

HUDSON, NH BOARD OF SELECTMEN
Minutes of the October 23, 2007 Meeting

1. **CALL TO ORDER** by Chairman Shawn Jasper at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** led by Selectman Rick Maddox.
3. **ATTENDANCE**
Selectmen: Shawn Jasper, Ben Nadeau, Ken Massey, Rick Maddox and Doug Robinson.
Staff/Others: Steve Mallizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Kathy Carpenter, Finance Director; Shawn Murray, Fire Chief; Sean Sullivan, Director of Community Development; Rob Sousa, Code Enforcement Officer; Toni Weller, Library Director; John Knowles; Elaine Brody; Arlene Creeden; Linda Kipnes; Jane Bowles; David Jelly; Howard Dilworth, Jr; Tom Tollefson, HLN
4. **PUBLIC INPUT**
Certificates of Appreciation were awarded to Jess Forrence and Thomas Ricker, as 20-year service employees of the Highway Dept. Although they were unable to be present, Chairman Jasper read the following into the record:

Jess Forrence started at the Highway Department in 1987 as a truck driver/laborer, assigned to the Sewer and Drains Division. He was promoted to Assistant Foreman, then Sewer and Drains Foreman, and finally to his current position of Highway Supervisor. During the Road Agent's absence, Jess is responsible for the Highway Department. He also does snow plowing in the winter. He supervised the planning and construction of the Glen Drive sewer district, as well as the installation of the water meter pits at Sullivan Road and Adams Drive. Jess was born and brought up in Hudson and has been a life-long resident. He is an avid fan of all New England sports. He has one son, Jess, Jr., and his fiancée's name is Jean.

Tom Ricker started at the Highway Department in 1987 as a truck driver/laborer, assigned to the Sewer and Drains Division. One of his responsibilities is to maintain the sewer and drains video inspection equipment. He also plows snow during the winter months. Tom is a team player and is always willing to pitch in and help, wherever he is needed in the department. He lived in Hudson, prior to moving to Deerfield, where he currently resides with his wife, Dee. They have two children and two grandchildren.

There was no response when Chairman Jasper asked if anyone in the audience wished to address the Board on any issue.

5. **NOMINATIONS & APPOINTMENTS**

6. **CONSENT ITEMS**

No items were removed for separate consideration.

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

- A. **Assessing Items**
Current Use Lien Releases, Sparkling River Condo Site, Map 156/Lots 6-32, 6-33, 6-35, 6-45, 6-47, 6-48, 2A, 2B, 6B Doveton Lane/8A, 10A and 10B Taunton Lane, Sparkling River, LLC, w/recommendation to approve.
- B. **Water/Sewer Items**
REF. No. S-08-02, S-GLN-08-01, Quebec 5 Parkhurst Drive, M/L 205/072, Acct #6400/4387
- C. **Licenses & Permits**
 - 1) Raffle Permit by B Naturals, during the month of November at Alvirne, donations from local area businesses
 - 2) Outdoor Gathering Permit for a Chili Fiesta on June 7, 2008 at the Hills House on Rte. 102, from 11:00 – 3:00
 - 3) Raffle Permit by Alvirne HS Friends of Music for 6/7/08 at Chili Fiesta; various prizes.
- D. **Acceptance of Minutes**
 - 1) Board of Selectmen's Meeting of October 9, 2007
 - 2) Board of Selectmen's Meeting of October 15, 2007 (budget presentations)
- E. **Calendar**

10/24 7:00 Library Trustees in BOS Mtg. Rm.	11/14 7:00 Planning Board in CD Mtg. Rm.
10/25 1:00 Trustees of the Trust Funds in BOS Mtg. Rm.	11/15 7:00 ZBA in CD Mtg. Rm.
10/25 7:00 Open Space in BOS Mtg. Rm.	11/15 7:30 Budget Committee in BOS Mtg. Rm.
10/25 7:30 ZBA in CD Mtg. Rm.	11/19 6:30 School Board in BOS Mtg. Rm.
10/26 6:00 – 9:00 Fright Night at Community Center	11/19 7:00 Conservation Commission in CD Mtg. Rm.
10/29 9:00 a.m. School Board in SAU Office Bldg.	11/20 7:00 Budget Committee in BOS Mtg. Rm.
10/29 7:00 Recycling Committee	11/20 7:00 Cable Committee in CD Mtg. Rm.
10/31 6:00 – 8:00 Trick or Treat Hours in Hudson	11/21 7:00 Library Trustees in BOS Mtg. Rm.
11/05 6:30 School Board in BOS Mtg. Rm.	11/21 7:00 Hudson Sr Council on Aging in CD Mtg. Rm.
11/06 7:00 Board of Selectmen's Wkshp in BOS Mtg. Rm.	11/22 Thanksgiving Holiday—Town Hall Closed
11/07 7:00 Planning Board in CD Mtg. Rm.	11/23 Thanksgiving Holiday—Town Hall Closed
11/08 5:30 Sewer Utility in BOS Mtg. Rm.	11/26 7:00 Budget Committee in BOS Mtg. Rm.
11/08 6:30 Recreation Committee @ Rec Center	11/26 7:00 Recycling Committee in CD Mtg. Rm.
11/08 7:30 ZBA in CD Mtg. Rm.	11/27 7:00 Board of Selectmen in BOS Mtg. Rm.
11/12 Town Hall Closed for Veterans' Day	11/28 7:00 Budget Committee in BOS Mtg. Rm.
11/13 7:00 Board of Selectmen in BOS Mtg. Rm.	11/29 7:00 Budget Committee in BOS Mtg. Rm.
11/14 5:00 Water Utility in BOS Mtg. Rm.	11/29 7:30 ZBA in CD Mtg. Rm.

7.

OLD BUSINESS

A. Votes taken after Nonpublic Session on October 9, 2007

Motion by Selectman Nadeau, seconded by Selectman Massey, to change the job title for Kathy Wilson from Administrative Aide II to Human Services Specialist and approve the updated job summary for this position, as recommended by the Finance Director, carried 4-1.
Selectman Maddox voted in opposition.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to place the position of Human Services Specialist on the range with a starting step 1 of \$18.72 and an ending step (5) of \$20.42, as indicated in the Admin & Support contract, as of 7/1/07 and to place Kathy Wilson at Step 2, \$19.12 of this range, effective 10/14/07, as recommended by the Finance Director, carried 5-0.

Motion by Selectman Massey, seconded by Selectman Robinson, to hire Daniel Conley as a full-time police officer, 10/28/07, with a starting salary of \$19.78 per hour, in accordance with Police Union Local 3657, as recommended by the Chief of Police, carried 5-0.

Motion to adjourn at 10:47 p.m., by Selectman Maddox, seconded by Selectman Nadeau, carried 5-0.

B. Carry-over items from Budget Presentations

Town Administrator Steve Malizia recommended discussion the default budget, which had been calculated for FY09. Similar to every other year, they take last year's town-approved operating budget and make certain adjustments, either one-time expenses or recurring expenses that the voters have approved. When everything was said and done, the default budget is proposed to be \$27,187,616.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to approve a default budget of \$27,187,616, carried 5-0.

