

**TOWN OF HUDSON
ANNUAL TOWN MEETING
Deliberative Session
February 2, 2008**

1. CALL TO ORDER BY THE MODERATOR.

Town Moderator Paul Inderbitzen called this Deliberative Session to order at 9:04 a.m., February 2, 2008, at the Hudson Community Center, with approximately 120 persons in attendance at that time.

2. POSTING OF THE COLORS

The Hudson Police Department's Color Guard posted the colors.

3. NATIONAL ANTHEM

Police Sgt. Charles Dyac sang the National Anthem.

4. PLEDGE OF ALLEGIANCE

Board of Selectmen Chairman Shawn Jasper led the assembly in pledging allegiance to the flag of the United States of America.

5. INVOCATION

The Reverend David Howe led the assembly in an opening prayer.

6. REMARKS BY THE MODERATOR

Moderator Inderbitzen reviewed the procedures by which he would run the meeting, stating that he would have each article presented by a selectman, or by a member of the Budget Committee in the case of the budget, or by a petitioner in the case of a petitioned article, with brief remarks, after which he would open the article to the floor for questions, comments, or amendments—noting that he would start with Article 6, as the first five pertained to the election of officers or to zoning and could not be changed on the floor. He clarified that the body could change the wording, or change the intent a bit, but could not change the subject matter, noting that motions to amend would require a second. He said he would close the article after any such discussion was concluded, as the articles must appear on the ballot and there would be no need for the body to vote on each article. He noted that members of the body subsequently could move to reconsider an article, unless a motion was made, seconded, and passed to restrict reconsideration. He then explained that votes would be made by citizens holding up the red voting cards, meaning that there was no need to restrict visitors to a specific section of the meeting rooms and there would be no need to have a motion to allow non-residents to be seated on the floor, as had been done in the past.

7. INTRODUCTION OF THE BOARD OF SELECTMEN

Moderator Inderbitzen asked Board of Selectman Chairman Shawn Jasper to introduce the members of the Hudson Board of Selectmen, including Richard J. Maddox, Kenneth J. Massey, Benjamin J. Nadeau, and

Douglas Robinson, as well as Town Administrator Steve Malizia and Finance Director Kathy Carpentier, also seated at the head table.

8. INTRODUCTION OF BUDGET COMMITTEE MEMBERS

Moderator Inderbitzen asked Hudson Budget Committee Chairman Howard Dilworth, Jr. to introduce members of that committee, including Steven Nute, Arlene Creeden, Sandra Rumbaugh, Richard Nolan (School Board Representative), Diana Kroner, Joyce Goodwin, Charlotte Schweiss, Robert Haefner (Clerk), and Thaddeus Luszey (Vice-Chairman)—adding that the Budget Committee also had other members not seated at the table, including Shawn Jasper (Selectmen's Representative) Ben Nadeau (Selectmen's Alternate Representative), and Gary Rodgers (School Board Representative Alternate).

9. RECOGNITION OF HUDSON'S LEGISLATIVE DELEGATION

Moderator Inderbitzen recognized members of Hudson's Legislative Delegation who were present, including Sen. Robert E. Clegg, Jr. and Representatives James Knowles, Mary Ann Knowles, Lynne Ober, Russell Ober, Lars Christiansen, Andrew Renzullo, and Jordan Ulery.

10. INTRODUCTION OF STAFF/OTHERS/SEATING OF NON-RESIDENTS

Moderator Inderbitzen introduced other members of the Town staff present, including Patti Barry (Town Clerk), Richard Gendron (Chief of Police), Shawn Murray (Fire Chief), Donald Breault (Police Captain), David Yates (Recreation Director), Jim Michaud (Assistant Assessor), Lisa Nute (Information Technology Director), Kevin Burns (Road Agent), Sean T. Sullivan (Director of Community Development), John Cashell (Town Planner), and Town Attorney Stephen Buckley.

11. DELIBERATIVE SESSION OF TOWN MEETING

Moderator Inderbitzen requested Board of Selectmen Chairman Shawn Jasper to return the warrant to the Town Clerk, noting that Article 1 pertained to election of Town Officers and Articles 2 through 5 were zoning amendments, which would not be dealt with at this meeting but would be decided by the voters at that Town Election on March 11th.

Article 6 — Senior Center Addition to the Community Center

Shall the Town of Hudson raise and appropriate the sum of \$964,902 for the design and construction of a Senior Center addition to the west side and adjacent to the Hudson Community Center, and authorize the issuance of not more than \$964,902 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33) and authorize the Board of Selectmen to issue and sell such bonds or notes and to determine the rate of interest thereon and, further, raise and appropriate the sum of \$27,404.44 for the purpose of paying the 2008-2009 bond issuance cost and interest on said general obligation bonds or notes; and furthermore, to raise and appropriate the sum of \$9,700 for the operating cost of the addition for 2008-2009? (This appropriation is in addition to Article 10, the Operating Budget.) (3/5 ballot is required.) The projected operating cost for the first year after construction would be an estimated \$53,000.

(Not Recommended by the Board of Selectmen.)

(Not recommended by the Budget Committee.)

