These goals and expectations will be in line with and tied with the overall vision for the town of Hudson. Goals will be generated from department heads on an annual basis during discussions generated from workshops. Goals will be flexible, which the vision will remain constant. Review and follow-up will become part of the liaison report on a quarterly basis. The Board of Selectmen will commit to funding and support the established goals. This is just a few, so they can get started on this important task. He spoke personally to six of the seven department heads regarding their annual review and they all expressed concern with the initial thought that having five Selectmen perform their review would be a challenge, seeing the Selectmen duke it out over the performance number that they would receive. One department head, while energetic with the idea, had concerns with goals that lack funding and support. Another cited the CIP program and the lack of cooperation between town boards on it. Another department head had concerns at the Selectmen's involvement with the process, as it had been tried in the late 90's and had disastrous results. When explained the vision of the Selectmen's involvement as he saw it, i.e., establish the vision and set the goals for dialogue and discussion and support the goals, all six department heads were in support of the Board's involvement. All six department heads were actually enthusiastic to the thought that the Board of Selectmen and they would be on the same page working for the same goals, or keeping their eye on the prize. The goals would be smart goals; be specific, measurable, attainable, realistic and timely. These goals would create solid partnerships with the department heads. They would also create a sense of stronger purpose with the employees who work for the town, as their performance would also be tied into support of the goals established by the department heads and the Board of Selectmen. He would not support, regarding the Selectmen's involvement with the reviews, a Board of Selectmen's position to become involved with a line by line analysis in evaluating performance factors. That is the responsibility of the Town Administrator. The Board of Selectmen must set the established course, set the compass, and provide their leaders with the tools they need to do their job. Those begin with the goals and vision from the Selectmen.

Selectman Robinson continued, saying in this month's Town and City magazine, there is a section on the top ten reasons to be a local elected official in 2008 and bullet 10 says, "Local officials can truly make a difference in people's lives. They can bring communities together around a shared vision; bring a program that helps needy people back to life; marshal resources to support their local school or boys and girls clubs. True leaders know when to use their influence to benefit the entire community—not for

their own satisfaction, but for the people they represent.” With that said, he believed they could have a productive discussion on how they can improve the review process so they can establish some mutually agreed upon goals for both the department heads and the Board to work on. In conjunction with the department head reviews the Board has in their packets, he copied a couple from a couple of other places to give them examples of different types of reviews that are out there. For as many different types of businesses, there are different types of reviews. He thinks they would really help the department heads out and help out the town by establishing some strong, visionary goals for the department heads to work on.

Chairman Jasper said he and Selectman Robinson had spoke briefly about the Board becoming involved in the evaluation process. He thinks it is appropriate to the degree that, after the Town Administrator is done with the reviews, before they are turned over to the employees, that the Board have the opportunity to review the review and have a discussion, probably in nonpublic session, and if there are things the Board thinks could be changed, that would be by majority vote. He didn’t want to get involved in the forms, but that is something they could do in the initial review. He didn’t want to see the Board micro-manage this; they don’t work with the department heads on a day to day basis. It is, however, appropriate for them to look at the reviews. They also have to develop a procedure for reviewing the Town Administrator, which is something that has fallen by the wayside, something the Board has failed to do and they need to get back on track. He sees goals as totally separate from the evaluations. He has always thought that the budget the Board of Selectmen sends forward contained goals and objectives for each department head for the ensuing year. A town’s goals and objectives are not for profit; they are the tasks they are assigned to do. When they give a department head a budget, they give him the tools and resources to do the job that is required of him. That’s what he sees as the goals and objectives, which are developed during the budget process. If they are going to have different goals and objectives than the budget, then they should develop those at a workshop. It’s up to the majority of the Board, but he thinks the goals should be separate from the evaluations. An evaluation is to judge how well an individual has met the established goals and objectives, but you don’t set them in the evaluation. It’s how well they’ve accomplished the task before them.

Selectman Maddox agreed they need to set some goals for department heads’ responsiveness—pick something they may want each department head to do as a personal goal, not a department goal. You give them their performance review based on last year, but you’re also giving them a goal they’d like to see them perform, not the department, in the next 12 months. They are kind of tied together inasmuch as they’re saying this is what you did last year, based on the criteria, and you have a particular goal you want a particular department head to gain more experience in; set goals for that employee. Selectman Robinson’s big goal they may need to talk about is where they want the town’s goal to be, but he can see goals in the review process. The Town Administrator should do this. He’s the person that deals with these people on a daily basis. All they are looking for is to put input into it. In his first year as Selectman, he saw two department heads’ reviews and hasn’t seen one since. In all fairness, he hasn’t asked, either. The Selectmen should have some input into what that document says.