Mr. Malizia said when the budget was discussed last week, they had put some numbers in for the town's health care costs. They had budgeted 12%, which was an average of the last four years' increase in the premiums. He was happy to report that it came in at only 1.2%, which has yielded \$176,837 worth of savings to the operating budget. Because the Board did not approve a number to start with, they have rolled it into the department head column, which they would do every year. Bottom line, they just saved \$176,000 for the town. He wanted to point that out because that's not information they had on Saturday. Taking that into account, the Finance Director prepared a packet that shows them where they are at—it shows the operating budget, as proposed and it shows the warrant articles that have been forwarded by the Board. Currently, the town operating budget would have a tax rate impact of \$4.40 and all the warrants added up would be 26¢ for a bottom line of \$4.66. The warrants include things such as the Pelham Road dam, the fire utility truck, two police officers and various raises for non-represented employees. On the Supervisors' Union, it looks like the number is going to be \$78,000. They had put in a place holder of \$100,000. The Board also received a document from the Fire Department relative to overtime in response to questions the Board had asked last Wednesday. The Chief was in the audience, if anyone had any questions.

Selectman Nadeau said the memo from the Chief indicated that from July 2006 to May 2007, the town was billed approximately \$91,000 to the Litchfield residents for emergency services and transport. The next line said, "the town of Hudson also receives a subsidy from the town of Litchfield, based on a percentage of the emergency calls." He asked what the percentage was. Chief Murray said it was based on a formula; based on a percentage of ambulance responses made by the Hudson Fire Department to Litchfield, compared to the total ambulance responses made by Hudson Fire during the billing period. Depending on what the annual budget figure is, that is used to calculate that. He referred to Attachment 4, and said if you follow down through the years, you see what the percentage is, which will vary, depending on the number of calls. Chairman Jasper said if he was reading this correctly, for that period, which is 01/01/06 to 12/31/06, they received \$30,112.05, in addition to the amount billed to the patients. Chief Murray said that was correct. Attachment 5 shows what they brought in in ambulance revenue from transporting them. Chairman Jasper said you add those two together and come up with \$121,000 for providing the ambulance service to Litchfield. It appears the calls have gone down, noting that the subsidy has gone down over the years. Chief Murray said it also adds in the \$2,500 dispatch fee that they charge.

Selectman Massey said they were seeing this for the first time tonight and he was having difficulty trying to digest it all, but on his first pass, his understanding was that they increased and built up the call force in order to have coverage for major incidents. If that was correct, and his reasoning was right, then they should see less overtime, certainly in call back, because if they are bringing in the call firefighters, why would they need to call in full-timers? If they are calling in full-timers instead of call firefighters, why would they need call firefighters? The call firefighters are up \$25,000. Chairman Jasper said the call force hasn't been built up; the Chief is attempting to do this, but the tone is the same. They put out a coverage tone that is not selective as to who comes back. He didn't think there was any way they could legally do that. Selectman Massey asked if people were sent home if they were not needed. Chairman Jasper said generally, the dispatcher will announce when the station is covered and there's no further need. Selectman Massey said the suppression overtime is down 2,000 hours compared to FY08. That would suggest to him that last year, it was 10,000 and if they used the average of \$30 times 2,000 hours, that's \$60,000 difference, yet they are seeing only a \$5,000 difference in that account. He didn't understand that if they drop by 20% why they wouldn't have seen a bigger decrease than \$5,000. Chief Murray said with all due respect, he can't sit there and try to work the numbers, based on the numbers Selectman Massey was arbitrarily using. He didn't understand where he was pulling the numbers from. What they have in front of them is what the Hudson Fire Department has been spending for overtime. His numbers came directly from the MuniSmart system. He was trying to show the Board that he was managing the overtime. The Board negotiated a contract with the union that they were not going to be allowed to build up all this earned time. By setting maximums on the earned time and paying them out at the end of the year, they save that many hours that they don't have to use to cover their shifts any more. This is a historical perspective and trend, which can be confirmed by the Finance Director because it's coming directly from them. The only solution to overtime is, in the future, if they staff to a level where he can establish a minimum staffing level to get so many people on duty and then if they drop below that, they don't fill the positions. Unfortunately, overtime is a necessary burden, and he showed this to the Board a couple

of years ago. They are an emergency services organization. Firefighters don't work 40 hour work weeks. They work on an average of 48. They have FLSA regulations they've got to go by, so he's at a loss. The figures before them are the historical trends.

Chairman Jasper referred to Attachment 2 of the handout, saying he thought he could see where Selectman Massey was coming from. It shows in the first column, Estimated FY08 says, in hours, 15,671 and that translates to \$413,728. The Estimated FY09 hours are 13,574 which is a reduction of about 2,100 yet the dollar difference is only about \$5,000 so somewhere in there there is a calculation error because that comes up to only a little over \$2.50 an hour. There is some sort of an error because that cannot be right. Chief Murray suggested they have the Finance Director look at it.

Selectman Maddox referred to Attachment 4 and, again, since they are just seeing this for the first time, maybe they are not all following along. Under 2006, it says ambulance calls, ambulance only, Litchfield calls, 242 out of the total of 674 and asked if only a third of the calls to Litchfield were ambulance calls. Mr. Malizia said Hudson is their dispatch center; they don't always go there. Selectman Maddox said he can't believe they have that many fire calls; he's just asking. Chairman Jasper said the ambulance calls are subtracted from the 674 and that would give all the rest of the calls, which wouldn't necessarily be fire calls. They go out to the landfill to the incinerator a couple times a week. In terms of getting at the particulars with the numbers, that's something they should look at in a separate format. The Chief gave them the breakdown in overtime, but there's one area where there was an obvious mathematical error, but his budget is what it is.

Selectman Robinson said right, wrong or indifferent, this is how he is looking at the overtime in the Fire Department and all of the other departments in the town. Given that in 2007, whatever fiscal year it was, they had a bad winter. They had to add help, make sure the roads were safe, they had to take care of business. When they went out and did the fiscal budget for the next year, it appears as though the actuals carried that emergency money into the next year, so they budgeted, essentially, for the FY08 what they spent in FY07, thinking they could have another storm, or whatever. Looking at apples for apples and oranges for oranges, the Police Department hasn't added any more personnel. Their overtime since 2005, actual, to the budget for this year, has gone down 4%. Apples for apples, same number of people in the department. Fire Department—same number of people in the department, apples for apples, the overtime budget has increased 15.79% in the town of Hudson. The Public Works Department, apples for apples, has gone up 1.2%. So, for some reason, the Fire Department, there is a disparity with the amount of overtime increase and he was trying to rectify how that happened. His only thinking is that because of that storm in 2007, they carried those numbers over, so that is what he is challenging on the overtime budgets. Do they really need to carry that much money forward? Chief Murray said the way he looks at overtime and the way Selectman Robinson or Selectman Massey or the rest of the Board looks at it doesn't agree with his calculations, so he suggested that the Finance Director should do his overtime budget and come back. Now, he's hearing he has a 15% increase. That's not what he came up with. This is never ending. Everyone looks at numbers differently and you can't compare emergency services, the Fire Department to the Police Department. They have the same amount of people, correct, but the Fire Department has more people responding on emergencies. If he is fully staffed for a full year, he can live with his overtime budget, but if one person goes out on illness or long term disability, then it throws everything off. Last year, they had the floods and they were lucky to get federal money back to cover some of the overtime costs. If they didn't have the floods, his budget would have been stable. But he can't predict floods, fires, etc. During one budget year, he told the Chairman if he could tell him when they were going to have a fire up at Burns Hill, he'd have them there 15 minutes before and 15 minutes after. While his budget is expensive, he didn't think it was out of control. It has been managed better than it has in the past few years and, as the old saying goes, numbers don't lie. He suggested the Finance Director look at it and come back to the Board tell them where his figures are wrong.

Selectman Robinson said that was an outstanding idea. In fact, she has already done that with the document he handed out last Saturday, entitled, "FY09 Proposed Budget, Overtime Analysis," going back to FY05 actuals, FY06 actuals, FY07 actuals, FY08 budget, FY09 budget. What the Chief is asking for, Selectman Robinson already gave him, with his hand scribbling on it, on Saturday. They have the document in hand, and those are the numbers.