Moderator Inderbitzen noted that this was a petitioned bond article, and he recognized Mr. Andrew Renzullo, 2 Heritage Circle, who identified himself as the former chairman of the Hudson Senior Council on Aging. Mr. Renzullo discussed the background of the article, expounding on the charge that had been given by the Selectmen in March 2006 to a seven-member Older Persons Advisory Council, consisting of four citizens plus representatives from the Board of Selectmen, the Budget Committee, and the Recreation Committee, resulting in the subsequent creation of a building committee to work with an architect to create a plan and a proposal,

with a selectman and the Town Engineer serving on that committee. He noted that the Selectmen in November 2007 had refused to file an article to build the building, so this petitioned article had been submitted by citizens in December 2007. He reviewed the scope, noting that the scope given to the committee had included such items as that the building should be able to accommodate 150 people, be in compliance with the American Disabilities Act (ADA), and provide plans reflecting a total cost of \$964,902. He then noted that there were significant setoffs that could reduce this cost, including avoidance of a \$75,000 charge for winter construction by not building in the wintertime, a \$90,000 contingency estimate, and a pledge of \$200,000 toward the project by the seniors group, with all furnishings and landscaping to be supplied by donations by the seniors and the Council on Aging.

Mr. James Stafford-Rogers, 87 Burns Hill Road, identified himself as the current chairman of the Council on Aging and a member of the building committee for this project. He said the proposal complied with all the requirements of the scope of service with which the committee had been charged, noting that the scope had stated that the Senior Center and the building committee should choose the preferred option of the three plans developed by the architect. He reviewed details of the proposed building, noting that the addition would be attached to the Community Center through a portico. He said the reason for selecting this plan was that a direct attachment would require \$1,400,000 to renovate the existing building to make it ADA compliant, including complete replacement of the existing kitchen and bathroom facilities, as well as reducing future considerations for the existing building. He discussed the 41,000-ft² space requirements of the seniors group, as determined by Fire Department requirements, noting that the building dock of the existing building was pulling away from the building, and he then outlined the various activities of the seniors group to illustrate why additional space was needed. He contended that the loss of parking spaces was a non-issue, as there was space on the PSNH easement for up to 150 parking spaces, with additional parking spaces available across the street from the Community Center. Saying that the more realistic price of \$599,000 because of the setbacks might be lowered even more when contractors bid on the job, he stated that the fiscal impact would be an increase of 4¢ to 5¢ per \$1,000 for ten years, or 7¢ to 8¢ per \$1,000 for five years, saying this would add \$15 per year to an average homeowner with a home valued at \$300,000 for the 10-year plan, or \$25 per year for the 5-year plan.

Moderator Inderbitzen opened the discussion to the floor.

Mr. John Drabinowicz, 8 Deerfield Avenue, spoke in favor, contending that a promise had been made to the seniors for the past 20 years and urging the Board of Selectmen to change its recommendation to be in favor of the article.

Selectman Shawn Jasper, 83 Old Derry Road, said no promise had been made to the seniors last year and that the selectmen had never been given an opportunity to study the other options. He said the charge to the building committee had been to determine the feasibility of adding to the existing building, and he claimed the answer should have been that it was not feasible. He noted that something that kept coming up in discussion was that the money taken from the capital reserve fund to purchase this building had belonged to the senior organization, which was a private group—saying that was not true, as the money had been aside by the Town, using Town tax funds, for the purpose of creating a senior center, and the money was used for the purpose for which the townspeople thought appropriate at that time. He said the Board of Selectmen of that time had told the seniors group that it could use this building three days a week, but a later Board of Selectmen had taken those three days away for the nine weeks of summer needed for recreation activities—noting that 50 seniors used the facility on a regular basis during the year but that 300 to 400 children needed it during the nine weeks of summer. He credited part of the problem to a lack of clear understanding of agreement, questioning what the expectations would be for the \$200,000 being pledged by the private seniors organization, and saying the contractual obligation needed to be worked out before moving forward. Addressing the parking issue, he noted that the youth recreation activities were using the sand lot now, questioning what the impact would be if that area were paved. He concluded by saying the details had to be worked out before proceeding, adding that the Board of Selectmen had required the library to go through the full planning process and that it would be nonsensical to exempt a building being constructed for the benefit and use of a private organization and a specific segment of the population.

Mr. John Cesana, 20 Beechwood Road, spoke in favor, saying the seniors needed to have a place to go.

Selectman Kenneth Massey, 20 Fairway Drive, said he had not planned to speak, as he had been on the losing side of the vote not to put the article on the warrant, but he felt a need to clarify some things mentioned this

morning. He said this building had been purchased from the Lions' Club for about \$300,000, with the money in the capital reserve fund for a seniors center at that time amounting to approximately \$80,000, noting that he had been a member of the Board of Trustees of the Trust Fund at that time. He stated that there had been a written agreement between the Board of Selectmen and the Trustees of the Trust Fund, with the Trustees asking the Selectmen to vote on a specific set of stipulations, with one of those stipulations being that a dispassionate observer would recognize the building as a seniors center. He then noted that the seniors had been told from the beginning that this would be a public building and would be used by other groups when the seniors were not using it—adding that the seniors would not be the owners of the proposed building and would not be the ones who determined how and when it would be used when there was no senior activity happening, which would be the responsibility of the Board of Selectmen. He said it was intended that the building should go before the Planning Board, but the Revised State Statutes exempted municipalities from the zoning process. He then concluded by stating that it had always been his understanding that the building committee would bring back a plan to the Board of Selectmen by November 2007 in order to meet the Budget Committee schedule, with the understanding that the selectmen could say yes or no.