Selectman Massey said there are the town’s goals, which are in support of their mission to provide services to the community and there are also individual goals for personal development. They run a real risk, based on the way they currently do reviews because they are done on an employee’s anniversary. To make this work on town goals, then the anniversaries all have to be co-terminus because they have to measure everybody on the town’s goals on an annual basis and it would be unfair to one department to measure them halfway through the year. The budget cycle should drive it, but then all of the department heads’ reviews should be based on that budget cycle. He didn’t think you could be fair to one department head to review them halfway through the fiscal year and another one, all the way through the fiscal year. Town goals first; personal development goals second and they do become part of the review process because at the end of the review is the section where they talk about the future.

Chairman Jasper said they have to be cognizant of the fact that goals for the department would be public goals and, therefore, are not part of the review packet. He is also not entirely comfortable with making the department heads, who are professionals, sit before the Board because the Board members are not professionals; they are people who are elected and who may or may not have any particular skills or special knowledge, trying to tell a Police Chief or Finance Director the things they might need to improve themselves beyond using the evaluation forms that are based on a set criteria of things that are measurable. If a department head is marked down on one of those items, that’s the area that needs improvement—and those areas will become evident by the evaluation sheet. He was opposed to telling the department heads they need to do this or that. He was not comfortable going down a road, other than an evaluation that is already clear and known and is judged on the same criteria. The department goals are done during budget time and are part of that document. This is not the discussion he anticipated they were going to have. He thought they were going to talk about involving themselves in a process that was already established. Selectman Robinson said they could talk about that, too. He was just throwing this on the table. Chairman Jasper said he thought the discussion was going to be how to involve themselves in the process that is already in place. It could be something as simple as putting this on nonpublic during review time. The Town Administrator would come forward with the review, giving it out in the packet, and the Board would talk about that to see if they were in agreement with Steve’s evaluation. That’s where he’d like to see them start.

Selectman Nadeau thought that was a good start. Selectman Robinson said it was a good start; it puts their nose in the door. Selectman Maddox said they might find that, after a number of them, that the Town Administrator is doing an excellent job, but they don’t know so, in fairness to the department heads and to the people the Board represents, they should at least be taking a look at what they are being presented with. With the goals, it’s more big picture. If it’s on there, failure to get back to citizens, that should certainly be a goal. He’s not saying they’re getting outside the parameters of what the form is saying; they are just reiterating that’s what the Selectmen are looking for and that’s probably what the Town Administrator is going to have on there that needs to be addressed, if they’ve had six citizen complaints about that. But they don’t know that and that’s the missing link. He is sure the Town Administrator is doing a fine job, but they should be able to say they’ve seen it.

Chairman Jasper said that's why tonight they can start that process of being part of the review process. Once they've taken a look at it and gone through a set of reviews, the Board can talk about improvements or changes or things like that. Right now, they're talking with a total lack of knowledge. Selectman Robinson said he totally agreed; they should take baby steps with this and slowly work their way through it, creating partnerships with the department heads as they go. Start to become involved is the way to go.

Selectman Massey wanted to be clear that he was not inferring that Board members should write reviews. The person who writes the reviews should address personal development issues, and that person should be the one who works with the individual. He was more concerned that the goals have to be broad in terms of service levels. The easiest way to talk about this is to take a look at the first one the Town Administrator does and go from there. He wouldn't want to put down any scores before the Town Administrator writes the reviews; that's his job.

Chairman Jasper said they have a consensus of where they want to start and asked the Town Administrator if he understood. Mr. Malizia said he did. Chairman Jasper said in terms of doing the Town Administrator's evaluation, there had been a process when Paul Sharon was here, and they could do that on Mr. Malizia's anniversary date of hire. Selectman Maddox said that would be April 8. They could bring out the evaluation and look at that to see how it was done, to give the Board an idea of what was being done to have a starting place. Selectman Maddox said each Selectman got a copy of the form and they all filled it in and the Chairman got to assemble it. Chairman Jasper said that was not always a fair process. That's a situation where the Chairman could assemble it together, but the Board would need to review it before it went on. He recalled in one particular situation where he had some comments and the Board was told nothing was going to get through that would be attributable to any one Selectmen. Well, the then-Chairman wasn't fond of him and he made sure the Town Administrator knew exactly who was making the comments, so that's not a great way to do it. He wanted to avoid things like that and the only way to do that would be for the Chairman to put something together and have the whole Board review it and make sure everyone is comfortable with it. If there is consensus on that, they will begin that process. Steve hasn't had a review done recently, so it's best to stay with the process already in place and have it be an anniversary review. Mr. Malizia said that was OK with him.