Chairman Jasper said Selectman Robinson had to look at a couple of things. The actuals are up about \$6,000; the budget is up about \$5,000 on overtime for patrol. He has never been happy with the amount of money in fire suppression in overtime because it's a huge amount, but they have to remember that the Chief inherited an overtime budget that was in the vicinity of \$1/2 million. So, the 346 and 364 are probably substantially under what was actually available in the budget. In looking at FY07, it's higher than he is requesting and FY08 is higher than he is requesting. He is actually requesting less money than he spent and less money than he has, in all fairness. There are some issues they can discuss with the Chief off budget, but it's not entirely fair to sit there and say he's up by 15%, if you're not comparing apples to apples. They are coming down hard on a guy who may have saved them money in those years. In a three year history, the Police Chief is up a little bit, but the Fire Chief is down a little bit.

Chief Murray said, with all due respect, Selectman Robinson presented numbers to him on Saturday. He didn't have those numbers, either. He didn't know what angle they were coming from, or what the rationale was. He presented actuals. In Attachment 1, from 7/1/06 to 6/30/07, those are his overtime code figures that is keyed in and that is what he is spending weekly. That is the accumulation of all the overtime funds they've used, and that goes through Finance. A lot of those hours are what he's requesting for the 09 budget. Past history will show that oftentimes what they end up getting is less than what they requested. Selectman Massey said he would applaud the Fire Chief because when he first came on the Board, the overtime in the Fire Department was a serious bone of contention with the Budget Committee and, in fact, they were making serious cuts. In looking at it, he realized where the difference was. The 15,671 hours were priced out at \$25.33 an hour. The 13,574 hours were priced out at \$30.12. He was having a hard time understanding how the price went up \$5 which is almost a 20% increase. He asked where that comes from. Chairman Jasper said the Finance Director will have to take a look at that. The Chief can't come up with those numbers sitting there, but obviously, the numbers aren't adding up. Selectman Massey said they do add up if you use the different rates. The \$413,728 is reflective of a rate of \$25.33 an hour. The \$408,848 is reflective of a \$30.12 rate. He knows they are using averages, but he needs to understand how they went from \$24.33 to \$30.12 in one year. That's the issue. Chairman Jasper said that is an issue that needs to be explained, but for the purpose of what they are doing tonight, they were looking at a budget of \$408,000 compared to last year's budget of \$413,000.

Ms. Carpentier said in 07, the Chief's actuals spent was \$422,000. Assume everyone got a 3% raise, and a lot of the force got a step increase because they got their certification, or whatever, so the salary rate is increasing. He (not discernable) be increasing the \$422,000 by \$36,000 if he just (not discernable), instead he's going down to \$408,000 so that's \$60,000 right there. She has not reviewed this in detail, but she'd be more than happy to, but he's trending down. Also, he's hired two new firemen, so the force is increasing.

Chairman Jasper said there wasn't a motion on this issue, so they could move on. Selectman Massey asked if this was going to be resolved because he wasn't prepared to vote on a final budget until he understands how they priced out the labor approximately 20% higher than last year.

Motion by Selectman Robinson, seconded by Selectman Maddox, to reduce Cost Center 5730-105 Fire Suppression Overtime from \$408,849 by \$20,000 \$12,000 to \$388,849 \$396,849.

Selectman Massey said he'd vote against this, not because he thinks it's not the right number but because they don't have enough facts. The Chief very well may have a legitimate reason why he has increased the average per hour cost by 19% and until he understands that, he can't support a cut because he has cut 2,000 hours. He should be commended for that. On the other hand, if the pricing is where the issue is, they should correct it before they go to the Budget Committee. Chairman Jasper said they have to move forward with the budget tonight in order that it gets to the Budget Committee. If there are errors, and the Board would like to bring forward a number because there have been errors discovered, they can do that. The Budget Committee is always receptive to correcting errors that move things in a downward fashion. That has never been a problem. In terms of how he votes on this motion, that's neither here nor there, but they do need to pass a number on tonight. They know the motion; they know the usage. The question is on the cut of \$20,000.

Selectman Nadeau wanted to amend the motion. Chairman Jasper preferred staying away from amendments to the second degree and asked what the amendment was, should the vote on the table fail. Selectman Nadeau said he was not comfortable with the \$20,000 amount, but would like to decrease it by \$12,000. Chairman Jasper said he wasn't going to support either motion, not because they don't need to get a better handle on overtime, but he thinks that should be done through policies and procedures, not by an arbitrary cut. They need to sit down and talk to the Chief about how he covers what and what they can do to accomplish those goals. They haven't done that to this point. He is pleased that there is so much interest in doing that because this is a problem he has seen. The number is down from what it was and the Chief has been working diligently over the years to do that and he shouldn't be punished for doing that. Selectman Massey said he was going to abstain because he didn't have enough information to make the decision. He's not questioning the hours. The Chief has done a significant job in doing what the Board has asked him to do over the next three years. It's the average price of the hours that is his issue and he just needs to understand how they went from an average price of \$25.33 to an average price of \$30.12 for all of the hours.

Selectman Robinson amended his motion to \$12,000; Selectman Maddox agreed.

Vote: Motion carried 3-1. Selectman Jasper voted in opposition; Selectman Massey abstained.

Selectman Robinson started to make a motion that any department who feels they need to exceed their amount of funds budgeted in their overtime accounts must... Chairman Jasper said this wasn't the appropriate format to do that. Moreover, they have the ability to expend the funds they have within their budgets, so the motion is not in order at this time. Selectman Robinson said the Chairman didn't know what the motion was. Chairman Jasper said the first part of it was out of order because they are doing budgets and if he's not doing an increase or decrease at this time, it's out of order. He can, however, attempt it later in the evening.

Selectman Massey referred to the revenues page and said item 4334 Construction Inspection Fees and asked if they were changed on the document they were just given. Ms. Carpentier said they were not. Selectman Massey said they were using \$10,000 in FY2008 and they are now using \$20,000 compared to an actual in 07 of \$20,500. He asked if they were talking about a slowdown in construction costs, were they being overly optimistic on that number? Ms. Carpentier said she budgeted that number, based on the actuals. Chairman Jasper asked Community Development Director Sean Sullivan to answer the question. Selectman Massey said part of the reason he was looking at that number was because he was looking for 4313, Planning Board fees, which were reduced from last year. Mr. Sullivan said it was an anticipated revenue. Selectman Massey said they budgeted \$45,000 for Planning Board fees for FY08 which was dropped by \$20,000 for FY09. Mr. Sullivan said he didn't generate those numbers and thought those fees were expended by Engineering that they charge back to the development community, primarily for the Civil Engineer/Inspector's time. He couldn't defend that number, saying the Finance Director put it in there. A little later on the agenda, he was proposing a change in the Community Development fee structure a 10% anticipated decrease in new housing starts. There are several roads that have been approved by the Planning Board that are in the process of seeking acceptance. Hopefully, those would be completed by the end of FY08. He could work up the numbers with the Finance Director, if the Board wanted him to. Selectman Massey didn't think, at this point, it would make a big difference, so he'd pass on that.