Mr. James Battis, 6 Potter Road, asked if the chairmen of the Board of Selectmen and the Budget Committee would let the citizens know what the vote was for the recommendations. Selectman Jasper said the Board of Selectmen had voted two in favor, three opposed. Mr. Dilworth said the Budget Committee had voted two in favor, seven opposed.

Ms. Lynne Ober, 3 Heritage Circle, stated that the minutes for the Selectmen's meeting stated that the vote had been two in favor, two against, and one abstaining. Selectman Jasper replied that the vote she was citing had been the vote to put the item on the warrant, but the later vote had been 2–3 for recommending the article.

Mr. James Stafford-Rogers, 87 Burns Hill Road, said the Board of Selectmen's vote for the scope of work for the building committee had been unanimous, and that the scope had stipulated that there would be two or three concept plans for the extension, with the selection of the plan to be through the building committee, with a member of the Board of Selectmen included on that building committee. He declared that the Board of Selectmen knew the contents of the minutes for every meeting of the building committee, adding that there had been nothing about feasibility, with the building committee to select one plan of three.

Mr. Howard Dilworth, Jr., 15 Sycamore Street, stated that the Budget Committee had voted 2–7 after evaluating what was presented to the Budget Committee, noting that no one had come before the Budget Committee to present the petitioned article, so the decision was made with no proposal being presented. He said the Selectmen's Office had provided copies of the plans, which had shown a totally standalone building off to the side of the current building, rather than an addition, as voted on last March. He further noted that nothing had been said in the preceding presentation about maintenance costs, operating costs, or the payment of activities to the Water Utility, the Sewer Utility, or the impact fees on the roads.

Selectman Douglas Robinson, 16 Cardinal Drive, noted that he also had been on the losing side of the vote to recommend the article. He then reviewed minutes of applicable Board of Selectmen meeting, stating that Selectman Massey had suggested at the May 22nd meeting that he meet with the seniors and come back with a detailed list of the needs and how the addition would fit on the Community Center, with the consensus being in favor. On June 25th, he continued, a motion had been made and passed unanimously that Selectman Massey continue with that process to obtain an RFP, with the stipulation that the addition would accommodate 100 people rather than 200 people. On July 24th, he continued, a motion to advertise for proposals to determine the feasibility and costs to construct an addition to the Community Center for a seniors activity center had carried unanimously. On August 28th, he continued, the Board had unanimously passed a motion to award the contract for authorized services to determine the feasibility and estimated costs to build a senior center addition to the designated architect and to authorize the chairman of the Board of Selectmen to sign a contract. On November 13, he continued, things broke down with questioning about the commercial kitchen, resulting in a 2–3 vote—adding that it was his understanding that Selectman Maddox had voted against it because of the location, Selectman Jasper had voted against it because of parking concerns, and Selectman Nadeau had voted against it because he thought it was too much money.

Ms. Cheryl Stafford Rogers, 87 Burns Hill Road, spoke in favor, saying it was time for the seniors to be able to start work for a home of their own.

Mr. Jordan Ulery, 37 Webster Street, spoke in favor, saying process was important but exceptions should be made when something good came along. He noted that the selectmen had been discussing this for years, voting both for it and against it, but that what the issue came down to was whether the town wanted to spend nearly a million dollars to build an addition to this building that could be dedicated to the seniors. He noted that the estimated impact was \$15 a year on the taxes, with the actual cost possibly being much less than that. He then suggested that the citizens should be allowed to make the decision as to how much money they were willing to spend, and he suggested that the Board of Selectmen and the Budget Committee should change their recommendations to be in favor.

Ms. Lucille Boucher, 5 Jackson Drive, said the seniors were a club, saying most seniors organizations started out as clubs and then joined their towns. She said the seniors were donating \$200,000 because they wanted to be part of the town, adding that they eventually wanted to be a department, like other senior centers. She stated that most of the activities in this building had been senior activities, run by volunteers, not things provided by the Town, and she expressed a hope that everyone would vote for this article. She then added that she had a letter written by former Town Administrator Paul Sharon saying the seniors group could use the hall two days a week.

Mr. Lars Christiansen, 1 Stonewood Lane, compared the proposed construction with a proposal for work to be done at the Library Street School and its parking shortage, saying the engineers on the two projects ought to work together. He said he wanted to see a senior center but wanted it done as economically as possible.

Mr. Robert Clegg, 39 Trigate Road, spoke in favor of the warrant article, saying the seniors should be given a chance to go before the voters, and he urged the Board of Selectmen and the Budget Committee to change their votes, or even to let it go forward with no recommendation. Moderator Inderbitzen pointed out that the article would go on the ballot, by law.

Ms. Alida Weergang, 2 Old Derry Road, spoke in favor.

Selectman Richard Maddox, 323 Fox Run Road, said he would apologize for not following through on some of the details provided by the study committee, but he had looked at it as a proposal for a new kitchen and offices when there were already a kitchen and offices in the existing building. He expressed a belief that the people present were getting into emotions and not into the details, saying there were a lot of items still needing to be worked out. He said he believed a place was needed for the seniors but that it would be a mistake to put a million-dollar building for the seniors on the other side of the wall and not deal with this existing building, and that it made no sense to try to have the recreation activities go on in this building while the other was occupied by seniors. He said more thought needed to be put in, with details worked out.