Chairman Jasper said if they found out someone's anniversary date is January, they might do an interim one. Mr. Malizia confirmed that it was in April. Selectman Robinson asked who was first up. Mr. Malizia said he's been doing them all at the same time in the mid-May or June timeframe. Chairman Jasper said they have a consensus on how they want to move forward.

## 9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau said he didn't have anything this evening.

Selectman Massey said he'd like, as an agenda item for the next meeting, to establish that for certain line items that transfers may not occur in or out of those line items without Board approval. When they went with the new solid waste contract, they told the citizens they expected savings. They've been talking about those potential savings to the tune of about \$150,000. He applauds the Highway Department for what they are doing, but they should not use the unspent balance in the solid waste contract line item to cover the other parts of that budget. That's why they have a contingency fund. If they were operating under the old waste contract, they would be looking at the contingency fund. Chairman Jasper said Selectman Massey was free to put whatever he wants on an agenda in whatever form, but he thought he was mixing up budget years. When they went into the current contract that started last July, they said there was going to be savings, and those savings occurred when they budgeted. They budgeted at an amount they felt was sufficient to get them through the contract, understanding that it may be more money. They did not say there was going to be savings in this budget. The savings occurred when they budgeted for the initial contract. They are in the contract, but they budgeted for it; they didn't go into this year's budget with the WM numbers; they went into the budget with the numbers from Pinard, so there was no promise of savings in this year's budget. It occurred when they budgeted, as of July 1, 2007.

Mr. Malizia said they let out the contract for bid and received a variety of bids back from the existing Waste Management of about \$2.1 million. Pinard/Corcoran bid about \$1.68 million and that's what they put in the budget for starting July 2007. That's what's in the budget. Because of the educational efforts and the response to recycling, they are saving money against that budgeted number. Taking that into account for next year's budget that starts July 2008, they recognized a savings in that number. They lowered the number from \$1.68 million to \$1.4 million, but this year, they didn't know what they were going to save. They didn't budget for anything lower than the bid.

Selectman Massey said every time the Selectmen's liaison to the Highway Department puts those numbers up on the table and says they've now saved X number of dollars, they are setting up in the citizens' minds that they are going to have a balance at the end of the year. He thinks they need to preserve that for the entire year. If it weren't for the fact they were saving that money, they would be looking at some time in the next three months, a request from the department head to access the Selectmen's contingency fund. That's where they ought to take care of the cost for this winter. Chairman Jasper said they have a \$50,000 contingency to cover the whole town, and that could get wiped out in a storm and a half. Everybody in the state is facing this problem. They also are paying fuel at a higher rate than they budgeted. There's a lot of things that are happening that are going to create a tight budget. They never promised anybody a nickel's worth of savings in this budget.

Selectman Robinson said he's been very, very careful not to use the word "savings." They had that discussion six months ago. He's used the word "reduction." It's a reduction from last year; it doesn't mean savings. It's a reduction. They spent less this year than last year. Someone else may call it a savings, but in that account they have spent less money. What they do with the difference is the subject for another day.



Selectman Maddox said he agreed with Selectman Massey on this. If the trash contract had been.. if they weren't recycling the way they are and the trash was at \$1.8 million, the department head would be coming in looking for the difference. Conversely, if the citizens are recycling and are saving trash tonnage, they shouldn't just make that number go into another line item. They should try to maintain that difference.

Chairman Jasper tasked Selectmen Massey and Maddox to come back with where they would like to cut services, even though they have the money in the budget. Stop plowing? Stop patrolling? What are they going to stop doing to keep that money in the bank? They cannot cover fuel and snowplowing with \$50,000. They're a little more than half-way into the budget. The Selectmen need to look at this and determine where they can to get this money; what are they not going to do? Selectman Massey said OK. Chairman Jasper thought it was setting a bad precedent to not allow line-item transfers and for the Board to get into the minutia of approving a transfer between line items. They do that at the county level and it's no fun. Selectman Massey said he wasn't suggesting all line items; he was suggesting potentially a very limited number, but he accepts the challenge put forth by the Chairman. He would put his head together with Selectman Maddox. Chairman Jasper said they should talk to the Road Agent to see whether or not he is anticipating what he will need for fuel and snowplowing costs.

