

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the November 27, 2007 Meeting**

6:30 p.m. -- Labor-relations Session, RSA 91-A:2 I (b)

1. **CALL TO ORDER** by Chairman Shawn Jasper at 7:10 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** led by Selectman Doug Robinson.
3. **ATTENDANCE**  
**Selectmen:** Shawn Jasper, Ben Nadeau, Ken Massey, Rick Maddox & Doug Robinson  
**Staff/Others:** Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Shawn Murray, Fire Chief; Tom Sommers, Town Engineer; Sean Sullivan, Director of Community Development; Donna Staffier-Sommers; Norman Martin; Atty. Jay Leonard; about 12 unidentified persons in the audience; Tom Tollefson, HLN
4. **PUBLIC INPUT**  
**Norman Martin, 3 Edgar Court,** said he was present to talk about the feasibility study that was done for the Senior Center. It went out to the architect, then it came in as a proposal for a \$1 million, with a breezeway, for the Seniors. He thought the warrant article was to see if it was feasible to add on to the current building. There are some issues with this. Every summer, they displace the Seniors for nine weeks so the kids can have a place, and that doesn't seem fair. They are butting heads. This is going nowhere fast. Is there any way that Robinson Road can be used for the nine week summer program? Is there a building that can be used to provide the kids with indoor facilities in case it rains? He didn't know any of that because he hasn't been there. It doesn't seem fair that they don't make use of this facility and displace the Seniors. The Recreation Department uses Nottingham West for basketball. He asked if they've contacted the School Department or School Board to see if, during the summertime, they could use the school for the nine-week program. They'd have to clean, but the town could get around that, instead of beating around the bush. He'd rather see \$1 million spent on fire protection versus a new Senior Center when they haven't even gone to the bargaining table to discuss the options that were presented to the Board. It came in and all of sudden they were voting, and now everybody hates everybody because people don't support it. These questions really need to get answered—can they use the school? Can they get around the cleaning schedule? What does it cost? Do they have to pay something? They have precious buildings and instead of placing one out and one in, they should be able to come around and get something solved with this, rather than build a \$1 million Senior Center when they don't have enough police and fire protection. They could always use a couple more to make sure the town is safe, especially during the overnight hours.
5. **NOMINATIONS & APPOINTMENTS** (interviews will be conducted on December 11)
6. **CONSENT ITEMS**  
*Motion by Selectman Maddox, seconded by Selectman Nadeau, to approve consent items, as noted or appropriate, carried 5-0.*
  - A. **Assessing Items**
    - 1) 2007 Applications for Abatement, Map 107/Lot 031; Map 204/Lot 072 w/recommendation to approve.
    - 2) Tax Deferral Applications for 8 Sunland Dr, 12 Sullivan Rd and 7 Alpha St, w/recommendation to grant.
  - B. **Water/Sewer Items**
  - C. **Licenses & Permits**
  - D. **Acceptance of Minutes**  
Board of Selectmen's Minutes of November 13, 2007
  - E. **Calendar**
    - 11/28 7:00 Budget Committee in BOS Mtg. Rm.
    - 11/29 1:00 Trustees of the Trust Funds in the BOS Mtg. Rm.
    - 11/29 3:00 Swearing-in Ceremony at HPD
    - 11/29 7:00 Budget Committee in BOS Mtg. Rm.
    - 11/29 7:30 ZBA in CD Mtg. Rm.
    - 12/01 9:00 am, Budget Committee in BOS Mtg. Rm.
    - 12/03 6:30 School Board in BOS Mtg. Rm.
    - 12/03 7:00 NRPC in CD Mtg. Rm.
    - 12/04 7:00 Board of Selectmen's Workshop in BOS Mtg. Rm.
    - 12/05 8:30 am Highway Safety Committee in CD Mtg. Rm.
    - 12/05 7:00 Budget Committee in BOS Mtg. Rm.
    - 12/05 7:00 Planning Board in CD Mtg. Rm.
    - 12/10 7:00 Budget Committee in BOS Mtg. Rm.
    - 12/10 7:00 Conservation Commission in CD Mtg. Rm.
    - 12/11 7:00 Board of Selectmen in BOS Mtg. Rm.
    - 12/12 7:00 Budget Committee in BOS Mtg. Rm.
    - 12/12 7:00 Planning Board in CD Mtg. Rm.
    - 12/13 6:30 Recreation Committee @ Oakwood Facility
    - 12/13 7:30 ZBA in CD Mtg. Rm.
    - 12/13 5:30 Sewer Utility Committee in BOS Mtg. Rm.
    - 12/13 7:00 Budget Committee in BOS Mtg. Rm.
    - 12/17 6:30 School Board in BOS Mtg. Rm.
    - 12/17 7:00 Recycling Committee in CD Mtg. Rm.
    - 12/18 7:00 Board of Selectmen in BOS Mtg. Rm.
    - 12/18 7:00 Cable Committee in CD Mtg. Rm.
    - 12/19 5:00 Water Utility Committee in BOS Mtg. Rm.
    - 12/19 7:00 Budget Committee in BOS Mtg. Rm.
    - 12/19 7:00 Hudson Senior Council on Aging in CD Mtg. Rm.

12/20 7:30 Budget Committee in BOS Mtg. Rm.  
12/25 Christmas – Town Hall closed  
12/26 7:00 Budget Committee in BOS Mtg. Rm.  
12/27 7:00 Budget Committee in BOS Mtg. Rm.  
12/27 7:30 ZBA in CD Mtg. Rm.  
01/01/08 New Year's Day – Town Hall closed

7. **OLD BUSINESS**

A. **Votes taken after Nonpublic Session on November 13.** (None)

B. **Second Public Hearing on Amending Chap. 261 of the Code, Pawnbrokers & Secondhand Dealers**

Chairman Jasper said the first public hearing was held on November 13, 2007. Det. Sgt. Chuck Dyac and Det. Officer Matt Solari were recognized. Sgt. Dyac said this amendment deals with cause pawn brokers and secondhand dealers to file an electronic spreadsheet, in addition to providing pawn slips of articles purchased, that the department could supply to NESPIN so that law enforcement agencies throughout the New England area would be able to view items within the town's jurisdiction. Selectman Massey asked if consignment shops would fall under this rule. Sgt. Dyac said consignment shops, as well as stores like e-Bay stores do not fall under the definition of pawn shop or secondhand dealerships in that they do not make a transaction where the property would be theirs. They are merely acting as a tool in which items are sold directly from owner to another person; there is no ownership of property.

Chairman Jasper opened the public hearing at 7:17 p.m.

James Starkey and Craig Salvucci, co-owners of Cash Converters in Hudson were recognized. Mr. Starkey said the proposed amendment is rather vague as to the electronic requirements. The software they have now is a proprietary system. It's not windows based and, in order for them to change it, it would be difficult. Mr. Salvucci said Cash Converters is simply a buy and sell secondhand good store. The ordinance refers to pawn shop, pawn broker and secondhand dealers; they are simply a secondhand dealer. They purchase goods across the counter, paying cash, and they resell those goods. To the best of his knowledge, they are the only business in town of its nature, with a store front. He tries to stay abreast of any competition. He is very concerned about the proposed change, as it is written. He read the public notice aloud: "...to include the following underlined text: "Every secondhand dealer or pawnbroker, upon the acquisition of any aforementioned article, shall prepare transaction records (written in the English language) upon forms provided by the Town of Hudson." The forms they currently use are approved by the town of Hudson. "This form shall state the full name, identification number, date of birth, address and other descriptive information of the seller, date of the transaction, a full, accurate and detailed description (to include make, model and serial number) of each article and the monetary amount given for the article." (He distributed examples of the forms they used, which includes all of the aforementioned requirements in the ordinance.) The transaction reports are provided to the Police Department on a weekly, sometimes bi-weekly basis, as they have requested. The Police Department is in full position of all of the buy transactions that occur at Cash Converters. He then read the amendment: "The above-described records shall be transmitted electronically, in a specifically-stored format, along with any other information deemed necessary by the Chief of Police, or his designee." Mr. Salvucci said he wasn't sure how they were supposed to do that, and if it was the business owner's responsibility to reconfigure its operating system to be able to transmit this information electronically. Continuing, "The electronic format will be a spreadsheet, preferably Microsoft Excel, which will be e-mailed to various agencies, including NESPIN, for entry into the pawn shop data base." Mr. Salvucci said he wasn't familiar with NESPIN; that's a police-related activity and he was a businessman and he provides the transaction information to the police for them to conduct police-related activities. Their store-operated computer system includes a point of sale, a buy transaction where the forms are generated, as well as management reporting for them to run their business. They purchased this system and the terminals, etc., to run the business, track key indicators, cash management, inventory control, customer data, other accounting and tax requirement information they have to have on a regular basis. Secondly, it was designed to be able to comply with the town and state's requirements, as far as record-keeping and reporting for law enforcement agencies about products that are brought to the store. He interpreted the change as them having to go a full wholesale change of hardware and software and management information systems. Their programs are not windows based; they're not connected to the internet. It's just an internal store accounting and management system. He called the language, as written, "loose." They'd have to purchase new hardware, a new store management system designed for their type of business, and also be able to continue to meet the current requirements that they uphold. That could be very costly, running into tens of thousands of dollars. He asked if there was an example where a business had to go through a wholesale change of throwing out all of its current system in order to be able to send an e-mail, when the police are currently in possession of all of the information, as it is set forth in the ordinance.