Ms. Rhona Charbonneau, 2 Old Derry Road, spoke in favor of a senior center, commenting on the needs of the seniors, and noting that the seniors had to work from tables and did not even have room for a pool table. She noted that the Meals On Wheels program might eventually expand to four days a week, and she asked that the people of Hudson be allowed to decide, not just five people, and it was time to do something for the seniors.

Mr. Thaddeus Luszey, 178 Derry Road, moved the question. Moderator Inderbitzen said he would delay accepting that motion until the two people standing in line at the microphone had been recognized.

Selectman Shawn Jasper, 83 Old Derry Road, said the people would decide, but the Board of Selectmen and the Budget Committee owed to the people of the town their best judgment as to whether or not this was a good thing to do. He stated that the town attorney had just confirmed to him that there was not an automatic exemption from zoning for municipal projects, adding that the Selectmen had told the Library group to go through the full process, and he questioned why this project should be any different. He then suggested that it had been implied that the Town would be second in line, after the seniors, for use of the Town building; he said this should be determined. He pointed out that Selectmen Robinson had kept saying “feasibility,” “addition,” and “cost” in quoting from the minutes, and he contended that the intent had been to have an addition and to bring this existing building into compliance at the same time. What ended up, he said, was not an addition, saying he had made it very clear at the meetings that it should fit in a certain area and confines, adding that the Selectmen had made it clear what they were looking for and the warrant article had given parameters as to how far they could go, and a separate standalone building that had nothing to do with this building was not ever part of that. He then concluded by stating that the cost to run the building had been estimated by the architect to be \$53,000 a year.

Mr. James Stafford-Rogers, 87 Burns Hill Road, said the process with the architect had resulted in three plans, from which the committee had selected the one being proposed. Another one, he said, had been for an addition as described by Selectman Jasper, running along the west wall for 100 feet, while another had run for 40 feet. He said the selected plan connected through a 12-foot portico, allowing this existing building not to be made into a \$1,300,000 or \$1,400,000 boondoggle. He said the committee had put 20 information packages together, including a financial package telling on how much it would cost to paint the building, how much the air-conditioning would cost, how much the heater on the roof would cost, and even how much the tile on the floor would cost—adding that this was not a standalone building. He said all those information packages went forth to the Selectmen and the Budget Committee, including every aspect of that building. He said the word “feasibility” had not appeared anywhere in the process, adding that what was given to the architects had said “construction,” “an addition,” and “renovation.”

Moderator Inderbitzen said he would now accept Mr. Luszey’s motion to call off debate. Mr. James Battis, 6 Potter Road, seconded the motion. A gentleman on the floor called for a point of order, saying he wished to speak, first. Moderator Inderbitzen demurred, saying he had previously stated he would accept Mr. Luszey’s motion after the two people waiting to speak had spoken—pointing out, however, that the body could vote against the motion if they wished the debate to continue. Moderator Inderbitzen then called for a vote on the motion, asking first for all those in favor to hold up their voter cards and then asking all those against to hold up their cards, after which he declared that the majority of those voting had voted in the negative, so debate could continue.

Ms. Joyce Cloutier, 6 Clifton Street, asked what would make this private senior group part of the Town, so that it would not be a private group anymore. Moderator Inderbitzen asked for a response from the Board of Selectmen. Selectman Jasper said the Board of Selectmen could create a Senior Committee, or an organization of some such name, and appoint members to that, much as was done with the Recreation Committee, and that committee would then report to the Selectmen, with the Board of Selectmen ultimately being the controlling authority for issues such as this.

Mr. Lee Lavoie, 58 Windham Road, urged that this situation not be made into a battle between the seniors and the recreation center. He expressed a belief that this was the best time to build something for the seniors, noting that there were no other new bonds out right now. He said that probably 50 parking spots were used up across the street at elections by candidates representatives, suggesting that a way be found that they did not have to use that space, so that voters could park there, and he urged everyone to vote for a senior center.

Ms. Lorice Sullivan, 12 B Street, spoke in favor, saying she concurred with all the previous speakers. She then stated that the seniors thought this was an ideal central location.

No one else coming forward, Moderator Inderbitzen closed off the discussion on Article 6, saying he would take a short recess at this time.

Mr. Andrew Renzullo, 2 Heritage Circle, moved to restrict reconsideration. Mr. John Drabinowicz, 8 Deerfield Avenue, seconded the motion. Moderator Inderbitzen called for a vote on the motion, asking first for all those in favor to hold up their voter cards and then asking all those against to hold up their cards, after which he declared that the majority of those voting had voted in the affirmative and Article 6 was restricted.

Moderator Inderbitzen then declared a 15 minute recess at 10:50 a.m., calling the meeting back to order at 11:08 a.m.

Article 7 — Multi-Year Contract for Hudson Police, Fire and Town Supervisors Association

Shall the Town of Hudson approve the cost items included in the collective bargaining agreement reached between the Town of Hudson Board of Selectmen and the Hudson Police, Fire and Town Supervisors Association, which calls for the following increase in salaries and benefits:

<i>Year</i>	<i>Estimated Amount</i>
7/1/08 - 6/30/09	\$77,217
7/1/09 - 6/30/10	\$76,074

<i>Year</i>	<i>Estimated Amount</i>
7/1/10 - 6/30/11	\$69,752

and further to raise and appropriate the sum of \$77,217 for the 2008-2009 Fiscal Year, said sum representing the additional costs attributable to the increase in salaries and benefits over those paid in the prior Fiscal Year? (This appropriation is in addition to Article 10, the Operating Budget.)