Selectman Massey asked, in looking at 4840, 4841 and 4610 for FY08, if those were the actual numbers that they received. He asked if the DRA has certified the numbers yet. Ms. Carpentier said she has an appointment in Concord on Thursday. She received an -mail that those were the numbers, so they are pretty accurate. Selectman Massey asked about 4201, Motor Vehicle Permits. Ms. Carpentier said historically, that number has been increased by about \$200,000 a year. That was a very conservative increase. Selectman Massey said he wasn't looking to increase it. He was concerned that given the economy, that may be an optimistic number. They'll know when they set the tax rate. Mr. Malizia said for the 10 years he's worked here, that number has gone up. In the old days, they really used to lag behind—the probably budgeted about a 400K difference. They would budget a number and come in 400K higher. That has been tightened up considerably through the Budget Committee process. What KC did was say, "through the budget process last year, they budgeted \$4.2 million; I'm not going to budget anything more than \$4.2 million," so it's a flat number. Historically speaking, and every year he has worked here, it has been "bad times," and that number has gone up. Take that for what it's worth. People move to town, people register cars and

people drive. That's just what they do. Selectman Massey said the last item on the revenue side was 4703 Interest on Investments. In 07, they had \$714,000; they only budgeted 300 this year, and they are now doing a \$600,000 again. He asked if there was any evidence the \$300,000 was low for this year. Mr. Malizia said several years ago, they were in a bad investment climate, pulling in under 200, so that number really skyrocketed last year. When they did this budget, they didn't have the evidence to pump up the 08 budget, but the 09 budget does show an increase. They were in a poor interest climate for quite awhile. Chairman Jasper said, unfortunately, the number is down from the actual. They didn't have as much to invest and keep using the surplus and it sits in this line.

Chairman Jasper recognized the Director of Community Development. Mr. Sullivan said he was present tonight to ask the Board to reconsider a vote they took about a week ago regarding the position of Code Enforcement Officer. He passed out a document for the Board, which outlined the Code Enforcement Officer's duties. Mr. Sullivan said if the position is eliminated, there will be a decrease in the level of service that the Code Enforcement Officer currently provides. From January 1 to today, there have been 166 code enforcement actions taken by the Code Enforcement Officer. He heard Selectman Maddox loud and clear last week, when he held up the report and said some of those were removing signs, and he didn't disagree, but he does direct the Code Enforcement Officer to do that on a regular basis. One example was the day of town meeting. On his way into work that morning, driving up 3A, he gets off Exit 2 at the Sagamore Bridge and there had to have been 75 signs from the bridge to the Community Center. Some business in Nashua was having a going out of business sale. He was appalled, so he called the Code Enforcement Officer at home and asked him to come in on that Saturday because of those signs, and it was an important day for the town. As soon as he got into the Community Center, two or three people told him they saw those signs, and they were equally appalled. By the time town meeting was over, the signs had been removed. Although it sounds like a minor issue, on that day, it was a pretty important one. And that's something they do on a regular basis. They don't get every sign on every street corner, but they make the effort to do so, and the Code Enforcement Officer gets that direction from him, the Director, because the appearance of the town is important.

Mr. Sullivan said code enforcement efforts include, but are not limited to, routine patrol of the town on a regular basis in an effort to remedy existing zoning violations. Approximately 65% of the time spent on this task. This money alone, 10 code enforcement actions have taken place. Also on a regular basis, this position conducts building, plumbing and mechanical inspections when the caseload exceeds the ability of the Building Inspector/Health Officer. So there is an uninterrupted level of service to residents and businesses, this position also conducts inspections when the Building Inspector/Health Officer is out on vacation, is ill or for job-related seminars or meetings. As an aside, the Building Inspector/Health Officer has been the president of the Health Officers' Association of NH and he attends conferences out of town, on occasion. The Code Enforcement Officer also conducts compliance inspections for conservation properties owned by the town or open space, with conservation easements. The position has become responsible for stewardship of conservation properties, and works hand in hand with the Conservation Commission. They walk the properties, document them, and note any violations. If it's an abutting property owner, as they had in the south end of town one year, they work with the person to remedy the violation. They continue to inspect it to see they have lived up to their word. That's a level of service routinely conducted by the position. The Code Enforcement Officer also attends court hearings to testify and provide evidence about ongoing zoning violations. That would occur after they have exhausted every local remedy to the zoning violation. Mr. Sullivan likes to attend as many of those hearings as he can. It means spending hours in hour, preparation, meeting with the Town Attorney, multiple site visits, pictures taken on the morning of the court hearing, etc. Significant amount of time goes into the preparation in order to win in court, and their track record over the last several years has been good. Percentage-wise, they are in the 80%-90% success rate. Additionally, the position attends site walks with the Town Attorney, the Community Development Department staff, sometimes the defendant and, at times, the judge. The position also has special projects assigned to it by him, the Director, such as the Riverwalk plan coordination. A couple of years ago, they were trying to piece together the map and the segments they could get some budgeting numbers for. NRPC had originally proposed the grant that funded the preparation of the Riverwalk and, essentially, that was done by employees who were here prior to his employment, and the position pulled the pieces together, put the map together and kind of regenerized the Riverwalk plan. This position is also involved with enforcement of automobile sales, with the NH Highway Patrol. This is an important subject matter. He strives to prevent Hudson from becoming the used car capital of NH. There are fewer cars on street corners than there were seven years ago. They are very stingy making recommendations to the Department of Safety. If someone does not have a retail business location with an approved site plan from the Planning Board, they don't have the right to sell a car anywhere in town. Some people may call that rigid, but he calls it enforcing the law and trying to keep appearance of the town at a level the Board would expect. This position also assists the Highway and Fire Departments for specific cases that ranges from wetland encroachment to fire prevention to window sizes. That may seem silly, but that is an important element to the Fire Department in terms of egress.

Continuing, Mr. Sullivan said this position also records all ZBA decisions at the Hillsborough County Registry of Deeds. It may not sound like a big deal, but it is a very big deal. If someone has a permit issued, that permit must be registered in order to be legally enforced. If it's a variance, it will run with the land and it has a significant impact on the functionality and potentially the value of a person's property. The permits that the Zoning Board of Adjustment issues includes a wide variety, some of which come with a series of conditions, and someone has to go out to ensure those conditions are met and maintained—and that's something this position does. As importantly, this position provides customer assistance, both on the phone and at the counter. Oftentimes, this includes mediating between residents who are having a land use dispute. Sometimes people think they can help them, and they strive to do that, but after they gather the facts, sometimes these are, ultimately, a civil issue. Sometimes when they have both parties at the counter who are in disagreement with each other, they do the best to keep the peace and try to tell people what the rules are. That's some of the additional duties this person does, in addition to code enforcement duties. If the position is cut, it will be absolutely impossible for the Building Inspector/Health Officer to conduct 166 code enforcement actions. It just can't happen physically. There is a certain level of service the Hudson residents are accustomed to in the town, in terms of inspections., which would decrease. He is sure the Board would be hearing about complaints, even when they are out with their families, whether it's at the ball park or at a restaurant. He'd like to try to avoid that. He heard them loud and clear last week, but hoped some of these items would help change their minds. When the Building Inspector/Health Officer is out, the inspections don't come to a halt. To maintain the level of service, they stagger vacations and do the best they can to keep people healthy

and they get the job done timely and fairly. Being down one person will make it very, very difficult to provide that level of service. Therefore, he respectfully requested that the Board reconsider their vote from last week.

Chairman Jasper thanked Mr. Sullivan, saying he was disappointed he didn't make this presentation last week. He heard that Mr. Sullivan felt he knew where the votes were going, so he sat there. Chairman Jasper assured him he had no idea where his vote was going because he didn't know until Mr. Sullivan didn't provide any rebuttal. He felt that if a department head wasn't going to defend a position, then he couldn't defend it with his vote. Mr. Sullivan, last week, made a grave tactical error by being silent. They'd see where this goes but, for the future, he hoped Mr. Sullivan does as other department heads do and defend what he has asked for. There is a serious problem when someone asks for something as is not able to defend it.