Selectman Massey asked if they were using UNIX or... Mr. Salvucci said it's an MS-DOS based program, which was written specifically for Cash Converters' franchises to use in running their businesses. They are no longer associated with their franchise, but they were when they opened in '98. Selectman Massey said MS-DOS went off of life support systems in '98, so the fact they are still on it is a testament to its longevity, but he thought even MS-DOS could export .XLS files and asked Mr. Salvucci if he wasn't able to do that in his DOS environment. (Talking over each other.) Selectman Massey said the wording says, "preferably Microsoft Excel," but what they are really saying is they need to have a format that's in the spreadsheet format, which is .XLS; that's the extension on the file. Mr. Salvucci said the way it currently would be saved would be on a 3-1/2" floppy disk, in a comma/text format.

Selectman Nadeau asked if the Police Department currently pick up the sheets on a weekly basis. Mr. Salvucci said they requested to pick up the sheets from the store on a weekly basis; sometimes, more often, and that's what they do. Selectman Nadeau asked if that system was working for them. Mr. Salvucci said it has for close to 10 years.

Chairman Jasper surmised they have not had a sit-down conversation with the Police about this and how it might or might not work for them. Mr. Salvucci said that's correct. Chairman Jasper said they were saying that, right now, their system isn't even hooked up in a manner in which they could electronically send it to the police. Mr. Salvucci said the information that's in the reports and that's required is saved in a server for the business, on a hard drive, and he can

retrieve the information in the form of the reports that he does get. He's able to run reports and put this data from several sheets into a report, capsulizing everything. It will just be an organized report. That, he can also save on to a floppy disk. How that gets opened up from the floppy to an Excel program is not anything he does.

Selectman Robinson asked if he was talking about the hard floppy. Mr. Salvucci said 3-1/2". Selectman Robinson asked Sgt. Dyac if he currently takes that information and puts it into an Excel format at the station. Sgt. Dyac said it is entered in through IMC, where they keep their files, and its stored in that format. What they are looking to do is, if they can acquire a spreadsheet, they would then submit it to NESPIN or the appropriate agencies. Selectman Robinson said the police was looking for Cash Converters to do the data entry, versus the police entering it. Sgt. Dyac said yes.

Selectman Maddox said they are just looking to cut out the middlemen of them having to input the data; they are looking for an Excel spreadsheet. They need to come up with a format that can be met with their system. The Police Department doesn't want to have to input all of the information. Everything the Police Department needs is already on the form, but it's just a matter of getting it in an electronic version so the police can then transmit that information to a data base, without them having to retype in the information.

Selectman Massey said the individuals have brought up some important information and it would be worth getting it clarified before making a decision on this ordinance. He asked Mr. Salvucci if he could export a file that's comma/text format. Mr. Salvucci said yes. Selectman Massey said if he can do that... (talking over each other). Mr. Salvucci said he has a store operating system and then he has another computer that is on the internet, but it's not attached. Selectman Massey said he's not talking about that one. It sounds like Mr. Salvucci can create a file that's comma delineated text; text comma text comma text. If he could do that, it's highly possible for Excel to import that. It would be worthwhile for Mr. Salvucci to have the conversation with the Police Department to determine that that's a format the spreadsheets could recognize, but it's not a trivial exercise. It's doable, but given what they are using for their record keeping, on the surface, it doesn't look like they can create what the Chief is asking for.

Selectman Robinson asked if they could isolate the information the Police Department was asking for, or did they need to give them the full sheet of paper. It seems like what they want is less... what they're giving the Police Department is their sales receipts. Can they limit the information by the way they pull it up? Mr. Salvucci said the form that he passed around is the exact for the Police Department requires. Ultimately, in the event of a questionable transaction that has to be investigated, that's the form that they act upon. This is the evidence of a bad transaction. He can print up this information in a report, or he can submit a report which capsulizes name, address, item, etc. (Talking over each other.) He just found out about this two weeks ago; the day of the meeting, he was out of town. He got a call from the store saying this was coming up. He wasn't brought up to him by the Police Department before. He did try to save that same information, the transactions, on to a floppy; tried to open it up and open it up into various formats, whether it be Word or Excel, it just comes out a little illegible. It's there, just not coming out in a nice, neat little package. It satisfies his purposes in running a business, if he wants to run up a snapshot of five transactions that occurred during the week. It's a few pages with all of that data, without the picture and a lot of the open space. It's just name, address, item, serial number, etc.

Chairman Jasper said he didn't want to impose an unreasonable cost on their business and there is a lack of understanding whether this is doable. He suggested that this be tabled for two weeks to ask somebody from the IT Dept. to go out and look at the system to see if what the department is asking for is doable on their system and, if it's not, what it might take for them to upgrade to the point where that can be done, and then see where they are at.

Selectman Maddox disagreed. This ordinance is not unreasonable. It may be a little gray because technology changes all of the time, and they didn't want to put something in there that locks it into a particular definition, but what they are asking for is not unreasonable—to put it in Excel spreadsheet form so it can be transmitted electronically. They've already gotten 10 years out of a system that's defunct. The town shouldn't be involved in trying to find out what that will take to work in this instance. This is a reasonable request, and it is what it is.

Selectman Massey said it's a reasonable request and he's absolutely stunned to hear that somebody's actually running MS-DOS. He understands why they are doing it and if it works, don't fix it, but they are the only agency in town and (the town) shouldn't put an undue burden on businesses to take care of something in-house. However, he is also mindful of the fact that when you do double entry, it is fraught with error. It's almost guaranteed they'll miss something. The electronic thing is the best and he agreed with the Chairman that they should at least determine, in this particular business, if they can be accommodated with their system and satisfy the town's needs, as well.

Chairman Jasper said his understanding of an electronic transmission is over the internet. If their system is working OK, and they can give it on disk format to the police, then the police can just open it up. They just don't know, at this point. what the solutions are. He was disappointed that the police didn't have the conversation with them before they got to this point. It's not like there are 10 people in town doing this. This is one place, and they ought to be working with the business community whenever they can, not putting undue burdens on them. At the same time, this is information the police need to get, so they need to figure out how to get it and do it at a reasonable cost to the business owner. If they need to spend some money, that's the cost of doing business, but hopefully not tens of thousands of dollars. Maybe there's something else, so he'd like them to look at this.

Selectman Nadeau wanted to make a motion to table this, but it was not accepted because this was still a public hearing mode. Selectman Robinson agreed that this should be postponed; IT spending 10 minutes there could solve a multitude of issues and help both sides of the coin. The town should provide some professional help to see if it would work, or not. He feels better if they are working together, and that's what they need to do to come up with a system that would work for everybody. Then, in two weeks, they can come to a decision.

There being no further speakers, Chairman Jasper closed the public hearing at 7:39 p.m.

*Motion by Selectman Nadeau, seconded by Selectman Robinson, to table to December 11, 2007 to see if Police and IT can come up with something with this business carried 4-1.* Selectman Maddox voted in opposition.

Chairman Jasper said he believes the police know where the Board is coming from and didn't think they needed further direction. Det. Sgt. Dyac said no, they didn't.

C. **Warrant Article for Sale of Town Property (47 & 49 Ferry Street)**

Town Administrator Steve Malizia said the Board directed him to forward this to Atty. Hodes for his review and to write a warrant article for such, which he did.

Motion by Selectman Massey, seconded by Selectman Maddox, to send to the warrant the article for moving expenses, fit-up, equipment and furnishings of the new library, with said funding to come from the sale of town-owned property located at 47 & 49 Ferry Street.

Selectman Massey said it's clear that the intention is that this will not be used for any construction costs associated with the facility, nor any design in engineering consulting services and, equally important, if for whatever reason this fails to pass, then there would be no ability to use any town monies for the purposes of fit-up, equipment and furnishing costs.

Selectman Robinson said if this, perchance, is approved and the sale of both houses do not equal \$450,000, will the town be liable for the difference? Chairman Jasper said no; that's why it says, "up to." Whatever they realize from the sale, up to \$450,000. If they realize \$470,000, at least \$20,000 would go to the general fund, depending on what the actual expenditure was. Selectman Robinson asked for a definition of non-lapsing. Mr. Malizia said there was a date on this one—2014. The library may be delayed being built, for some reason. They wouldn't want this article to expire before they got a chance to use it. It's basically a five year period.