(Recommended by the Board of Selectmen.)
(Recommended by the Budget Committee.)

Selectman Douglas Robinson presented Article 7, reporting that the Selectmen's vote to recommend had been 4-1.

No questions, comments, or amendments being brought forward, Moderator Inderbitzen declared the discussion to have ceased on Article 7, saying he would move on to Article 8.

Article 8 — Wage and Benefit Increase for Non-union Personnel

Shall the Town of Hudson raise and appropriate the sum of \$24,379 which represents a 3.0% increase in wages and benefits for the following non-union positions: Town Administrator, Police Chief, Fire Chief, Community Development Director, Road Agent, IT Director, Finance Director, Recreation Director, and Executive Assistant? (This appropriation is in addition to Article 10, the Operating Budget.)

(Recommended by the Board of Selectmen.)
(Recommended by the Budget Committee.)

Selectman Jasper presented Article 8, stating that this article covered the nine non-union personnel working at Town Hall and was consistent with the increases given to the union personnel.

Mr. James Battis, 6 Potter Road, noted that the previous warrant article had not mentioned a percentage of increase, and he asked if the increases in that article had also been comparable to the 3% increase. Selectman Jasper said the annual percentages in that article were 3% but that there were some step increases for some personnel who had not reached the top of their steps, whereas there were no steps in this present article.

No questions, comments, or amendments being brought forward, Moderator Inderbitzen said he would close the discussion on Article 8 and move on to Article 9.

Article 9 — Wage and Benefit Increase for Full Time Library Employees

Shall the Town of Hudson raise and appropriate the sum of \$11,512 which represents a 3.0% increase in wages and benefits for the full-time employees of the Hills Memorial Library? (This appropriation is in addition to Article 10, the Operating Budget.)

(Recommended by the Board of Selectmen.)
(Recommended by the Budget Committee.)

Selectman Jasper presented Article 9, stating that this article provided the same 3% increase and was consistent with all other raises for full-time personnel.

No questions, comments, or amendments being brought forward, Moderator Inderbitzen said he would close the discussion on Article 9 and move on to Article 10.

Article 10 — Operating Budget

Shall the Town of Hudson raise and appropriate, as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amount set forth on the budget posted with the Warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$26,505,455? Should this article be defeated, the default budget shall be \$27,187,616 which is the same as last year, with certain adjustments required by previous action of the Town of Hudson or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

*(Recommended by the Board of Selectmen.)
(Recommended by the Budget Committee.)*

Budget Committee Chairman Howard Dilworth, Jr., presented Article 10, discussing the process by which the budget had been developed, including review of items at successive Budget Committee meetings, the following wrap-up discussion, and the public hearing on the budget. He noted that the operating budget was comprised of four main sections: the General Fund, the Sewer Fund, the Water Fund, and the fund to operate Hills Memorial Library. He then discussed details of each of those sections, commenting on what they covered and the cost of each. He identified the cost of the General Fund activities for the next year as being \$20,064,430—noting that the Solid Waste Disposal contract was projected to have a reduction in cost of \$215,000 over the previous fiscal year, with another reduction being the elimination of taxes from the Water Utility to the General Fund and the elimination of hydrant rental fees from the General Fund to the Water Utility, both of which cross-charges were \$400,000, which was the primary reason why the Default Budget was higher than the Operating Budget for the coming year. He declared that the proposed budget was essentially a maintenance budget. He noted that there was a non-property tax revenue offset of \$16,141,032, including revenue from the water and sewer utilities and also \$1,200,000 from surplus to help reduce taxes. He stated that projected tax rate for the Town budget was \$4.66 per \$1,000 of assessed valuation, a 22% increase over the current fiscal year.

Selectman Jasper spoke in support of the article, reporting that the assessor had done a comparison with all towns and cities in New Hampshire of more than 20,000 population. He reported that Hudson currently had the eighth largest population of the thirteen such communities, with only Salem having a lower tax rate, but Salem still paying more; he said Hudson was the lowest town in the state with respect to the tax assessed on a single-family residence, saying only Manchester or Rochester paid less, and noting that Londonderry residents paid \$1,530 more, while Derry residents paid \$1,740 more.

No further comments, questions, or amendments being brought forward, Moderator Inderbitzen said he would close the discussion on Article 10, and move on to Article 11.

Article 11 — Hiring of Two Police Officers

Shall the Town of Hudson raise and appropriate the sum of \$135,418 which represents the cost of wages and benefits to hire two additional full-time police officers? These officers will be assigned to the Patrol Division and work directly in the neighborhoods and business community. (This appropriation is in addition to Article 10, the Operating Budget.)

*(Recommended by the Board of Selectmen.)
(Recommended by the Budget Committee.)*

Selectman Massey presented the article, discussing the reasons for adding two officers—noting that DWI cases were up 20% on the third shift and domestic disturbances were up 38% on the third shift, while theft was up 19% on the third shift, with all of these increases being significantly more for the third shift than for the overall day covering all shifts. He outlined a particular day of police work to illustrate how the available manpower on the police force had been tied up during the third shift on that day, with the result that there was only one officer on the street for three and a half hours during the 8-hour shift, with another two hours and thirty minutes during which there had been no officers on the street. He explained that the rationale was that by adding two officers on the third shift the town would be able to have the same police coverage that was available on the first and second shifts, with four or five officers available.

Ms. Lorice Sullivan, 12 B Street, spoke in favor.