Selectman Robinson thanked Mr. Sullivan, said that was a good presentation in revisiting what the job was, but asked for some numbers, asking what the job has done for the town of Hudson, speaking specifically to the 166 issues or lawsuits—something on a larger scale than picking up signs. Maybe that would add a little more teeth to the sheet. Mr. Sullivan said there was a request by an applicant at 5 Grace Drive. There was an issue where the property owner had purchased a piece of property, sought to construct a single family structure in the wetland conservation district, which is strictly prohibited. The Conservation Commission held a hearing and recommended the ZBA deny the application, which they subsequently did. They then proceeded to court and, with the help of the Code Enforcement Officer, the Town Attorney, and the Conservation Commission, won. The Supreme Court sided with the town within the last two months, which is a huge win for the town in terms of the wetlands ordinance, which says you cannot put a structure within 50' of a wetland conservation district, which is not only a body of water, but any other wetland characteristic, whether it's a plant or materials. Another case on 106 Kimball Hill Road, where someone took the wheels off a tractor trailer and called it a storage trailer, much to the chagrin of folks who reside in the neighborhood. After a culmination of code enforcement efforts, they took that to court and lost in Superior Court. Judge Hampsey said he could keep it. The town took it to Supreme Court, with the help of the Code Enforcement Officer and Town Attorney, and after several months of legal maneuvering, the decision was rendered that someone could not have a tractor trailer in your back yard and call it a shed. That, too, was an important victory for the town because on the outskirts of town, a lot of people attempt to do that. Not only is the ordinance upheld, they have legal standing because they have a recent Supreme Court decision that will help them enforce that type of zoning violation in the future. Not only were they successful with the Supreme Court, but they were also awarded fines and penalties and attorney's fees, which equates to \$11,000 which they also have a judgement for and are in the process of collecting. There is another case that is the result of several years of code enforcement efforts on Rte. 111 and Lawrence Road, where there was a structure erected on a lot where site plan approval had not been obtained. The ZBA determined that site plan approval would be required. The applicant was notified of that decision, attended the hearings and was given every opportunity to supply the Planning Board with a site plan, but failed to do so. Ultimately, the town filed a complaint with the court. He was served by the sheriff and within two weeks of getting his notice of service, he removed the structure, which eliminated the need for him to go to the Planning Board. However, the town expended some money prosecuting the case. Even though they never had a hearing, it still cost money for the attorney to prepare, to get scheduled on the docket, to meet with the judge to say they were going to have a resolution, so they were seeking the funds back for prosecuting that case, which amounts to about \$4,000. Selectman Robinson thanked him, saying these were enough.

Motion by Selectman Robinson, seconded by Selectman Massey, to increase Cost Center 5582-101 from \$51,989 to \$101,989.

Selectman Robinson said that, going forward, the Community Development Director has some clear understanding as to what the Board of Selectmen are looking for from this cost center. The Community Development Director will assign the appropriate responsibilities to the individual who will be in that department so the communication coming from the Community Development Department will be appropriate to what the Selectman are looking for on all reports coming forward.

Selectman Maddox said when he made the motion to cut the money from the budget, he was doing it looking at a position and looking to cut money from the budget. It was his fault that he did not set a target so that was some of the problem, but he started off with this position, as he is going to make several others within the town. As you look at it, it is a want, not need. By cutting this position out, yes, there will be some reshuffling, some need for other people to pick up some things, but that happens every day in the real world. At 16 items per month, it's like \$277 and action. He just didn't see the value, and that's what he was driving at when he started this--the value in this position. They needed to make some cuts. Unfortunately, this was one of very few. He asked that they maintain it.

Selectman Robinson believed that the value of that department may have been misdirected as to what the Board is looking for. As the Community Development Director just expressed with the three lawsuits that have come before the town, there has been a significant benefit and value to the town, both legally and as a place to live in the town of Hudson. As long as his cost center is managed properly by the Community Development Director, he has no problem with reinstating the funds.

Ms. Carpentier interjected that with benefits and taxes, it is \$75,380. Selectman Massey said that's the total amount of money they deleted. Does that mean they didn't take out any insurance benefits. Ms. Carpentier said the motions are usually made to delete an amount from the salary line, and then ask her to take out the rollups. Chairman Jasper said the only motion the Board acted on was to take out the \$50,000 which represented the position. The Board then directed KC to take out all the rollups. The motion is to put back the \$50,000 and if the motion passes, then all the rollups will be put back in, which includes insurance, which equals the \$75,000. Selectman Massey said they will be putting in less than \$75,380. Chairman Jasper said yes, it will because the insurance rate is different. That's why they don't get into the specifics when making the motion. As he stated, he voted for the motion originally because there was a lack of defense of the position. After hearing the other side of the coin tonight, he felt differently. The Board may have issues on how much they need this position and how much it does. During the course of the year, they need to really begin to understand what it does, what they want it to do and if they need to make changes to what the position does, then they need to do that. If, at the end of the year, the Board doesn't think it's necessary, that they haven't accomplished it, there will be the ability to take action, such as this. He is not comfortable not knowing who will pick up the responsibilities. At the time, the didn't appear there was any problem because Mr. Sullivan, unfortunately, didn't give the

Board that information. There would be an awful lot of people screaming if there was no code enforcement. With 166 action items representing 65% of the job—he needs to understand that a little better, but he knows that if there are 166 things that aren't getting done in this period of time, there's going to be a lot of upset people, so he will support the motion.

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

Selectman Massey said they needed to make two offsetting motions and moved to decrease 5582-105 Salaries Overtime by \$2,866 because they put money in. Mr. Malizia said that was already there. Selectman Massey said they put \$2,866 into the budget. Mr. Malizia said not for that; they put that in for the possible upgrade of the Building Inspector. That's a different action, not overtime. Selectman Massey said he had two changes that they made. The \$10,000 to Other Services and the change of \$2,866 that they made to the 101 account. Mr. Malizia said Mr. Sullivan asked for four or five items, and one of those was money for the Building Inspector to possible discuss some upgrade to the position. Selectman Massey asked for a clarification from the Finance Director because he believes they added \$2,866 to 5582-101, Salaries Full-time. Ms. Carpenter said that was correct, based on an additional the Community Development Director asked for. With benefits and taxes, it is \$3,335. Chairman Jasper said they didn't make the correct motion last time. It should have been just to add the \$50,000 back in there, so the record should reflect that previous action and not the new motion of \$101,989.

Motion by Selectman Massey, seconded by Selectman Robinson, to amend Cost Center 5582-Line Item 252, Other Service, from \$92,440 to \$82,440, a decrease of \$10,000.

Selectman Massey said the Board put that amount in because they took the other monies out. This was intended to be an ability to go to outside, if they needed coverage. It's only appropriate they take it back out, now that they've restored the funding for the other position.

Vote: Motion passed 5-0.

Motion by Selectman Robinson, seconded by Selectman Massey, to submit to the Budget Committee, the Selectmen's operating budget in the amount of \$26,426,005.

Chairman Jasper asked the Finance Director what this would represent in the tax rate. Ms. Carpenter said if all the warrant articles the Board put forward passes, the town's tax rate would be \$4.67 which would represent a 23¢ increase, or 5.4%. Chairman Jasper asked about just the operating budget. Ms. Carpenter said \$4.42 a decrease of 2¢. Selectman Maddox asked if that was reflective of the recycling reduction. Mr. Malizia said yes, that should be in there. That's what they discussed with Road Agent Burns—the number that was advanced and he didn't believe any changes were made to that number.