Selectman Maddox said they heard from the Library Trustees that if this money was not all spent for these purposes, that would also be returned to the general fund. Chairman Jasper said that was correct. Mr. Malizia said by law, when it's raised in a warrant article, it can only be spent for the purpose for which it's mentioned. It doesn't go into the library's fund.

Vote: Motion carried 5-0.

D. **Recreation Director Job Description** (carried over from workshop of July 17, 2007)

Town Administrator Steve Malizia said this was discussed back in July, and he wasn't at that meeting. Selectman Maddox said some concerns and questions and things, including typos. He and Selectman Maddox have met, at which time the issues were addressed and corrected, and before them was the new job description.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to approve the job description for Recreation Director, dated November 27, 2007.

Selectman Maddox said at one of their workshops, they were trying to address some of the job descriptions: this one went back to '98, so they wanted to update it. It's much better, but one they didn't catch was, "exercise discretion within the guidelines established by the Town Administrator and Board of Selectmen." To do what? That one's a little fuzzy, but the first one was fraught with errors. This is what they are expecting of this job description. It's not simply a job description as far as this is all nice and he guessed it would fit in the personnel policies, but what are they expecting from this job? They need to look at this job that has grown over the years. What is the expectation of the town and the Board for this position? They need to be looking at what they are expecting with this position. At the budget, he kind of went a little overboard with cutting the entire position, but they have been told they should be hiring somebody to run all of the programs, and the Rec Director said it could be done for \$30,000. He wondered why they would have a Rec Director not running the programs. He sees this as still not defining what they are expecting this position to do. Is it within their scope of work to work 40 hours running programs, overseeing running programs? It really doesn't define what they are expecting of this position. He'd like them to have a discussion, not simply approve this and move it on, but this is probably going to be an on-going discussion, probably with the liaison to the Rec Committee, a discussion with the present Rec Director, as to what they see... again, he is looking for that value. He didn't see this telling them what that job is giving the town's taxpayers for the money they are spending.

Selectman Robinson said he made a note about what the work week was and what is really expected throughout that work week. Through the budget process, they also learned the Rec Director is supplementing his income by coaching or refereeing specific events and that was a concern the Board had, and he didn't see any mention of those additional duties being included in the job description, or not to be included in the job description. He thinks they need to zero in on this and put a little more meat into this thing of what they expect of their Rec Director.

Selectman Massey said they need to keep two things separate. They have a job description that defines the general parameters of somebody's responsibilities. On an annual basis, you set goals and objectives for exactly what Selectman Maddox is talking about—the specifics. The things you will do in conjunction with the job description. To try and put goals and objectives in a job description is self-defeating because they change, and rightly so, they should change on a periodic basis. The job description defines the general parameters of the job and then, on some periodic basis, you review the goals and objectives for that individual for what they are going to accomplish within that.

Chairman Jasper said he agreed with Selectman Massey on this. While it does not go into the details that some might like it to, it is broad enough to suffice. At this point, they have not hired the Recreation Director to be the program director for each of the programs; since before there was a Rec Director had people who the Board hired to supervise and do all of those various tasks for the various programs they run, and that did not change and it was not the intent to change that when the director was hired. It was to have someone, other than the Rec Committee being out there, trying to hire staff for the programs. While he understands some of the concerns, they don't belong in the job description. It would be more in terms of goals and objectives that they need to work with the Recreation Committee to establish. He hoped the Board would not want to get into usurping that role, although they might like to tell the Rec Committee what they are thinking of, particularly the issue of Robinson Pond facilities, which they were all hoping to

see some sort of process come out this year in the budget presentation of where they would like to go, perhaps a request for monies to develop something. He was surprised and disappointed that that did not happen this year. That's what that committee is for, in his opinion. They are the ones who should be establishing the goals and the criteria and not the Selectmen. He was fine with the job description and it would be appropriate that very early on when they get through with the budget cycle, they sit down with the Rec Committee and really have some serious discussions about where they want things to go and where the Selectmen would like them to go. They sent the message last time that they would not be hiring the Rec Director to be overseeing any of the individual programs any more. He won't be paid that extra money. That's really a conflict, and that's where the Board came down.

Selectman Nadeau asked if the other job descriptions have hours worked in them. Chairman Jasper said only if it's less than 40 hours. Selectman Robinson said for this specific position, nights, weekends are pretty much a condition of the position. There are many other full time positions in the town that do not require nights and weekends. This specific job description should state nights and weekends required, and that is not included in the document before them.

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

## 8. **NEW BUSINESS**

### A. **Liaison Reports**

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

**Selectman Massey** said he had several things.

- Regarding the South End water tank, Public Service has finally shown up. The only thing left to be done on the power is to connect the wires to the pole. The fence is being installed this week. It could be turned on today, but it would be without the SCADA system, which is the electronic computerized control of it and without it, it would be difficult to maintain the balance of the other tanks in town.

- The Library Street/Central Street intersection – They thought they had gotten the approval of the Planning Board to release the corridor funds, but that hadn't happened, so that is going to be in front of them on December 5. They will be looking at awarding the contract to install the lights on December 12. The state approved the bid spec, but they also have to approve the bidder. He anticipates that will be done momentarily.

- On Derry Road, the curbing and sidewalks are in on the west side between Highland and McDonald's. There were putting in the curbing on the east side today. It is expected by the end of next week, all of the work will be done. There are two base coats down now and a final coat will be put down next year.

- Selectman Massey said the Chief has asked him to put into the record that the C Squad, (11:00 p.m. – 7:00 a.m.) has been very effective in identifying and apprehending suspects for burglary and thefts from motor vehicles. However, these criminal activities can be prevented. Recently, they seen a series of thefts from motor vehicles in various neighborhoods, including Cummings, Daw, Ledge Street, Whip-poor-will, Stoney Lane, and Hazelwood. They have also investigated burglaries on Dracut Road, Scottsdale Road, Stable Road, Sullivan Road and Clement Road. Hudson residents are urged to lock their vehicles at night. In every case, owners left their car doors unlocked and valuables were stolen, including garage door openers. With garage door openers, thieves can easily gain access to homes. With the holiday season just around the corner, thieves are looking for opportunities to gain access to people's homes. Lock the doors to your homes and cars to prevent thefts.

- There have been two recent incidents with directed patrols. In one case, they caught two burglars and, as a result, those two individuals ratted out some other accomplices and additional arrests were made.

- On Thursday, November 29 at 3:30 p.m., there will be an awards ceremony and swearing-in ceremony for the new recruit, Officer Dan Conley. They will also be honoring two returnees from the 144<sup>th</sup> Police Academy graduation, Officers Ferreira and McElhinney. Selectman Massey said he attended the graduation ceremony last Friday night, and it was quite impressive. They honored Assistant Safety Commissioner Sweeney. The Governor was there, the Commissioner of Safety was there and several others who were honoring a man who has spent 50 years in the service of the state. The recognition Mr. Sweeney got was well deserved; 50 years is a long time. At the graduation, Officer Ferreira was awarded the 144<sup>th</sup> Police Academy Arthur D. Kehas award, which is the Outstanding Achievement Award; he was the #1 cadet to graduate. That was good news, and it is also a reflection of the caliber of officer that the town is hiring. There will be service awards presented. There will be combat military service awards given to Officer Patrick McStravick, who served under combat conditions in Bosnia in Iraq and Officer Eric Ferreira, who served in Iraq under combat circumstances, as well. They are thanked for their service and he looks forward to Officers Ferreira and McElhinney joining the day to day force.

- If anyone has any toys they'd like to contribute to the Toys for Tots, a US Marine Corps program, the Police have a receptacle in the lobby of the Police Station on Constitution Drive, and they will be collecting toys until December 18 for that drive. It's a good cause.

- The tax bills are due by December 6.

**Selectman Maddox** said for everyone who procrastinates, this Thursday, the last Thursday of the month, the Town Clerk/Tax Collector's Office will be open until 6:00 p.m. For those who are early, the following Thursday, the first Thursday of the month, the office will also be open until 6:00 p.m. Each of those Thursdays gives the residents an extra hour and a half to facilitate that in a less stressful mode.