No other comments, questions, or amendments being brought forward, Moderator Inderbitzen said he would close the discussion on Article 11, and move on to Article 12.

Article 12 — Design/Reconstruction/Repair of Pelham Road Dam over Second Brook

Shall the Town of Hudson raise and appropriate the sum of \$350,000 for the design and reconstruction/repair of the Pelham Road dam over Second Brook? (This appropriation is in addition to Article 10, the Operating Budget.)

*(Recommended by the Board of Selectmen.)
(Recommended by the Budget Committee.)*

Selectman Massey presented the article, saying this was a critical article. He referenced the flooding that had occurred in 2006, stating that this crossing had experienced particular problems and had been prevented from washing out only by Herculean efforts on the part of Highway Department workers. He reported that an engineering study had been done by the Town's consulting engineers, with the result that NH-DES personnel subsequently made a determination that this was actually a dam, which brought in a different set of criteria, that the repairs would cost \$350,000. He concluded by speaking of the importance of this road.

No questions, comments, or amendments being brought forward, Moderator Inderbitzen said he would close the discussion on Article 12, and move on to Article 13.

Article 13 — Sale of Town-owned Property

Shall the Town of Hudson raise and appropriate the sum of up to \$450,000 for moving expenses, fit-up, equipment and furnishing costs of the new town library and to authorize the Board of Selectmen to raise the full amount of up to \$450,000 solely from the sale of two town-owned parcels of real estate, identified as 47 Ferry Street (Tax Map 182-093) and 49 Ferry Street (Tax Map 182-092)? Said sale of real estate to be upon such reasonably commercial terms and conditions as shall be determined by the Board of Selectmen. Any excess funds produced by the sale of said real estate shall be paid into the town's general fund. In the event the proceeds from the sale of this real estate are less than \$450,000, the amount appropriated under this article shall be reduced to that lesser amount. This is a non-lapsing appropriation per RSA 32:7 (VI) and will not lapse until the purposes of this article are completed or June 30, 2014, whichever is soonest. (This appropriation is in addition to Article 10, the Operating Budget.)

*(Recommended by the Board of Selectmen.)
(Recommended by the Budget Committee.)*

Selectman Jasper presented the article, speaking of the need to move things into the new library and to furnish that facility, stating that this complied with the original intent in purchasing the properties being sold.

Mr. John Knowles, 51 Quail Run Drive, chairman of the Library Trustees, spoke of the Library Trustees' appreciation of the support by the Board of Selectmen and the Budget Committee, saying this article freed up the money invested in those two houses for use for the new library.

No questions, comments, or amendments being brought forward, Moderator Inderbitzen said he would close the discussion on Article 13, and move on to Article 14.

Article 14 — Fire Apparatus Refurbish and Repair Capital Reserve Fund

Shall the Town of Hudson establish a Capital Reserve Fund under the provisions of RSA 35:1 to be known as the "Fire Apparatus Refurbishment and Repair Capital Reserve Fund" for the purpose of refurbishing and repairing of fire apparatus and to raise and appropriate the sum of \$20,000 to be placed in this fund and to further appoint the Board of Selectmen as agents to expend from this fund, in accordance with RSA 35:15 II? (This appropriation is in addition to Article 10, the Operating Budget.)

*(Recommended by the Board of Selectmen.)
(Recommended by the Budget Committee.)*

Selectman Jasper presented the article, explaining the purpose of the proposed capital reserve fund to refurbish and repair the expensive Fire Department vehicles, stating that the real intent was to build up a fund to keep these vehicles on the road rather than having to replace them.

No questions, comments, or amendments being brought forward, Moderator Inderbitzen said he would close the discussion on Article 14, and move on to Article 15.

Article 15 — Capital Reserve Fund for Future Property Revaluations

Shall the Town of Hudson establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of funding future property revaluations to be known as the "Property Revaluation Capital Reserve Fund" and to raise and appropriate the sum of \$5,000 to be placed in said fund and to designate the Board of Selectmen as agents to expend? (This appropriation is in addition to Article 10, the Operating Budget.)

*(Recommended by the Board of Selectmen.)
(Recommended by the Budget Committee.)*

Selectman Robinson presented the article, noting that periodic revaluation was required.

No questions, comments, or amendments being brought forward, Moderator Inderbitzen said he would close the discussion on Article 15, and move on to Article 16.

Article 16 — Land Use Change Tax Fund

Shall the Town of Hudson raise and appropriate \$196,789 from the un-appropriated balance of the Land Use Change Tax Fund at the end of Fiscal Year 2007 and to place said amount into the Conservation Land Capital Reserve Fund for Purchase of Open Space for Conservation Purposes, said fund having been established under Article 30 of the March 2000 Warrant for the purpose of acquiring land, development rights or conservation easements? (This appropriation is in addition to Article 10, the Operating Budget.)

*(Recommended by the Board of Selectmen.)
(Recommended by the Budget Committee.)*

Selectman Massey presented the article reporting that there was \$196,789 in the land-use change tax fund as of June 30, 2007, and the Conservation Commission had asked the Board of Selectmen to consider placing that money in a capital reserve fund to be used for the purchase of open space for conservation purposes, and both of the Board of Selectmen and the Budget Committee had voted to recommend in favor. He pointed out that money could be expended from the capital reserve fund only by a vote by the voters at some future Town Meeting.

No questions, comments, or amendments being brought forward, Moderator Inderbitzen said he would close the discussion on Article 16, and move on to Article 17.