Vote: Motion carried 3-2. Selectmen Maddox and Nadeau voted in opposition. Chairman Jasper said that's the first time he's seen anybody voted against a budget that had less of an impact in town.

Chairman Jasper called for a 10-minute recess at 8:20 p.m. and stated that without objection, they would change the order of the day to take up the Library's issue immediately upon his reconvening the meeting at 8:30 p.m. There was no objection.

8. NEW BUSINESS

A. Land Use for New Library

Chairman of the Library Trustees, John Knowles, said it was a pleasure to come before the Board tonight, adding that he couldn't say that it has always been a pleasure. Last year, the Trustees brought forward a proposal to build a new town library and they were grateful to the Selectmen for supporting that, in particular, because they authorized the use of a piece of property on Route 102 between Alvirne and Hills Garrison Schools. Unfortunately, that proposal didn't get enough votes at town meeting. However, recently, two gentlemen, Phil and Al Rogers came forward and offered the Trustees an unbelievable donation that will allow them to build a new town library. So, they were back to ask the Selectmen to reauthorize the use of that land. The plan is essentially the same, except they now have the money to do it.

Motion by Selectman Maddox, seconded by Selectman Robinson, to renew the authorization for the Library Trustees to use the parcel of town-owned land on Derry Road, adjacent to Alvirne High School as the site for a new Hudson town library.

Selectman Massey said he didn't hear a termination date. Chairman Jasper said there isn't one. Selectman Massey said whatever it was, he wanted to make sure it was out far enough.

Vote: Motion carried 5-0.

B. Liaison Reports

Selectman Massey said before they go to Liaison Reports, they needed to finish the budget. Chairman Jasper said they already did. Selectman Massey wanted to visit an item, not in the budget, but the warrants. Selectman Maddox said they didn't cover the warrants. Chairman Jasper said he'd allow Selectman Massey to do that under New Business. They are off the carryover items. The warrant articles have all been forwarded. If anyone wants to revisit any of those, they could take them up under Other Business and the motion can be made to reconsider.

Chairman Jasper said he'd like to stay away from motions in Liaison Reports unless they relate exactly to the report. The motions should be made under Other Business.

Selectman Nadeau did not have anything to report.

Selectman Massey said the Senior Addition Building Committee has been building on a regular basis over the last month and a half. They finalized on October 17 the fit and finish components of the building. On October 24, the committee met and finalized the alternative. There are three being proposed. Alternative One is a flat roof, separated from the building, with a small passageway between the two. The second alternative is that same structure, but with a peaked roof instead of a flat roof. The third alternative is the building physically attached to the existing building. On the input from the architect, the cost of putting a peaked roof is going to be more expensive than a flat roof, and the cost of attaching the addition to the building is going to be more costly than the flat roof separated. The committee has instructed the architect to come back, and they will be meeting again tomorrow to finalize and look at the final numbers. He will be sitting down with the Town Administrator as soon as they get those final numbers to look at the different budget options, so they would know what the town would have to raise and appropriate, if the article were to go to the warrant. The plan still remains what it did at the beginning, to have all of the materials in the hands of the Board of Selectmen the Thursday before the 13th. If they have it earlier, he'll make it available. They will have a presentation of the recommended alternative, a discussion of the two alternatives that were not used in preference for the lower cost option, and then a discussion on the Board's part about whether to approve and move it to the warrant. They are still on target and a lot of work has been done with the architect.

In the Police Department, he'd like to recognize Officer Dan Dolan, who happened to be participating in a physical ability test at the Londonderry High School. A Londonderry firefighter paramedic was part of that team and was competing in a 1.5 mile run and collapsed. Through the efforts of Officer Dolan, who had a defibrillator available, they were able to bring the firefighter back and he was transported to Parkland Medical Center and is now recovering. The quick action of Officer Dolan and the reaction team is why this firefighter is alive today, because they had ready access to an on-site defibrillator. He recognized Officer Dan Dolan, who is going to receive his second life saving award, probably done at the time of the swearing in of the new officer. Congratulations to Officer Dolan.

Selectman Maddox did not have anything to report.

Selectman Robinson said Kevin Burns of the Highway Department said in a couple of weeks, after the leaves are down and they can see clearly in the Benson's property, he will go along the paved paths and create a walk-way, per the Board's instructions.

Selectman Jasper said he was trying to make contact with the Commissioner on Stop & Shop. On Benson's, he's still waiting to hear back from the state. If he ever does make contact with the Commissioner, he'll be talking with him about that, too.

C. **Fire Department Uniform Policy Change**

Fire Chief Shawn Murray said he was requesting a uniform policy change. The Captains and Lieutenants were wearing maroon polo shirts. When the vendor changed brands, they decided it was time to change from maroon to gray.

Motion by Selectman Massey, seconded by Selectman Robinson, to approve the change to General Order ADMN-21 Uniform Policy of the Hudson Fire Department, as recommended by the Fire Chief in his memo of October 8, 2007.

Selectman Maddox asked if this was going to be done all in one whack, or as the equipment moves through. Chief Murray said all at once, but there won't be any additional cost as it comes out of their uniform allowance.

Vote: Motion carried 5-0.

D. **Community Development Department Fees**

Community Development Director Sean Sullivan said the Board asked him to rework his fee schedule that he had brought to the Board in the spring, which was an across-the-board increase. They conducted some research of area towns of the method by which they base their fees. They discovered that there are two ways to figure out fees. One is a fee based on valuation. The only town in the region that used a straight valuation-based fee was Londonderry. The second option was a fee based on square footage of the proposed structure, and that is used in Hudson, Merrimack, Hollis, Amherst, Windham, Salem and Derry. There is one exception noted in his memo dated October 18. The Building Inspector felt strongly and recommended that the only exception would be the remodel/repair to commercial-industrial structures, where a valuation-based fee would be used. The International Code Council is a national body that conducts training and sends material throughout the year on a whole range of community development issues, mostly related to building construction. They suggest a goal of 75% recapture rate of the cost of providing building and professional services, so that was the goal that he had set. With that in mind as a basis, and with the understand that a square-footage value based fee would be appropriate, they ran the numbers in terms of revenue derived and expenditures made, and they came out with a deficiency of \$33,547.25. They started as a baseline using the square-footage based 75% recapture rate and came up with a deficiency. They took that deficiency and worked the numbers backward in a fair and equitable manner. He recommended to the Board that the fees be adjusted, as provided on pages six and seven of his memo. He also recommended initiation of a \$30 building application fee. That is something that a significant amount of other towns do. When people come in to drop off an application, they expect to pay a fee. Staff spends a significant amount of time, both in house and in communicating with other departments, in circulating and reviewing that application to make a determination whether or not it conforms with the rules, regs and ordinances. That service has been provided for free, but a \$30 fee is reasonable and would help bring them to the 75% goal, as recommended by the International Code Council. Additionally, a fee they don't have, and it is a service that requires the Health Officer to get in the town car, using town gas and on town time to provide an inspection of about 30 minutes for foster care inspection. Mr. Sullivan pinch hits when the Health Officer isn't available. They are recommending a \$50 fee for that service, and they have about 10 of them a year. Selectman Robinson asked for a definition of foster care. Mr. Sullivan said it's when a child moves in with a family, who may or may not be related, and before the State Office of Children will allow a family to take that child in, the town has to conduct an inspection, which includes a significant checklist, including the room and the refrigerator, to make sure the environment is healthy for a child. They go

through the structure and review for conformance the checklist, the structure itself and make a determination or recommendation to the state, if it would be in the best interest of the child to move into the home. Selectman Massey asked if that included adoptions. Mr. Sullivan believed that applied only to foster care.