**Selectman Robinson** said he had several things.

- Dave Boucher of the Cable Utility Committee, who has been a member for about 10 years, will be moving out to Colorado with his company, which will create a vacancy on that committee with a termination date of 2009. Steve has done an outstanding job on that committee, helping build HCTV to what it is today. He asked if the Board could send Steve a letter of thanks and appreciation for his contribution. (Chairman Jasper said that would be taken care of.)
- Selectman Robinson said there has been some recent publicity on HCTV. Some folks feel they should be filming this or that, so HCTV would like folks to know they can film anything they want. They are welcome to borrow the equipment and will be taught on how to use it, if they wish to film an event they want shown on HCTV. The volunteers on HGTV spend a lot of time filming events around town. If a citizen or resident feels they want something else filmed, as well, then HGTV is more than willing to lend out the appropriate materials for anyone who would like to do that.
- The Recycling Committee had an excellent meeting, talking about how to get the word out and how to go about educating the community, up to and including a video that is coming out soon—and Santa Claus will make an appearance in that video. There are three, four openings on the committee and they are looking for volunteers. He was asked by the Committee to bring to the Board a concern with a committee member who has missed three meetings in a row. He has talked to this individual, as well as by the Chairman, and letters have been sent. He asked what the proper procedure was. Chairman Jasper said they could take this up under Other Business, at which time the Board could declare the seat vacant.
- The last cleanup day of the year was this past Saturday, with an average turnout. He has received a couple of requests to open up the landfill at least one more Saturday in early December because the leaves are slow to fall this year. The Road Agent asked him to bring this up to the Board, which would cost approximately \$300 to open the landfill from 7:00 – 2:00. Chairman Jasper said that'd be under Other Business, as well.
- The flagpole at Town Hall will be taken down tomorrow and the foundation will be installed for the new flagpole, which was donated by the Hudson VFW and which is on its way.
- The county prisoners are at the Highway Department this week, painting all of the snowplows a nice, bright orange, and they are doing an outstanding job.

Selectman Jasper said he spoke with Commissioner O'Leary last week, who will no longer be Commissioner, as of December 1, trying to get a few things in writing from him before he departs. He asked for something in writing on Benson's so he (Selectman Jasper) could go see the Governor. On Stop & Shop, the Commissioner was in a bit of a conundrum in that he really doesn't feel that that piece is going to be available long term for a ball field. Selectman Jasper said they are asking that and Stop & Shop knows that. They could build a ball field tomorrow and the day after, it could torn up. That's a decision for Stop & Shop to make, if they want to put the money there, or make a donation for a long term one. He didn't know what the letter is going to say. He just hoped to get one. Selectman Massey said it was his understanding that Stop & Shop has not agreed to build; they are still holding out for the \$25,000. Chairman Jasper said they are asking to see proof from the state that they are going to allow that a ball field can be built there, which the town did have, but because it lagged for so long for clarification, a new Commissioner came in, and that Commissioner doesn't seem to be willing to give the town the same deal. If that is the case, Selectman Massey is correct. If the town gets the permission, Stop & Shop will either build it, or do something else. As it stands now, the town does not have permission, and may not get it because it sat there two years after the letter came in.

•Relative to 7-Eleven, he finally got to talk with Tom. The 7-Eleven corporate people would like to see a second curb cut on to 111, a state road. Tom felt that wasn't good engineering practice and it would probably not be met favorably by the state because they'd be so close together. Selectman Jasper said he was going to call the gentleman back and see if they can have an on-site meeting and get them to understand it's not a good idea to do that, but it's to their advantage to create more parking to bring people in, who are going to be thirsty and want to buy a Slushie afterwards.

•The Budget Committee has started meeting on the budget. They've had the meeting on the warrant articles and all of the Selectmen's articles are likely to be approved. On a preliminary vote, they have all received a positive recommendation. So far, in the budget itself, they have had no monies removed. They've been doing so well, they've been able to eliminate the Thursday night meeting this week. Steve called Dave Yates and got him in last night, and they did Finance, as well, and Community Development was moved to another night. He thinks the Budget Committee is pleased with the budget. He plans to bring up gas and diesel costs under Other Business. The Budget Committee realized that \$2.15 a gallon number for FY09 is pie in the sky and he's going to ask the Board to have a discussion about increasing that. There is another item relative to that that the Fire Chief will address in a couple of minutes.

**B. Fire Department Items:**

- 1) **Request to sell surplus SCBA parts and service equipment to the Fire & Rescue Institute**  
Fire Chief Shawn Murray said two years ago, the department replaced their self-contained breathing apparatus, from Interspiro to Scott. There was a trade-in which involved the actual Interspiro wear pack units. There were a number of parts left over and some service equipment that the department has no use for. The Fire and Rescue Institute, who used to maintain the Interspiro SCBA's asked if the town would be interested in selling surplus parts and equipment for \$300. Selectman Nadeau asked what the actual value of this stuff was. Chief Murray said there is no value to the department. There are parts and pieces and a face mask pressure device. Selectman Nadeau asked if it would fit in a small box, or if there was a ton of stuff. Chief Murray said there was an attachment to his memo of all of the Interspiro parts—30 face pieces, 34 cylinders, a test bench, a tool kit, two shoulder straps, two head harnesses and assorted repair parts. Selectman Maddox said he was confused and asked if the cylinders that were being donated to New Boston the same cylinders that were going to be sold to the Fire & Rescue Institute. Chief Murray said the first two items on his list will go to New Boston. The rest will be sold to the Fire & Rescue Institute.

Motion by Selectman Massey, seconded by Selectman Maddox, to authorize the Fire Chief to sell surplus Interspiro SCBA parts and service equipment to the Fire & Rescue Institute for \$300, as recommended by the Fire Chief in his memo of 11/19/07, carried 5-0.

2) **Request to donate surplus SCBA Bottles and Face Masks to New Boston FD**

Chief Murray said they have 30 face pieces and 30 air bottles from the same Interspiro company that were not part of the trade and are surplus equipment. The New Boston Fire Department uses Interspiro SCBA's, one of a handful in the whole state that uses this particular model. The cylinders have to be hydro-tested every five years, and the hydro test on them has expired. There's no value to the cylinders and they could use the face pieces with the packs they have now. There is no value to the town of Hudson because they are not compatible with their equipment; they can't swap out the cylinders. There wouldn't even be any value if they brought these to auction because it is a specialized piece of equipment.

Selectman Massey asked if the cylinders could be recertified. Chief Murray said yes, they could be. Selectman Massey asked what the value of them would be, if they were recertified. Chief Murray said he didn't know. Selectman Massey said it would be worth a token gesture on the part of New Boston, such as \$100, for this equipment because they'd be considerably more expensive if they went out to buy them. Chief Murray said New Boston is a call department and they indicated they didn't have any funds budgeted for extra parts. Selectman Massey said of course that's what they would indicate. He asked what the Chief's feeling was that they didn't have any money. Chief Murray said they are a volunteer fire department that does about 200 calls a year. If he advertised these items for sale, it would cost more in advertising than they would get back. There's only about five departments in the whole state using Interspiro.

Selectman Maddox said he agreed with Selectman Massey and disagreed with the Chief; they have a value, but just not to the town of Hudson. He was disappointed that they still have them and it's probably worth the \$100 to get them out of the Fire Station because they are taking up space. They could be worth something to somebody, absolutely. Maybe not in the state of NH, but to someone, but he didn't see putting the effort into it. He's disappointed they didn't get the \$100 when they got rid of the new ones. Why they kept them is beyond him, but they have them, so he'd be happy to make the motion to get rid of them.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to authorize the Fire Chief to donate the surplus Interspiro SCBA bottles and face masks to the New Boston Fire Department, as recommended by the Fire Chief in his memo of November 19, 2007.

Chairman Jasper was curious as to why these were not part of the trade-in, since they were of no value to the town. Chief Murray said SCBA equipment is a competitive sales field. They traded in approximately 38 Interspiro air packs and all they wanted one bottle each. They had spares, so the department was left with those. They did get value out of the trade-in of the 38 packs. Chairman Jasper said these were so 'valuable' that the vendor didn't want them. Chief Murray said they will take the air pack to a metal dealer.

Amendment by Selectman Massey, seconded by Selectman Maddox, to strike the word "donate" and insert , "sell for \$100." Selectman Massey said people should never get something for nothing. He recognized that they were a volunteer fire department, but something for nothing has always bothered him. It's a token amount, recognizing that it still, effectively, is a donation, but at least it puts a little bit on skin in the game.

Selectman Maddox said in the past, they've gotten a fire truck from Nashua for \$1. As bigger communities get rid of equipment, they donate it. This has got value, but by the time they get done with the paperwork, the \$100 is insignificant. Santa is sitting in his chair, so he won't vote for the amendment. Selectman Robinson said he wouldn't vote for it, either. Selectman Massey withdrew his motion. Selectman Maddox withdrew his second. Selectman Massey said he just wanted to get a sense.

Vote: Motion carried 5-0.

3) **Adding Money to the Budget to purchase Protective Clothing**

Chief Murray said the Fire Department was notified that they were not eligible for the Assistance to Firefighters' grant for the tanker or protective clothing. In a conversation with Chairman Jasper, he was bringing to the Board a request that he be authorized to go to the Budget Committee to ask them to increase his line for protective clothing. This year, they put in for 10 sets of replacement gear. Their protective clothing for firefighters' gear was purchased en masse in 1998, coming up on 10 years. Protective clothing, like the Police Department's bullet-proof vests, over time, due to exposure to weather, fire, water and the environment, begins to deteriorate. This is the biggest piece of equipment that a firefighter has that allows them to enter hazardous environments. This year, they were optimistic that they were going to get the grant. They had brought forth a warrant article for the Board's consideration for establishing a protective clothing capital reserve account, but they decided not to go with that, which leaves him in a dilemma. Hopefully, they will put on 10 call firefighters within the next month or so. In this fiscal year's budget, he'll have enough funds to buy 10 sets of protective clothing for them. If he waits until next fiscal year, it will be almost three years before he can start replacing the protective clothing. He asked for 10 additional sets of gear for an additional \$18,000 which would allow him to purchase at least 20 sets in FY09; come back in 2010 and request to purchase another 30 and then, after that, they would get on a planned schedule over a 10 year period to work in replacement of gear. He will continue to apply for Assistance to FFs' grants.