Article 17 — Vote Tallies On Warrant Articles

Shall the Town of Hudson, pursuant to NH RSA 32:5(V-a) and NH RSA 40:13 (V-a), require that all votes by the Board of Selectmen and by the Budget Committee concerning items appearing in the budget or concerning any warrant article, be recorded votes and the numerical tally of any such vote be printed in the Town Warrant next to the affected warrant article?

(Recommended by the Board of Selectmen.)

Selectman Jasper presented the article, noting that the enabling law for this practice had been passed by the State Legislature during the past year.

Mr. James Battis, 6 Potter Road, spoke in favor.

Mr. John Knowles, 51 Quail Run Drive, noted that the text required “all votes”—saying this meant to him that every vote to reduce any aspect of the budget during the voting process should be there. Moderator Inderbitzen said his interpretation would be that this referred just to the final vote (to recommend or not to recommend) by the Board of Selectmen and the Budget Committee. Selectman Jasper pointed out that the numerical vote on all the earlier changes was recorded in the minutes of the two organizations.

No further questions, comments, or amendments being brought forward, Moderator Inderbitzen said he would close the discussion on Article 17, and move on to Article 18.

Article 18 — Resolution to Discuss State Tax Options

Shall the Town of Hudson vote to approve the following resolution to be forwarded to our State Representatives, our State Senator and our Governor? Resolved: We the citizens of Hudson, NH believe in a New Hampshire that is just and fair. The property tax has become unjust and unfair. State leaders who take a pledge for no new taxes perpetuate higher and higher property taxes. We call on our State Representatives, our State Senator and our Governor to reject the “Pledge,” and have an open discussion covering all options, and adopt a revenue system that lowers property taxes.

(Not recommended by the Board of Selectmen.)

Mr. James Battis, 6 Potter Road, a petitioner of the article, stated that he had been requested by the Granite State Fair Tax Coalition to circulate the petition and place it on the town warrant. He spoke in favor, citing statistics and the changing nature of New Hampshire living and resulting problems with the property tax system, contending that the property tax was no longer fair and arguing for a need to study New Hampshire's tax situation to find a more equitable process.

Fire Chief Shawn Murray called for a point of order, asking if the speaker were getting into personal opinion and away from the warrant article. Moderator Inderbitzen ruled that it was appropriate for Mr. Battis, as the original petitioner, to give the reasons behind it.

Mr. Battis stated that no new tax was being proposed, stating that over 100 towns in New Hampshire would have this same article on their warrant today.

Mr. William Albenzi, 174 B Derry Road, expressed a belief that putting this forward was opening up the idea of an income tax as an option; he then moved to clarify that by moving to amend the text by inserting the phrase "including an income tax" after the phrase "*an open discussion covering all options.*" Ms. Alice McFadden, 3 Heritage Circle, seconded the motion.

Mr. Battis called for a point of order, asking the Town Attorney if this amendment would change the intent of the article. Moderator Inderbitzen ruled that it did not, but merely named one of the options; Town Attorney Stephen Buckley expressed agreement.

Mr. Andrew Renzullo, 2 Heritage Circle, said he would support the amendment because it clarified the intent of the warrant article, as the pledge was about *not* initiating an income tax.

Mr. Battis said the intent of the article was not to specify an income tax, adding that he would be happy to amend the article by specifying every other tax he could think of.

Mr. Thaddeus Luszey, 178 Derry Road, asked if the previous speaker's proposal to amend the article to include all other taxes should not be done at this time, before voting. Moderator Inderbitzen said this current motion was just adding these words and additional things could be added afterward.

Mr. Gordon Osgood, 93 B Greeley Street, said the amendment seemed myopic, stating that there were "zillions" of different kinds of taxes, and an income tax was only one example, so all the others should be listed.

Ms. Lorice Sullivan, 12 B Street, asked why the Selectmen had not recommended this article, whether a vote was taken, and if so what was the vote. Moderator Inderbitzen said the question at this time was on the amendment.

No further comment or question about the amendment being brought forward, Moderator Inderbitzen called for a vote on the motion to amend, asking first for all those in favor to hold up their voter cards and then asking all those against to hold up their cards, after which he declared that the majority of those voting had voted in the affirmative and Article 18 was amended by adding the words "including an income tax" after the word "options."

Ms. Sullivan repeated her question. Selectman Jasper said the Board of Selectmen had not recommended the article because this was not something that the Town of Hudson really had jurisdiction over and the Board did not believe that these non-binding types of articles had any place on the Town Warrant and did not want to encourage this sort of thing. Moderator Inderbitzen reported that the Selectmen's vote not to recommend had been unanimous (0-5).

Selectman Massey said the state statutes only allowed the Board to say "Yea" or "Nay," adding that he had wanted to be able to say "No opinion."

Mr. Jordan Ulery, 37 Webster Street, noted that he served on the Ways and Means Committee as a state legislator. He said that "fair tax" was a non sequitur, that there was no such thing—adding that the property tax was the only one that everyone paid, in one way or another, so it was equitable and proportionate, and it was required by the constitution of the State of New Hampshire. Whenever a sales tax or an income tax had been passed in other states to replace a property tax, he added, the property tax had never decreased, anywhere. He concluded by applauding the Selectmen for having voted not to recommend.

Mr. John Drabinowicz, 8 Deerfield Avenue, said there was a problem in trying to replace the property tax, as the new taxes were always higher and the control was no longer local, because the taxes would be decided on in Concord.