**Selectman Maddox** said he had a request from the Community Development Director. At a previous meeting, they went around with the electrical and plumbing fees and there was an open item as to whether the Board wanted to discuss the difference in the commercial. They advertised and approved it. He asked if the Board wished to bring this back. His suggestion to the Community Development Director was to put it as an action item when the next cycle comes in and when the Board looks at fees, probably a year from now, they would then address that, unless the Board wants to bring it back up. They had some discussion on what the magic number was for commercial. Chairman Jasper said they have to decide what the goal was. If it is revenue, then leave it alone. If the goal is to make sure they are doing inspections, then they need to revisit that because to charge people \$175 or \$200 to put in a plug, it's simply not going to happen. They do need to be realistic about this. If people have moved a work station and want to put in a new plug, it should be the same as it should be for residential for that one item. They need to establish something for a visit for anybody for what it would take to come in and do an inspection with one device. Maybe they have to have something for one device to five. If they want to get people to comply, they need to be realistic because nobody is going to pay \$175 to have an inspection for one plug. You just can't do business that way. Selectman Maddox asked if the Chairman would be working on that. Chairman Jasper said he didn't have anything to work on; he didn't know what a visit would cost. Selectman Maddox asked what the consensus of the Board was. Selectman Massey said at the next round, they take a look at this. Selectman Nadeau said that sounded good. Chairman Jasper asked what "next round" meant. Selectman Maddox said whenever he comes in again. Chairman Jasper asked if that meant two, three years because people will do what they've got to do to stay in business.

Selectman Maddox said the elections are rapidly approaching. There's going to be something on with the Seniors and they are on Saturday. People watch the cable, Candidates' Night, so it's fascinating that already a year's gone by. He's just hoping people are paying attention and are enthused about what happens locally as they are about the presidential. So, hopefully, they will see the big turnouts on March 11<sup>th</sup>.

**Selectman Robinson** said on his travels around town today, he traveled with the Road Agent who drove him around town. They went out to the Nadeau Farm. The Planning Board has approved of a pond at the bottom of the property by the street—Mammoth Green Estates. (He had a picture for the Board, looking down the hill at the holding pond.) The plan he told was used was prior to 2005. In 2005, the connecting pipe was taken out. According to the Road Agent and to Tom Sommers, as the pond fills, there will be no place for that water to go, except over the road and into yards. A letter has gone out to the Board and to the Planning Board, stating that this pond has a potential of overflowing, due to no place to drain. He called the Chairman today on this and this issue goes back to August 23, 2007 when Gary Webster attempted to have a bond put on this. He asked that this issue be taken back to the Planning Board to look at. With rains coming in today and tomorrow, this could be a very precarious situation for that part of town. Chairman Jasper said he shares Selectman Robinson's concerns. He was always puzzled about the Planning Board's approving that pond, once he realized that the inlet and outlet were designed at virtually the same level and the outlet goes into somebody's front yard. He could never figure that one out. He was shocked when he saw the construction because he thought it was going to be a retention pond with what normally has some depth. There is a pipe at the other end of that but, apparently, it's a pipe to nowhere and that concerns him. How did that happen? The pipe was just stuck in the ground and doesn't go under the road any more. As he was coming back from Concord this evening, he looked at the pond and the water level is now at the top of the inlet. You can see the concrete at the top of the pipe, but there is no opening through the pipe where it comes into that retention pond because there is no place to go out. He had no idea that pipe was taken out, but it should have been taken out because they've got no business draining into somebody's front yard like that. Selectman Robinson said the pipe was blocked; it was clogged up and he did that as a safety hazard. Chairman Jasper said he has no idea how that got through engineering and Planning, initially, to do that because that was not a good situation. There's a lot of water in there and now he knows why there's a lot of water in there. Selectman Maddox said in defense of his fine fellow Planning Board members, they don't get into inlet and outlet heights on detention ponds. That's why they have a Town Engineer and a consulting engineer that works on all of the projects. He'll make a phone call in the morning, but it wouldn't be something that the Planning Board... unless it was something that was obvious. Chairman Jasper said that's why he specifically said engineering... how that got through engineering. Selectman Maddox said unless someone on the Board caught that the elevations were exactly the same. That's a definite concern. Selectman Robinson said he wasn't faulting the Planning Board; he wasn't throwing darts, but thought they would find a paper trail that indicates engineering wanted to put a \$100,000 bond on this project to make sure that the project was completed correctly and they'll also find out that the blueprints that were used were prior to 2005. Selectman Maddox said the Planning Board's last statement on there is subject to final engineering review, so he would not have a problem thinking the town engineer or the consulting engineer could tell them what it would take to fix this and send a letter off to the developer, at their expense, to say this needs to be fixed and what needs to be done to do that, but he will bring it to the Town Planner and Planning Board's attention. Selectman Massey said he'd talk to the Town Engineer because that is supposed to be a retention pond and there has been a lot of effort on the part of the engineering staff, primarily Gary Webster, to have them dig that and they did recognize there was a problem with the overflow. That's why it was supposed to be deep enough to catch the water. It may turn out this is a 100-year storm type situation, which means they may have to dredge and dig it deeper.