Selectman Robinson asked if there was any area in the current budget that the Chief could cut. Chief Murray said he didn't know; he was level funded and he's still there today. Selectman Maddox said they didn't have anything in front of them, so they are trying to do the math in their heads, but he would split the baby and put in for half of that, which would get them 15 sets, with the understanding that, at the end of FY08, next June, there is money left over in the Fire Department's budget, that they re-supplement an additional year from those monies left over.

Selectman Massey said the Chief has enough money in the budget to get 10 sets for the call firefighters and asked if that was over and above the 10 sets he was talking about. Chief Murray said what he got right now in this year's fiscal budget, he should be able to take care of the call firefighters. Next year he budgeted for 10. Selectman Massey said next year, there's 10 for replacement and the Chief was asking for 10 more. He was thinking of splitting the baby by taking \$9,000 out of the suppression overtime account and \$9,000 added to the budget. Either way, his suggestion would take the money out now and Selectman Maddox's would take care of it, if there was any money left over in the budget this year.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to authorize the Chief to request an additional \$9,000 for five additional sets of protective clothing.

Amendment by Selectman Robinson that \$4,500 comes from one of the overtime accounts. Chairman Jasper ruled that out of order because the motion was a request to the Budget Committee. The motion was to authorize the Chief to make a request for additional funding. The Budget Committee can do that if they wish, or they can ignore it. The Selectmen are not in control of the budget any more. The Chief could make that request, but he didn't think he would request taking the money from his overtime account. If Selectman Robinson wanted to go to the Budget Committee to make that request, he could.

Vote: Motion carried 5-0.

C. **Otarnic Pond Sewer & Water Design and Construction Engineering Services**

Town Engineer Tom Sommers said this money would come out of the sewer capital reserve account. This project is being 50% funded with CDBG funds and 20% state grant. This came up at the 90% review process. Jess Forrence from the Highway Department noticed that it might be better to put the pump station at a different location, up to a location that's near the wishbone on Village Lane and Pond View Drive and that requires some change in the design by the engineers. He was in favor of the change and that was his recommendation to the Board.

Motion by Selectman Massey, seconded by Selectman Nadeau, to approve Amendment #2 for the Otarnic Pond Cooperative Water and Sewer Design and Construction Engineering Services contract with Clough Harbour & Associates in the amount of \$11,600: the total contract for the project equals \$99,300 with this amendment.

Selectman Maddox said he was having a problem with why a town employee had to figure this out and not the engineering firm, who has already been paid \$90,000. Why would they put the town in that position? Mr. Sommers said they didn't; he put them in that position. Selectman Maddox asked if he, Mr. Sommers, put them in the wetlands buffer. Mr. Sommers said, at the time, he thought that was the best location. In fact, Jess Forrence didn't see it at the time, either. None of them did when it was a conceptual design. Now that Jess saw this and felt it was a better idea, he ran it by Mr. Sommers, who agreed after he reviewed it, saying they ought to spend the money now to do it, rather than at change order time, when it would cost even more. Chairman Jasper said better to say something needs to be changed rather than stick with something that isn't right.

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

Chairman Jasper declared at recess at 8:40 p.m. The meeting resumed at 8:50 p.m.

D. **Selectmen's Meeting Dates for 2008**

Motion by Selectman Massey, seconded by Selectman Maddox, to approve the 2008 Board of Selectmen's meeting schedule, carried 5-0.

E. **Petitioned Zoning Articles**

1) **Change R1 Zone to R2 Zone, 51 Burns Hill Road, Map 211/Lot 40, owned by Bonnie LaVallee**

Motion by Selectman Nadeau, seconded by Selectman Robinson, to forward the petition to the Planning Bd.

Selectman Robinson said this was a statutory commitment on the Board's part to send this through; it does not mean the Selectmen are in favor or against it. It's just doing the work they are assigned to do. Chairman Jasper said this was the subject of some discussion earlier in the year, trying to figure out why the three lots on west side of Burns Hill Road that were zoned differently than the rest. Finally, the actual action by Town Meeting was found, but initially, it looked like the zoning map was wrong. Thankfully, it was not, but it did take a little bit of research.

Vote: Motion carried 5-0.

2) **Rezoning of Green Meadow Golf Course out of G-1 Category Zoning**

Chairman Jasper said a legal opinion on this item was distributed separately to the Board.

Motion by Selectman Maddox, seconded by Selectman Robinson, to notify the petitioners that the petitioned zoning amendment for the Green Meadow Golf Course is unclear in its intent and should be clarified by a revised petition amendment, stating what zoning change they wish to see for the property and further notify the petitioners that the Green Meadow property will most likely be exempt from this proposed zoning change, as provided by RSA 676:12 VI.

Selectman Maddox said this petition asks that the parcel be zoned to "anything else," but you can't go from G-1 to "anything else." And they need to be made aware that, because this is before the Planning Board in its status right now, this most likely could not happen anyway. Both of those should be brought to the attention of the people that brought this forward. Selectman Massey said if the motion were changed, the property, because it's currently under Planning Board review, would have a legally non-conforming use, at that point. They would still be able to go forward, even if the zone got changed. Selectman Maddox said because it is



before the Planning Board, it cannot be changed. Chairman Jasper and Selectman Robinson said that was their understanding, as well. Chairman Jasper said the petitioners should be aware that, since this is one piece of property, there likely would be a protest petition, and under a protest petition, where an owner of a certain percentage of land affected can put in a petition that would then require a ¾'s vote to pass. Since there is one owner, they can be sure there will be a protest petition, and then that would up the standard to actually the zoning to, he thinks, 75%.

Vote: Motion carried 5-0.

Chairman Jasper said this petition, then, would not be forwarded to the Planning Board. Mr. Malizia said the legal opinion said to forward it, but notify the petitioners. Chairman Jasper said it's up to the Board, but how can this go to the warrant? The Planning Board can't pick the zone. He didn't understand the Attorney's rationale. If by some miracle it passed, what would they do? He didn't consider this to be in proper form. Selectman Maddox said that's why they are giving them notice. They can bring it back, simply by changing it to R-2, or whatever they wish to change it to, and then the Board would forward it on. Chairman Jasper said to be clear, maybe they should have a motion not to forward it, finding that it is not in proper form to effect a zoning change. Selectman Maddox didn't think that was the Board of Selectmen's determination. That would be up to the Planning Board. Mr. Malizia said that can't make that determination if it's not forwarded to them.

Chairman Jasper asked if the Board wanted to forward this to the Planning Board, or sit on it until the 12<sup>th</sup> of December, the last day that zoning petitions can be accepted.

Motion to table this until 12/11/07 by Selectman Nadeau, seconded by Selectman Robinson, carried 5-0.

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

**Selectman Nadeau** said the Chamber will be having their holiday silent and live auction on December 6. See Brenda at the Chamber for tickets, which are on sale until Friday. Proceeds will go to charitable organizations in the Hudson community. One of which, this year, is St. Vincent DePaul Society.

**Selectman Massey** said during the budget hearings when the Trustees of the Trust Funds appeared before them, it was explained that the professional services was being supplied by a relative of one of the Trustees. He asked, at that time, if the Trustees considered that a conflict of interest, and the answer was no. Since that time, at least one individual has asked about that, and he has been thinking about that and it troubles him. In the absence of any process by which this contract was awarded, it does represent a conflict of interest.

Motion by Selectman Massey, seconded by Selectman Maddox, that Chairman Jasper meet with the Trustees of the Trust Funds to ask them to consider the process by which they award this contract, to remove any appearance of a conflict of interest, carried 5-0.

**Selectman Maddox** said the Board received notification from DOT that they have extended the Benson's train depot relocation/restoration project. He asked what the plan was. Are they going to be in this same position next November, asking for another extension? Who is going to take this project on? What are they going to do with it? He understands it will cost \$300,000 to renovate this train depot for some use, such as a welcome center or for Benson's memorabilia. They will be in the same position if they don't make up some sort of plan very soon where they are going with this. Chairman Jasper said until such time as the town has title to the property, they are not going to do anything with that. Until they get this mess cleaned up with the state, it may sit there for another year, and at the end of next year, they may ask that the grant be extended again. The state probably wouldn't care if the town wanted to sink money into that, not knowing whether or not they were going to own it, but he's not willing to do that. They can hold on to the money until they are ready to do something. It makes no sense for it just to go away.