Mr. Sullivan said there is a slump in the housing market. He saw on CNN that nationwide, the housing market, including new houses and existing inventory on the market, is at a 16-year high in terms of non-sales. Houses are on the market longer and there are fewer new starts. As a result of that, he anticipates about a 10% drop in new housing starts. They are clearly seeing a reduction of new subdivisions being submitted to the Planning Board, but there are a handful out there that have multiple units associated with them. Some have been approved prior to growth management; others will be approved in accordance with growth management. The fees that he is proposing are actual FY07 numbers. He met with his liaison, Selectman Maddox, about a month ago, and he was very interested in the approximate time it took to conduct the various inspections. The fees are modest and they tried to be mindful of the difficult economic times for everybody. If the Board were to approve the fees, the recapture rate would be at 77%, or 2% over the recommended goal.

Motion by Selectman Robinson, seconded by Selectman Maddox, to approve the changes to the Fees structure in the Community Development Department and send to a public hearing on November 13 at the Board's regularly scheduled meeting.

Selectman Massey referred to commercial electrical permits and asked if that fee includes the application, plus the inspection. Mr. Sullivan said that would be a one-time fee that the electrician is paid at the time. The \$30 application fee would only be for building permits, so the fee Selectman Massey mentioned was a one-time, flat fee on the day it is filed. Selectman Massey asked what triggered the inspection. Mr. Sullivan said the electrician will usually call for an inspection. If it's a new home, they won't schedule an insulation inspection unless they know the electrical inspection has taken place. Selectman Massey said it was still his considered opinion that an industrial facility is going to require a significant amount of time, if it's more than just looking at the box where the line comes in to the facility. Although in his lifetime, he didn't expect to see another printed circuit facility here, but that would have significantly greater requirements for electricity than a commercial facility. Any type of a plating operation would have significantly greater, because of the type—an industrial application that's using arc welding. He questioned whether the amount of time they would spend inspecting that type of facility shouldn't be reflective of the type of facility, as well as the anticipated amount. Mr. Sullivan said that was a good point, and he couldn't disagree, but when he talked to the Building Inspector about that, that's one of the reasons why they recommended the valuation-based for remodel or repair of an existing facility. There may be more of a value benefit to the town if they base the fee on the dollar value of the improvements which, in addition to the electrical fee, will pick up some of the compensation that it would take to conduct that building inspection. Selectman Massey said for commercial construction, they are going to be charging 30¢ per sq. ft. for the size of the building for a construction. Mr. Sullivan said yes, for something brand new. Selectman Massey said, at some point in time, they are going to come and pull an electrical permit, and all they are going to charge them is \$275 regardless of the type of facility it is. Mr. Sullivan said he couldn't disagree. Selectman Massey said, in his mind, for all the types of industry they are likely to see, that one should be looked at again as to whether or not there should be some type of a range, based on the type of facility.

Selectman Nadeau said he'd like to see a commercial/industrial/electrical section in there, too, kind of on the idea of what Selectman Massey was saying. If they are going to inspect, for instance, a new Wal-Mart that's going in, they are going to spend 30, 40 hours there, just for the electrical inspector. He didn't know why they are not charging more for commercial/industrial. Mr. Sullivan said he talked with the Building Inspector specifically about that, and he said that if the new facility was, for example, 60,000 sq. ft. and they based the building fee on \$10 a sq. ft. For the inadequacy of the electrical permit, it was his contention that the building fee would make up any inadequacy. At the end of the day, the coverage would be there. It's just what fee you associate it with. Selectman Nadeau couldn't see why they couldn't charge them both fees. Mr. Sullivan said they do; they charge both. He talked to Bill about Stop & Shop, who spent a lot time there. If you look at the electrical fee, it doesn't look like its reflective, but if you look at the fee paid for the building permit, any deficiency was made up in that fee, in terms of actual hours spent.

Selectman Maddox said he agreed with both sides in this issue. They want their commercial and industrial to get inspected. They don't want to make it too expensive to change a switch and two lugs, but he also didn't want them to have to rewire a 1,000 sq. ft. facility. There needs to be a break somewhere. Mr. Malizia suggested doing it on a time basis. If it's an hour, it's \$275 and for every hour after, it's \$175—or some other number. Mr. Sullivan liked that idea, but at the time they charge the fee, they don't know, and there are different qualities of work out there. Selectman Maddox said that's why he would suggest there be a fee for 10 devices or under for electrical and for commercial, and then 10 plus. Mr. Sullivan asked if that would be based on the number of devices, as well. Selectman Maddox said yes, that he agreed with his colleagues that they don't want to make it too cheap, nor do they want to make it too expensive and not get the inspections done that need to be done. He noted that the chimney permit was eliminated and asked who was going to be doing that. Mr. Sullivan said he talked to the Fire Chief about that and they reviewed their books. They haven't issued a chimney permit in about a year and a half. People aren't coming in to pull chimney permits. The Building Inspector will inspect them in the field, covered by the building application fee. If he has a question, he will check with the Fire Department and one of the inspectors will meet him on the site, and that goes vice-versa. They provide that service and it is, essentially, built into the building permit fee. It's conducted at the time the inspector is there.

Chairman Jasper said they should follow the recommendation of the Building Inspector, who has been out in the field doing these inspections for many years. They are charging for new construction and remodel/repairs either \$8 per 1,000 or the cost of construction at 30¢ per sq. ft. Using this room as an example, it won't take a lot of time to do an inspection because there are not a lot of outlets, but if a room is 10 times the size, or 20 times, a big open place, there might be a lot more electrical devices. What are you inspecting for that 30 sq. ft? A floor and a roof. The Building Inspector makes a good point. When they've got huge buildings, it may be a reasonable to say 30¢ per sq. ft. for a room of this proportion, but when you get into the vast open spaces in some of the big buildings, what are they inspecting? Not really any more time inspecting those structures because there's nothing there, expect open space. He thinks they can overcomplicate things by trying to come up with too many variances. He was satisfied with the proposed recommendations.

Selectman Robinson said if an electrical inspector were to go to a new Sam's Club or a new Wal-Mart or a new wholesale club out there, not only would he be inspecting receptacles and devices in the building, he'd also be doing the produce department, the freezers, the uprights, so there has to be something in there to allow for more time if it becomes more complicated, such as what Mr. Maddox was suggesting. Even though there are a lot of buildings out there without a lot of stuff in them, there are those that do, and are quite complicated. There should be something built into this system for that because he'll be there for days, as Mr. Maddox said.

Chairman Jasper said these buildings are the town's bread and butter. They don't cost anything for municipal services, per se—some police and fire, but they are paying an awful lot of money. Their assessments are in the millions, and they should be glad to have those facilities in town, such as Sam's Club, Wal-Mart, Stop & Shop, and they are paying a lot per square foot. They could just lump this altogether and say a square footage charge for construction is all they really need. They are getting a little carried away. This is the type of fee structure they've had in place through all the growth years of the town. Sometimes they can get more complicated on things than they need to be. He encouraged the members to talk to the Building Inspector before they go off and do things which they don't have any particular level of expertise on. They need to follow the recommendations of the people in the field who are doing the work.

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

E. Memorial dedicated to Claude Charbonneau by VFW Post 5791

Town Administrator Steve Malizia said the Hudson VFW has generously offered to donate a replacement flag pole in memory of Claude Charbonneau. It would replace the flag pole that's out in front of Town Hall, which has seen better days. In addition, there would be a small granite marker in honor of Mr. Charbonneau. The Road Agent has worked with the VFW to come up with this way of honoring Mr. Charbonneau's memory.