Mr. Howard Dilworth, Jr., 15 Sycamore Street, noted that the petition had begun as a movement by a church group in the north country, which had placed a similar article on town warrants last year. He noted that there were four openings on the Budget Committee, but no one had signed up for those openings; if people thought the taxes were unfair and unjust, he declared, they belonged on that board, saying it was a wonderful opportunity to learn how the Town operated and where the tax money went. He commented on how similar approaches had failed in other states, noting that he was a member of the organization that tried to strong-arm state representatives and candidates to sign the pledge.

Mr. Battis said the previous speaker's argument was nonsensical, because the Budget Committee had to do with the property tax, which he felt to be unfair, and the question was whether the structure was fair or not. He expressed surprise at the vehemence of the speakers on this article, saying it was not about the income tax but was about all taxes and the possible readjustment of the ratio of where those taxes were taken from, and the important point was to let the voters decide rather than the politicians.

Selectman Jasper spoke in opposition to the article, noting that he served as a State legislator and had served three terms on the Ways and Means Committee. He said the flaw in this article was the assumption that the legislators did not debate the taxes, adding that each and every tax was discussed and modified in the legislature, with nothing off the table. He noted that he did not sign the pledge, as he did not believe he could commit to making up his mind on an issue until he had heard all the facts and read the bill—adding that he would never vote for an income tax, but he did not need to sign a pledge. He stated that New Hampshire had the lowest per capita tax basis of any state in the union except Alaska. He said that the wonderful thing about property taxes was that the community's citizens got to decide what the recommendations to spend would be and then got to decide at Town Meeting how much they were going to spend, adding that there was nothing in the text of the article that allowed the voters to debate.

Mr. John Cesana, 20 Beechwood Road, noted that his more expensive former home in Rhode Island paid a little less than half the property tax he was paying here in Hudson, but that there were many other taxes applied, including income tax, Fire Department tax, room tax, sales tax, etc., with the citizens not having control over those taxes, whereas New Hampshire residents had control over their property taxes. He concluded by speaking in favor of local control.

Mr. Thaddeus Luszey, 178 Derry Road, moved the question. Moderator Inderbitzen said there were three people standing in line to speak and that he would take the motion to cut off debate after the three people standing in line at the microphone had been recognized.

Mr. Andrew Renzullo, 2 Heritage Circle, said he believed in telling people where he stood on an issue—adding that he would take the pledge and would pledge no new taxes; he then expressed a belief that this article was a cover for those who did not want to tell voters where they stood, saying this was all about the income tax.

Mr. John Drabinowicz, 8 Deerfield Avenue, expressed concern about the four empty seats on the Budget Committee, noting that the Budget Committee had great deal to do with raising or adjusting the taxes in the town, and saying that the Budget Committee was very hard work but its members did a great job. He then spoke in favor of local control.

Mr. Battis moved to amend the article by adding the following verbiage after "including an" and prior to "income tax": "timber tax, interest and dividend tax, business inventory tax, sales tax, vehicle property tax, and any other taxes, and an." Ms. Linda Kipnes, 23 Nathaniel Drive, seconded the motion.

Speaking on his motion, Mr. Battis said it was his intention that the tax structure in the state be open to question and be reviewed by the state legislators.

Selectman Jasper spoke in opposition, pointing out that the state already had a timber tax, a business tax, and an interest and dividend tax—noting that the business tax had replaced the "stock in trade" tax, which was an inventory tax.

Mr. Jordan Ulery, 37 Webster Street, noted that there was also an interest and dividend tax for senior citizens, which the state already had.

Ms. Alida Weergang, 2 Old Derry Road, asked if this article did not instead belong in Concord, questioning why it was on the Town Warrant. Moderator Inderbitzen said it was non-binding resolution to tell the representatives in Concord the feelings of the citizens of Hudson.

Ms. Linda Kipnes, 23 Nathaniel Drive, said the point was to have the legislature consider every possible tax, including the taxes the state already had—adding that the legislators might determine that the current tax structure was the perfect one for this state.

No further comment or question about the amendment being brought forward, Moderator Inderbitzen called for a vote on the motion to amend, asking first for all those in favor to hold up their voter cards and then asking all those against to hold up their cards, after which he declared that the majority of those voting had voted in the negative and the amendment had failed.

Mr. Richard Nolan, 39 Glen Drive, moved the question. Mr. Leo Bernard, 3 Bungalow Avenue, seconded the motion. Moderator Inderbitzen called for a vote on the motion to cut off debate, asking first for all those in favor to hold up their voter cards and then asking all those against to hold up their cards, after which he declared that the majority of those voting had voted in the affirmative and Article 18 was closed.

Moderator Inderbitzen noted that the School District Warrant would be decided at that body's Deliberative Session on the following Saturday, in this same meeting place, starting at 9:00 a.m. and that the citizens would then vote on all the warrant articles at the Town Meeting on March 11th, in this same hall.

Ms. Joyce Goodwin, 4 Marshmellow Path, moved to adjourn. Mr. Robert Haefner, 1 St. John Street, seconded the motion.

Moderator Inderbitzen called for a verbal vote on the motion to adjourn. After hearing the votes, both for and against, he declared that the AYES had it, and he then declared this session adjourned at 12:38 p.m.

February 7, 2008

Patti Barry, Town Clerk

Recorded and transcribed by
J. Bradford Seabury