Selectman Maddox asked if there was a plan that, if the state miraculously said Benson's is yours next Tuesday? What would they do with it? Is there a plan for quotes to have it renovated? What is the plan? Chairman Jasper said there certainly were estimates, which are meaningless at this point because it's so many years out. They would have to start the process when that happens. Selectman Maddox asked if it was their intention that the train station would reside at Bensons. Chairman Jasper said yes, and a location has been picked. It is his understanding that the state has approved a location to a different spot on the site. (Microphone distortion.) It's on the site of the John T. Benson's house.

Selectman Maddox said the Benson's Committee has been on hiatus, but he wondered what the plan was. He could see them sitting for another year, letting it deteriorate. Are they going to put the tarp back on? That kind of thing. Chairman Jasper said, at this point, no one is willing to put any time or effort into this because, as he told the Commissioner, they are just waiting for all of the roofs to collapse and then they can just buy the property and not have to worry about the buildings. The state isn't willing to move off the dime, at this point. He had someone in town who berated him about his comments about not willing to put money into the barn, saying he didn't know how much it was going to cost. He told that person if they wanted to have someone look at it and give a price, go ahead. So they did, and came back with a price that he was right--\$500,000 easily on that barn. He didn't think a majority of the people in town were willing to put \$500,000 into that barn, for which there is no good use. It might be good to keep, but not for \$1/2 million.

Selectman Maddox asked the Chairman to expound on his earlier comments about Benson's. He made it sound like the Board's recent letter was kind of ignored. Chairman Jasper said the letter where they asked that Hazleton Barn be subdivided out, if they were not willing to take the standards off of that, the state's position was that preserving those three or four buildings was part of the reason they were selling the land for \$188,000. The town had always thought it was because of the restrictions placed on the land, and the buildings just came along for the ride. The state's position, now, is a little bit different. Once he has a copy in hand from the state, he can go to the Governor to ask what they were going to do about this. The state doesn't have the money to preserve the Franklin Pierce Homestead, which they had to close down because the floor was falling in. This isn't a particularly historic barn, at least not on the level of the Robert Frost Homestead or anything like that, but there is total disconnect between reality. They could put vinyl siding on that barn and that wouldn't prevent anyone in 50 years from doing a total restoration of it. But if they don't do anything with it, it won't be there in 50 years. But there is that disconnect.

Selectman Maddox thanked the Chairman. He was of the mindset that he still wanted to buy the land and open it up for the citizens to use for passive recreation, but they can't do that because they are handcuffed to the buildings that just aren't worth saving. He guessed they'd have to wait as it goes through the agonizingly slow process. He thought it was fascinating that the town got this letter back within a week.

①Selectman Maddox said Mr. Martin was in this evening and one of his issues was the lack of police manpower. They have two officers on the warrant, but even if that warrant article passed, it will be a year from now before that happens. He asked that the liaison to the Police Department request from the Chief what could be done now to put two more officers on C Squad January 1. He knows it will have impacts, but there is a problem that has been clearly stated. Do they just sit and wait until something happens? They've seen the problem; they've heard the problem. How do they address it? Waiting for another year for, possibly, getting two officers out there... he hoped the Board would, at least, ask the Chief to explain to the Board why it couldn't be done, or what the impacts would be if he had to pull people from other resources. He asked if the Chair would like that in the form of a motion. Chairman Jasper thought the liaison understood the request.

①Selectman Maddox said he wanted to go on record as voting in opposition to the Senior Center. It was not him that abstained. He didn't think that adding \$1 million addition on to an empty building made sense. He knows the hard work put in by Selectman Massey, and he thanked him for that, but he just didn't see the feasibility part of that whole process being done, highlighting why the existing kitchen wouldn't work, why they couldn't use the existing office space. As much as he probably would have been smarter to go along with it, he voted against it.

**Selectman Robinson** said, as he alluded to earlier, there is a member on the Recycling Committee who has not attended three consecutive meetings, so he was asked to bring the matter to the Board of Selectmen.

*Motion by Selectman Robinson, seconded by Selectman Maddox, to declare vacant the seat on the Recycling Committee held by Jean Serino, as she has missed three consecutive meetings, as voted by the Recycling Committee at its meeting on 11/26/07.*

Selectman Massey said typically, his experience has been that after somebody has missed three times in a row, a letter is sent to them saying that failure to come to the next meeting is prima facie evidence that you no longer choose to be on the committee and it will be recommended to the Board of Selectmen that you will be removed. Did the Recycling Committee notify Ms. Serino that if she didn't appear, she was going to be removed, or was it just the three missed meetings? Selectman Robinson said Mr. Bernard communicated to her that she was in jeopardy of losing her position, at which time she stated that she asked the committee night to be changed because it conflicted with her television schedule.

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

①Selectman Robinson said the last cleanup day of the year was this past Saturday, with an average turnout. Because the leaves are slow to fall this year, the Road Agent has suggested they open up the landfill on 12/8, weather permitting. He would be doing leaves and cardboard only, at no cost to the town, other than \$200 or less, from 7:00 a.m. to 2:00 p.m. Even though there is still one bag leaf day, there are a lot of leaves out there and a lot of folks with trailers and trucks that would love to haul them to the dump one more time.

*Motion by Selectman Robinson, seconded by Selectman Nadeau, to instruct the Road Agent to open up the landfill on 12/8 between the hours of 7:00 a.m. to 2:00 p.m. for the purpose of limiting it to leaves and brush only.*

Selectman Maddox said Selectman Robinson originally said cardboard. Selectman Robinson said that was an error; it was leaves and brush only. Selectman Massey thought it was worthwhile, but his concern is people are going to read that it's open and they are going to show up with their trailer full of other materials that are usually accepted at the dump. Are they going to be turned away. Selectman Robinson said yes. Selectman Massey said then they better have a pretty big public relations blitz to let people know that it's brush and leaves only. Otherwise, they are going to have an awful lot of unhappy residents showing up to complain they didn't read the fine print.

Chairman Jasper asked when the last date the landfill was open was. Someone said last Saturday. Chairman Jasper said he was opposed to the motion because it was not the Road Agent who requested or recommended this; he only agreed that it could be done but it was Selectman Robinson who asked him if it would be possible. Selectman Robinson said he got an e-mail from the Road Agent, which he passed over to the Chairman, saying he should read it before he goes off on a tangent. Chairman Jasper said he was clarifying it because he spoke with the Road Agent on the phone about it. After reading the e-mail, he said this was written by Selectman Robinson himself. Selectman Robinson said no, it was cut and paste. Chairman Jasper said what the Road Agent wrote was, "I don't mind doing it." That's not a recommendation. Selectman Robinson objected, saying it was not his request, but the Road Agent's. If he had not gotten that e-mail, he would never have brought it to the Board.

Chairman Jasper said then the Road Agent wasn't being honest with him, because the Road Agent told him he didn't mind doing it when Selectman Robinson asked if it could be done. What the Road Agent said was, "I have received a couple of requests to open up one more Saturday in early December. I don't mind doing it." The leaves were all down a couple of weeks ago. It's a bad precedent and he thinks they are going to have a lot of trouble with a lot of people bringing in stuff that doesn't belong there. They should stick to the schedule; people have to plan ahead. He had his leaves done two Saturdays ago. The oak leaves are the only things not down, and they don't come down till January.

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

Selectman Massey asked that the Board's liaison work with the Recycling Committee to make absolutely certain that between now and that day the word is out in town you will be turned away if you bring anything other than leaves or brush because they are not geared to do anything with the other stuff. There won't be the recycling bins there to take it, etc. Selectman Robinson said he'd be happy to work with the Road Agent, not the Recycling Committee, on that one.

①Ordinance 317-17 prohibits parking on town streets between the hours of 11:00 p.m. and 7:00 a.m. from 12/1 until 3/30 and prohibits parking from interfering with snow removal.

**Selectman Jasper** said the Board approved the tentative agreement between the Police, Fire and Town Supervisors' Assoc.

Motion by Selectman Maddox, seconded by Selectman Massey, to approve the tentative collective bargaining agreement with the Hudson Police, Fire and Town Supervisors Association and to send the tentative agreement to the warrant.

Selectman Jasper said this was a three-year agreement, with a total cost of \$223,043 that covers 26 people. The tax impact is .03 per \$1,000 in '09, .03 per \$1,000 in '10 and \$.02 per \$1,000 in '11 for a total impact of the contract of \$.08 on the tax rate. It is 3% COLA and there are step increases, which total about \$50,000 of the nearly \$1/4 million. Currently, they have one person in the bargaining unit making over \$80,000 a year. At the conclusion of this, they will have 14 people making over \$80,000 a year and several more bumping right up at the \$80,000 and four who will be just below \$90,000. He cannot support this contract. They keep giving percentages and the gap keeps growing. At the end of this contract, the lowest paid person will be making just under \$44,000 and the highest will be making about \$90,000. They have created a situation where people are making twice as much as somebody else, even within the same bargaining unit, let alone what's going on in the town. This should be unacceptable. They've got people in a three year contract going from \$68,000 to \$83,000. It's an awful lot of money being given to individuals in a three-year period, so he cannot support this. He will not be able to present this in a positive light to the Budget Committee, so somebody else will have to present it. He will present it, but he will not be enthusiastically able to talk it up to them. If the Board directs him to vote for it, he will, but he will not be an enthusiastic advocate for it.