Motion by Selectman Nadeau, seconded by Selectman Maddox, to accept the offer by the VFW to donate a new flagpole for placement at Town Hall and an engraved granite memorial in memory of Claude Charbonneau, carried 5-0.

F. Grant Extension—NHDOT Transportation Enhancement Grant X-A000 (348)

Town Administrator Steve Malizia said the town has a grant from NH DOT for the train depot, which is currently located at Benson's. Last year, the attorney filed an extension because the grant was going to expire in December 2006. If no action is taken, the grant will expire December 2007. No action has been taken by the town because the town has not yet acquired the deed to Benson's.

Motion by Selectman Robinson, seconded by Selectman Nadeau, to direct the Town Attorney to request a project start date extension from the NHDOT for Transportation Enhancement Grant X-A000(348) for the relocation and restoration of the Hudson Train Depot, currently located at the Benson's property, to December 31, 2008.

Selectman Nadeau asked if they should change the date to 2009, so they don't have to go through this again next year. Chairman Jasper thought they should take it a year at a time, and doubted if they would extend it that long. If it takes that long, and they haven't done anything by then... Selectman Massey said there are bigger fish to fry. Selectman Maddox said he was ready to fry the fish. He can't vote for this because they don't have a plan or any setup to do anything. Chairman Jasper said actually, there is a plan for the restoration. That's what the grant was based on. They have the grant; they have the money. They are just waiting. In theory, if they wanted to, they could ask for permission to relocate it and begin the restoration on site, but the problem is he didn't think any of them wanted to do that. He vehemently disagreed with Selectman Maddox; there is a plan for this. Selectman Maddox asked to see a copy of the plan. Mr. Malizia said all of the documentation he had on file was attached. Chairman Jasper said there was a grant application, at some point. There is a plan to restore it. He hasn't looked at it lately, but it's to restore it to make it look like a train station. Selectman Maddox said as long as it's not to the National Historical Register again. It's still \$278,000 and he knows it's grant money because they love that grant money, but he still didn't know what they were going to do with it once they possess it, so he's got to say no.

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

G. 2007 Annual Report Dedication

Motion by Selectman Nadeau, seconded by Selectman Robinson, to dedicate the 2007 Annual Town Report to John Lawrence, Al Lambert and Edwin Steckevicz, carried 5-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau did not have anything.

Selectman Massey said he wanted to address the warrant articles and wanted to make sure his facts were correct. He believed they voted not to forward Warrant Article D, an increase for the Town Clerk/Tax Collector, Warrant Article G, the fire equipment capital reserve fund, Warrant Articles J, L, N and O. He moved to reconsider Warrant Article D. Mr. Malizia said there was no motion to forward it, so he didn't believe a motion to reconsider the vote was in order. Selectman Massey moved to forward Warrant Article D, but there was no second, so the motion died.

Selectman Massey said he attended the DOT hearing last night at the Community Center and they learned that the current 10-Year Plan has got \$4 billion worth of projects they still have identified. They've only been able to identify approximately \$2 billion in revenues for the next 10 years. So, effectively, they said what they really have is a 35-Year Plan and it looks like there are two advisory committees right now. One is a legislative committee to possibly revise the process by which the highway plan or DOT's infrastructure plan is put together and there is also another committee that is made up of the five Councilors and the DOT Commissioner, called GACIT—Governor's Advisory Committee for Intermodal Transportation. They are looking at expanding the membership of that committee to include Legislators and some additional department heads. They did listen and what he requested, which was a follow up to a request that Representative Jean Guy Bergeron made to them, to keep in the current 10-Year Plan all

of the existing Litchfield, Pelham and Hudson projects. He asked them to keep the Circumferential Highway, especially the corridor segment from Lowell Road to 111 and they got a commitment from the Assistant Commissioner that before they do anything with that property, they would, at the very minimum, consult with the town on the property. He tried to get him to make a flat commitment that they would do nothing with the property, but they weren't willing to go that far. The real thing the citizens of Hudson, and all of the state, should be looking at is nationwide the cost of construction for roads and bridges has gone up 45% in the last three years, which is part of the reason why things are going the way they are going, reflecting a lot of project creep because every year the project doesn't get done, they do more design work and they add more to it, which is increasing the cost. But they have made a final determination that their number one priority will be to maintain the safety and integrity of the existing roads and bridges and only then, after that, will they start looking at the other major projects. It's going to be belt-tightening for the next few years, until something is done relative to how its financed. But they were reasonably receptive to having a sit-down talk with Hudson before they do anything with the corridor.

Selectman Maddox said GACIT was taking input until November 1. This Board should send a letter stating what Selectman Massey stated last night, to reiterate that the Board requests that that land not be disposed of and still considered as part of the transportation needs in this area. Chairman Jasper said they've already sent a letter. Selectman Maddox said this was a completely different wheel of the magic formula. Selectman Massey agreed, saying it would be another written document to the DOT that the town of Hudson is on record as wanting to preserve that corridor as a potential roadway. He told the commissioners that they weren't looking for a 4-lane road, but the possibility of putting a Camp Sergeant bypass type road in. The Commissioner knew exactly what they were talking about. Chairman Jasper said he spoke with him last week and that's why he was so familiar with it. Selectman Maddox said, to that end, as they heard from their state Senator, there is a proposal to put a bridge that would not be part of the Circumferential original plan, thus none of those monies would need to be used, so if they could keep that southern portion, and just a small portion of the money they were going to put into the northern portion, they might be able to get a town road. This is a different part of that whole process, and they don't want to seem like they are not interested. Chairman Jasper thought it would be appropriate to review the correspondence they have already sent. Selectman Maddox said this would be directly to GACIT. Selectman Massey said there is a specific address. Selectman Maddox said Bill Cass. Selectman Massey said he'd get the information off of the packet. He didn't think they could do enough written correspondence with them because what's written on a couple of those line items on the 10-Year Plan is "no local support." It's critical to keep the support visible. Selectman Maddox said photocopy machine at full speed. Mr. Malizia asked if a letter should be drafted for the Chairman's signature. Chairman Jasper said yes, and to work with Selectman Massey. He didn't think any correspondence should be directed to anyone by the Commissioner, and to copy other people, at least to the Executive Councilor. Selectman Massey said based on the protocol they established, there is a specific name and address on the document that they want all written responses to go to, so he will get that information for the Town Administrator.

Selectman Maddox said as strange as it may seem, he voted against something tonight—the budget. The reason he did, and it was his fault for not setting a goal for them to shoot for, he thinks they could have taken more out of the budget, so he could not vote for it. They needed to take out some items that were nice to have, but could be removed. He hopes that what he sees coming doesn't happen, but there's always next year.

Selectman Robinson did not have anything.

Selectman Jasper did not have anything.

10. NONPUBLIC SESSION

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

Nonpublic Session was entered into at 9:20 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. Nonpublic Session was terminated at 9:27 p.m.

Motion by Selectman Massey, seconded by Selectman Robinson, to hire Adele Goyette as part-time Water Utility Clerk at a starting rate of \$13.92 per hour, Step 1 of the Admin & Support contract, 30 hours per week, effective 11/4/07, as recommended by the Finance Director, carried 5-0.

11. ADJOURNMENT

Motion by Selectman Maddox, seconded by Selectman Robinson, to adjourn at 9:29 p.m., carried 5-0.

Recorded by HGTV and transcribed by Priscilla Boisvert
Executive Assistant

HUDSON BOARD OF SELECTMEN

Shawn N. Jasper, Chairman

Benjamin J. Nadeau, Vice-Chairman

Kenneth J. Massey, Selectman

Richard J. Maddox, Selectman

Douglas K. Robinson, Selectman