Selectman Robinson said he just happened to get involved with Benson's, not to take anything away from the Chairman and what he is doing. Each week, he has been talking to Pam Walsh, who is one of Governor Lynch's aides. He had a discussion with her today. She had about 10 minutes because she was on the way into a meeting with NH DOT and the Historical Resources for the town. She had in her possession the entire file, along with supplement letters from the attorney regarding the issues of that. She will call either him, the attorney or someone tomorrow. They're getting closer. Maybe. Chairman Jasper said maybe if they work together and keep at it, they will get someplace with it.

**Selectman Jasper** said he wanted to tag on to the Nadeau Farm/QROE Farm project, something that has been on his mind and under the jurisdiction of the Board. This is the appropriate time, before things go too much longer. He hates that they have tentatively named that street Mammoth Green because that means nothing. Naming streets is the purview of the Board of Selectmen, so he wanted to throw this out. That was part of the Senter Farm, which was a 1,000-acre farm which encompassed the Jasper homestead, as well, way back when. The Senter burial ground is just down the road, and that is S-E-N-T-E-R. He suggested a play on words and name that Senter Farm Road because it goes right up the center of that. He just hates the name Mammoth Green. Before he comes in with a formal proposal after checking with the Fire Department to make sure they are OK with it, he wanted to see how the Board felt about honoring the Senter family, one of the founding families of the town. Selectman Maddox said he always loves these history lessons. Selectman Maddox said the Board doesn't get into that level; roads are usually named by the developers, but if it is the Selectmen's ability to do so... Selectman Robinson thought it was important to maintain the town's history whenever they can. If they have the ability to honor a family and do that family justice, he thinks they should. Selectman Massey said when he was a Trustee of the Trust Funds and talked about the Senter Common Cemetery, most people thought it was the cemetery at the corner of Greeley and Kimball Hill because you think it's c-e-n-t-e-r, but it's S-e-n-t-e-r. He thinks it would be an excellent thing. Chairman Jasper said there is no intent to bypass the Nadeau family, but the Nadeau family made it part of the deal that their name would not be associated in any way with that project and he wanted to honor that request.

**10. NONPUBLIC SESSION**

Motion by Selectman Maddox, seconded by Selectman Robinson, to enter Nonpublic Session under RSA 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee; (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled, carried 5-0 by roll call vote.

Nonpublic session was entered at 8:52 p.m., following a brief recess, thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. Nonpublic session was terminated at 9:35 p.m.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to hire John Tastula as Fire Dispatcher, a non-exempt position, effective 3/2/08, and in accordance with IAFF Local 3154 contract, with an hourly rate of \$13.95, then to Step 1 at the completion of probation, carried 5-0.

**11. ADJOURNMENT**

Motion to adjourn at 9:37 p.m. by Selectman Maddox, seconded by Selectman Robinson, carried 4-1. Selectman Massey voted in opposition.

Recorded by HGTV and transcribed by Priscilla Boisvert  
Executive Assistant

**HUDSON BOARD OF SELECTMEN**

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

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Benjamin J. Nadeau, Vice-Chairman

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Kenneth J. Massey, Selectman

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Richard J. Maddox, Selectman

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Douglas K. Robinson, Selectman