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

As a result of that, there are two previously non-affiliated people who have been pulled into that bargaining unit, so warrant article C has to be changed from \$31,000 to \$24,379.

Motion by Selectman Massey, seconded by Selectman Robinson, to send revised warrant article C to the warrant, carried 5-0.

Chairman Jasper received some correspondence from a constituent this week about the town's failure to accept credit cards for paying sewer, water, taxes, etc. He did some research and in 1994, the State of NH did authorize towns to collect using credit cards, if it was approved by the voters at town meeting. It allows the adding on of the cost associated with doing that. He asked the Town Clerk to look into it and he has asked the Town Administrator to have the language drafted. There are still a lot of questions that he didn't want to go into tonight. He just wanted to let the Board know they'd be discussing putting that warrant article forward, at some point. He thinks it is a good idea. This person said if he'd been able to pay his fees this way, he'd have gotten 25,000 bonus points on mileage. As long as the town collects the fees, it's something they should look at.

Selectman Robinson asked what towns were including a surcharge to collect the fees. Chairman Jasper didn't know who he'd ask and if that was really relevant. Selectman Robinson said they were receiving information on creating a warrant article for adding fees on to a MasterCard or VISA bill to recoup the percentage they would lose on a transaction. Chairman Jasper said it's more than that; there are details that he didn't want to get into tonight. He just wanted to let the Board know he was looking at it. State law allows them to recoup fees, if they do it. The Town Clerk was looking at what it would cost to set it up, how they would do that, what the fees would be. She does have the whole package from Nashua, but he hasn't directed anyone, nor would he want to send someone out to look at what everybody else is doing. This is about Hudson and making them whole. If people want to use a credit card for convenience, then they shouldn't expect anyone else to subsidize it. He's not sure what Selectman Robinson is looking for. Selectman Robinson said he's in retail and the cost of doing business of a credit card, he's never known to be passed on to a consumer. If the state allows them to do it, he'd be interested in knowing how many other towns do pass on that fee to the residents or consumers. Chairman Jasper said if you're paying a \$10,000 tax bill, for convenience, and there is a 3% fee, there isn't any community that's going to say yeah, we'll take that off. The town has to collect 100% of the tax warrant; they cannot discount because they're being charged by the credit card company. Any town that does this, does do this. This is why state law authorizes towns to collect the fee because you have to collect 100% of your warrant. It's not an option. The only real question is there's a couple thousand dollars of other fees that are added in there and if they would collect that other thousand and how that would happen is the real question, not the three to five percent, or whatever it is. Selectman Robinson said he'd wait to see what the packet says. Chairman Jasper didn't know if they wanted to put a lot of staff time in seeing what other communities are doing because this isn't about what other towns do; this isn't about selling a product; this is about convenience for people who want to use this method. The fees would have to be disclosed to them at the time they use it and they would decide whether they wanted to pay by credit card or not.

Selectman Maddox said it wouldn't be a bad thing to know if other communities are doing it to, at least, get some of the pratfalls and mistakes they've made. Doing a little research wouldn't hurt them to find out what the other towns found out. Chairman Jasper said they are working with Nashua, and they wouldn't find any more pratfalls from some other town. Selectman Maddox said he was happy with that.

Chairman Jasper believed they were all disappointed in one way or another with what happened with the warrant article for the Community Center, and they know it's coming back, so it's not a dead issue by any stretch of the imagination. He was bothered by a number of things, some of his own failure to think things through, at the time, in a quick fashion. He was able to ruminate on a few things and became more and more disturbed about the process that they went through and how they got to where they got to a couple of weeks ago. He laid some of the blame on Selectman Massey, who said he hoped he got a rebuttal. Chairman Jasper said he would have that opportunity. They had a warrant article, the language of which was brought up earlier by Mr. Martin. That was to determine the feasibility of renovating and making additions to the Community Center. While they could argue about the RFP and all of that, the legal controlling authority was the warrant article, which is what the voters authorized. Last week, Selectman Massey even said this was not an addition because if it was, they'd have had to make it ADA compliant. It clearly is a stand-alone facility. If you take away the walkway, the building has nothing to do with the Community Center. That's a problem in and of itself. If the Seniors and the committee felt it was not feasible to do the renovations and the addition to the building, for whatever reason, *that was the end of it; it was over*. The determination of the report was that it was not feasible to do additions and renovations to the building. That's the real problem. Yes, Selectman Massey gave the Board an update in October, but there were no real discussions—and Selectman Massey is better than anyone else on the Board to come in and give all the details of things that are going on that he's liaison to. This year, he did a particularly good job in telling them about the water tank; he's done that with pumping stations, but he didn't do that with this issue until the end, and by the time he came in, it was too late. The report was written. It was done. If he'd have come in at some point and said they'd determined they were not going to put an addition on that building, but were looking in another direction, they could have had a productive discussion at that time. That's his criticism of Selectman Massey and the fact that he should have had his eye on the ball. Selectman

Massey was such a stickler for the animal control facility versus whatever it was called before, so that level of confidence of Selectman Massey being such a stickler made him (Chairman Jasper) take his eye off the ball on this because he never dreamed this was going to come to fruition. The other thing is that Selectman Massey has been a representative to the Planning Board and served on the Planning Board and the parking is critical. Even if it isn't an issue with voting, it is an issue that they have a facility there now. What are the parking requirements? He asked that those calculations be done. The parking requirements were 121 spaces; they had 124 spaces and they took a quarter of those away. They sent the Library to the Planning Board. They send pump stations to the Planning Board. Selectman Massey had to know this one needed a review by the Planning Board, and they had the proper number of parking spaces. In theory, by adding square footage, parking spaces would need to be increased, so that part of it really is not right. And to say they'll worry about the parking later, well, Selectman Massey is a much better planner than that. He knows that is part of the package. He thinks they can create some parking spaces there, but some people are just looking at the dirt area that they're already using for parking in elections. No, that doesn't solve the problem. They do need to look beyond the 124. They need to look at what they have available there. Why did they do this? They did this because they took away from the Seniors something they had. What did they have? They had a big room during the summer that they used, and that's the only reason. If the kids went away, they never would have had this. All they really needed to look at was finding them a place to put 100 people. Did they lose the kitchen? No. The kitchen is still there. They are not cooking in the kitchen. It's Meals on Wheels. What their requirements are, he didn't know, but of course they don't need two industrial grade kitchens in that one building. They didn't have to have a rec room. They didn't lose the office. They didn't work within the footprint, but got this plan to build beyond the problem they were trying to solve which was how to accommodate 100 Seniors in the summer, and all they really needed was a big room with a couple of bathrooms. Now they've got this quagmire that is very unfortunate because everything is in turmoil. It's unfortunate. He didn't like where it is. He very much wanted to see them do that addition. The architect said they'd have to put that 43' water diversion on that. No, not if they just followed the eaves out and came within whatever the sq. footage was. This is unfortunate for a lot of reasons. He's not looking to blame Selectman Massey for what happened; he's looking to point out that the process failed, and it failed probably because he (Chairman Jasper) didn't ask where they were during the process. A lot of things went wrong, which resulted, unfortunately, in a lot of unhappy senior citizens and he didn't see an easy solution. If this goes forward and passes, it still is, in his opinion, got to go to the Planning Board and he didn't know how it would pass muster. Where is the site plan? Where is the engineering coming from? This was not ready for the warrant, in his opinion. They should have done more. He asked Selectman Massey if he wanted to respond at this point.

Selectman Massey said he didn't intend to defend because it's not necessary, but he wanted to put some facts on the record. In April, after the warrant article passed, the Board of Selectmen discussed what the RFP from an architect would include. At the time, the requirements were listed as an assembly hall with 200 people, a kitchen, a rec room, a lounge and two offices and storage. The discussion centered around the fact the 200 people was too much. After talking with the Seniors, he came back and that number was changed to 100. The Board voted five to nothing. Yes, he knows the Chairman, during that time, said that he wasn't comfortable, but in the final analysis, when the vote was taken, he voted with the majority, five to nothing, to set the requirements for an addition, *an addition*, which automatically meant that there was going to be a question, and he thinks they even talked about it at the time, there was the potential for parking spaces being lost. Any addition was going to cause parking issues and the Board voted at the first meeting in July to set the RFP for a building that would have a 100-person assembly room and a total of 50 people that could occupy a kitchen, a stand-alone kitchen, an office, a lounge, a game room and storage, and that's what the architect was asked to come back with. At the time, the discussion was it was crazy and impractical to set a square footage if you didn't agree on what the building would be used for. So the agreement that the Board reached was that the RFP would describe what the project was going to be. Yes, it's true that it said "addition," and the committee charged that to the architect, to look at the alternatives and one of the alternatives was, obviously, you can put an addition on, and the addition would include all of those requirements that this Board, on a five to oh vote, asked them to do. Also, during that time, it was always indicated that the timeframe was such that they would be looking at having a warrant article to discuss on the first meeting of November, so that's not a surprise. The Board was fully free to reject the separate building with the connection via a portico and go with the addition that was attached to the building, but that was never discussed that night, to reject the separate and go with the stand-alone. He has no problems with somebody that says it costs too much. That's an objective decision that everybody has to make. He has no problems with somebody saying that there's too much parking taken away, but don't every let anybody think that this Board, as a Board, five to oh, voted to sent to the architect what came back in the form of a schematic. If you think that it's OK to do an addition that's attached to the building, you're fee to put that back on the table. Could they have done things better? Always, but he certainly told the Board, at least two weeks before they acted on it, that they were looking at three alternatives and the alternative they were probably going to be recommending was the separate and he got no feedback that night, either. It still doesn't matter because the night the proposal was put before the Board, the addition attached to the building was there and there was never any discussion about that being the one that should go before the voters. It is what it is. He has absolutely no idea what the seniors are really up to; he hasn't made it a point to ask them. He suspects they are doing a petition, but if they are, they're not getting any help from him, and he assumes they won't get help from the rest of the Board. He told them the night after the Board voted two to two with one abstention that he wouldn't be able to help them, if they wanted to go down the petition road. Whatever they do, they're going to be doing on their own.

Chairman Jasper said he voted for that motion, as they all did, but from the July 24, 2007 minutes, he said it was important to look at the long term, keeping in mind the 2,300 sq. ft., which may change, and it all may fit there and they may say a storage room isn't necessary, and they continue to use the back, but something they have to look at. If it's adjacent there, they can simply put up a wall in the back of that room that gave them the storage facility right there. They've got to be flexible in how they do this. Those are the things the building committee needs to look at. If the footprint gets too big because of the storage room, they could consider another option. Maybe the other room could hold 40 people instead of 50; things like that. He voted for it with the understanding and with his clear opinion that they had to keep the sq. footage down and things could be looked at. If Selectman Massey had said they were absolutely going to come in with a building that holds 100 people, and 50, and have offices and absolutely has these things, he would have voted no. His understanding was they were going to be looking at this in that manner. Shame on him. He should have voted no, but he thought they had an understanding of where they were going and what the purpose was. It's water over the dam, at this point, but he never envisioned what came out of there. He didn't have a recollection of Selectman Massey talking about the stand-alone facility, but he knows he said that after reading the minutes of the 23<sup>rd</sup>, but it was done at that point. If he missed it at some other point, he apologized because if he ever realized that, he certainly would have said something at the time.

©Tax comparisons with other towns. Selectman Jasper said he received from the Assessor some data. People are always complaining about taxes, but there is some good tax comparisons that people need to be aware of. Looking at the average

assessment of Nashua, Hudson, Pelham, Londonderry and Derry, the town of Hudson has the lowest taxes by far. The average tax on the average assessment is \$4,554 versus a high in Derry of \$6,293 and everybody else is at least \$600 ahead of Hudson. On the median, it's \$4,192 and everybody else is at least \$600 ahead of Hudson, with Derry at \$5,843. Hudson does a very responsible job and a lot of credit needs to go to the Budget Committee over the years for keeping their eye on the total ball of the town and school. They are the only ones who can do that, and they have done a remarkable job. The town's services and education system are second to none of those communities and he's sure that everyone will be vigilant to see that the taxes are kept down. When people call or write in about how terrible the taxes are, they ought to take a look around and see what the reality is because they'll find out that Hudson really is the best game in town.

Gas & Diesel costs. Chairman Jasper said he had mentioned earlier about the gas and diesel costs. For some reason, when they were doing the budgets, he had it in his head they had already budgeted at \$2.50 last year and they were at \$2.15. The reality is they are seeing gas prices that are actually much higher than that right now. As of November, they were paying about \$2.60 for gas and \$2.97 for diesel. It's foolish to go forward with the \$2.15 in the budget for both. It was brought up because it was realized that those were unrealistic numbers and to recommend that the Budget Committee increase the gas numbers—the diesel from \$2.15 to \$2.97 and the gas from \$2.15 to \$2.60. To do that, they need to add an additional \$69,393. He had a couple of other scenarios prepared, but he didn't think they were realistic: \$2.15 to \$2.55 for everything is \$46,215; to \$2.65 for everything, it's \$58,000 but that's under what they are actually paying and he didn't think they would see anything in the future that would bring the prices down.

Selectman Nadeau asked if they should just put \$70,000 into contingency for fuel. Chairman Jasper said it's a lot easier to put it into the budget. Otherwise, they'd be doing transfers all the time. If they start taking money out of there, they could keep an eye on it, but he didn't see it going beyond that. They could certainly do that, but it would be a pain in the neck because all of the transfers would have to be made by the Board of Selectmen to the individual line items by motions in an open meeting. The effect on the taxes is the same, but they need to deal in reality on this. The big departments aren't going to have the places to find this kind of money.

Selectman Maddox agreed with Selectman Nadeau; he's much rather see it go into one fund, "Fuel," and be able to deal with it, if they need to. Who knows what will happen? They're talking about FY09, which is 18 months from now. They could make one transfer, if that's the case, but it would stay out of that department's budget.

Selectman Massey said he was going to take a totally different tact. They all live by budgets and everyone gets hit with unexpected expenses. He just got his oil bill for December and it's \$100 more than it was last December. He didn't have more income, so he's going to have to make some choices this year as to things he does and doesn't do. This is one of those cases where, given the uncertainty with the economy for the next year, they should just bite the bullet and manage the number they have in there right now and as they get towards the end of the year, if they are running into trouble, they have the contingency fund to deal with. He will not support putting any more money into the budget. This is one of those cases where the people out in tax land would be saying hey, I have to do it; you need to do it, and they would be right. He will not support putting any more money in the budget. They have to bear down, bite the bullet and manage it over this year. That's what they get paid the big bucks for.

Chairman Jasper said while he doesn't disagree, when they are faced with the situation is when they make the tough choice. For instance, they will decide not to recommend one of the police officers, or they will decide not to recommend something else. The Board asked the departments to come in with a zero growth budget; there isn't a lot to remove. You start cutting services and people. The problem is with \$69,000 it's going to be April-May when they get to the point when they realize they have a problem and trying to identify \$69,000 of other things to cut doesn't really work. If that's what they want to do, they need to identify those cuts now and say they are not going to do them now. There isn't any real hope the gas prices are going to come back down to \$2.15. This is working pretty good for the people selling the oil. Why would they want to go back down? They haven't done anything to cut consumption, or screamed and hollered and the Chinese are continuing to demand more of these resources. They can put their heads in the sand, and just say this is the cost of doing business. They just approved a contract for a quarter of a million dollars for 26 people, and with the fuel prices, he didn't really get it.

Selectman Robinson said, if his math is correct, they have a 40% increase in diesel and a 25% increase for gasoline. The prudent thing to do is what Selectman Nadeau and Selectman Maddox suggested, to support those line items in order to keep the fire trucks, ambulances and police vehicles going. He was in favor of budgeting it someplace.

Selectman Maddox said he couldn't agree with Selectman Massey. Yes, they have to make choices. By putting it into a fund the Selectmen will have control of in May 09, which they are talking about. Maybe they might have a mild winter over the next two years and prices will drop, but not having it in there... what he didn't want to see is to cannibalize maintenance of facilities and vehicles, like has happened in the past, to where they will pay even more, downstream, for things that need to be fixed.

Motion by Selectman Maddox, seconded by Selectman Robinson, to request the Budget Committee to put in an additional \$70,000 in the Selectmen's contingency fund, specifically for fuel.

Selectman Massey asked if the maker of the motion would change it to a line item specific, so that it's not part of the contingency. Mr. Malizia said he could put it into the Selectmen's 5940, and whatever the gas line is, in a contingency area. (Talking over each other.) Selectman Maddox said he didn't care how they did it, as long as it's marked specifically for fuel. Selectman Nadeau moved to amend the amount to \$60,000 but there was no second.

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

#### 10. **NONPUBLIC SESSION**

Motion by Selectman Maddox, seconded by Selectman Robinson, to enter Nonpublic Session under 91-A:3 II (c) Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting; (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 9:58 p.m., ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. Open session was entered at 11:21 p.m; no votes were taken.

**11. ADJOURNMENT**

*Motion by Selectman Robinson, seconded by Selectman Maddox, to adjourn at 11:22 p.m., carried 5-0.*

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