

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the April 24, 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 Doug Robinson.

3. **ATTENDANCE**

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

**Staff/Others**: Priscilla Boisvert, Executive Assistant; Dave Yates, Recreation Director; Recreation Committee: Mick Regan, Chairman; Sue LaRoche, Vice-Chairman; Karen Atherton, Member and Tim Boland, Alternate; Sean Sullivan, Director of Community Development; Leo Bernard, Chairman of the Recycling Committee; Fire Chief Shawn Murray; Deputy Fire Chief Neal Carter; Firefighter Pat Robertson; Ryan Halliday, TEL

4. **PUBLIC INPUT**

Chairman Jasper extended condolences to the family of Town Clerk/Tax Collector Cecile Nichols, whose brother, Paul Durand, passed away. Visiting hours are April 25 at the McKenna-Ouelette Funeral Home on Hildreth Street in Lowell, MA from 4:00 – 8:00 p.m.

Chairman Jasper read aloud the Volunteer Recognition Proclamation, designating April 29 – May 5, 2007 as Town Of Hudson Volunteer Week. The proclamation, which thanks all volunteers for their countless hours of time and talent, serving on various boards and committees, will be displayed on the wall on the first floor of Town Hall, above the water cooler.

No one in the audience wished to address the Board at this time.

5. **NOMINATIONS & APPOINTMENTS**

A. **Acknowledgement of resignation of Ray Rowell from Solid Waste & Recycling Committee**

Chairman Jasper said, although this committee met only one time, the Board appreciates Ray's willingness to serve and regrets that he now finds he does not have the time to commit to this committee.

B. **Discussion of Solid Waste & Recycling Committee**

Committee liaison, Doug Robinson, recognized the Chairman of the Committee, Leo Bernard. Selectman Robinson said a couple of weeks ago, he attended the first committee meeting since the inception of the committee in 1996. The committee members had a tremendous amount of passion, spirit and intent to do the best they can for the town. With the short time span between now and July 1, they re-addressed the Selectmen's charge to the committee. In May, one member will be moving to the Cape and in July, another member will be moving out of town and will be resigning and there are still two vacancies. That will leave them with only three members, which is not enough for a quorum, so that is a concern. The Board tonight needs to discuss what they want done with the committee. A couple questions that came out of the committee was the definition of an in-law apartment, what educational materials are available from Corcoran, and if the committee has a budget. He made reference to the original charge to the committee and asked if they could narrow the scope of responsibilities. He asked if the solid waste aspect should be separated from the recycling portion of the committee, or if they should deal specifically with the education and increase of recycling. Some of the committee members wanted to talk about the contract; others wanted to talk about Corcoran and their fulfilling their commitment to the town. The committee was looking for some direction from the Board.

Continuing, Selectman Robinson read part of an e-mail he received from a committee member. "For whatever it's worth, it's my opinion that the BOS needs to clearly state what they want us to accomplish as a committee and I'm sure they will do this next Tuesday. My understanding is that our primary goal is to educate the public about the new trash collection and recycling initiative in Hudson. My intention in joining this committee was to contribute towards getting more residents to recycle and since that is aligned with what I think the goal is, I am willing to do my part." He asked for the Board's feeling about the charge, limiting the charge and the possibility of not having a quorum.

Selectman Maddox said he is the one who drafted the charge, as then-Chairman of the Board of Selectmen, just to get a discussion going. He didn't understand what the issue of direction was; it's getting ready for the new contract, the new bins, the recycling—all of that. As far as not having a quorum, it has been advertised and he thinks there may be a couple of people who are interested in joining the committee. Selectman Robinson addressed the viewing audience, saying if anyone was interested in serving on the committee, to fill out an application and come to the next Selectmen's meeting. He asked for the Committee Chairman to give his thoughts on how he'd like the committee to go.

Mr. Bernard said the committee was willing to do a lot and they had a lot of great ideas during their first meeting. Some of it was to get more information from Corcoran, to find out what material they have so the committee can start to distribute it. They want to start educating the town now instead of waiting until the bins show up. There was some discussion about the contract, but he explained to the members that their goal was education and recycling.

Selectman Maddox said the contract has been signed; it is done. The committee should make sure it is implemented well. The intent to look at the contract was to recommend any changes for the future. This is a five-year contract, so it's not necessary

to look at it this year. The drive now needs to be to get the word out, using the skills of HCTV, programs to tie in with the schools, while they are still in session, etc. The Board made a decision to go with Corcoran and good, bad or indifferent.

Selectman Massey said the Board has already signed the contract and the terms and conditions are there so, to argue if they should or shouldn't be there is not productive. The first and most important task for this committee would be to educate the community on recycling, the importance of it, how it makes a difference if they increase the amount of tonnage that they are currently recycling, and once the contract begins on July 2, that they monitor, over the next year, the performance so at the end of that year, they would have the ability to determine what needs to be addressed, if it hasn't already been addressed during that period of time. If somebody does not accept the terms and conditions of the contract, and is not willing to work on the committee on the basis of moving forward with the public relations and education, then they should consider not being on the committee because the Board is not going to change the contract. Finally, in the case of the in-law apartment, if the residence has a registered in-law apartment—and by registered, he means that on the books in the Assessing Department, there is a notation that there is an approved in-law apartment, as a result of the action of the Zoning Board, granting the in-law apartment—that should constitute approval for a second bin. If the house isn't approved for an in-law apartment, then those homes need to go to the Zoning Board and get the appropriate approval before he would consider that they should get a second bin. If they don't have it registered as an accessory living unit, then it means it is an illegal accessory living unit.

Chairman Jasper said the Road Agent's determination is that a second bin is allowed only if it has a separate address. Many families in town have three or four children, while other families consist of a couple and one other person in the in-law apartment, which is only three people. The amount of trash the latter will be generating is considerably less than an active, growing family. Selectman Massey said the Board of Selectmen is the policy making board and if the Board decides that what the Road Agent determines is the best way to do it, that's fine, but the only residence he would consider giving a separate bin to is a legally constituted separate living unit. Chairman Jasper said unless the Board wants to give a different direction to the Road Agent, that's the determination he has made. He's not going to be coming back to the Board on every issue that arises. Selectman Massey said even if it is a separate address, unless the accessory living unit has been approved by the Hudson Zoning Board as an ALU, they would not qualify. If they don't have the approval to have an ALU, then they have an illegal use. Chairman Jasper said that's a whole different enforcement issue. Addresses are given out by the Fire Department, and the only way to get a second address is to have that so noted by the Fire Department. He didn't know how they wanted to try to enforce that; he was not interested in going down that road. If there are two addresses, the Assessing Department is aware of them. He didn't know how that was going to be enforced and it seemed to be a complicated issue, at this point. The Road Agent has come up with the simplest way to enforce that, from a waste management perspective.

Selectman Robinson said he talked with the Community Development Director on that specific issue, and they decided to follow the guidelines in RSA 334-73.1 regarding accessory living units. For those who have that second apartment, it requires a special permit. It has to go before the Planning Board and that special permit has to be on file. It has to have one mailbox, one address, one utility and it has to be under 1,000 sq. ft. There are specific criteria of what is expected. Selectman Jasper asked if what he understood to be the case last week has now changed, that the criteria is no longer a second address and that barrels will be given out to those with an approved ALU. Selectman Robinson said those with approved accessory living units will receive a second barrel, and there are approximately 85 of them in town. Chairman Jasper said that was changed from last week, and he was not made aware of that. Selectman Maddox corrected Selectman Robinson, saying it was not the Planning Board, but the ZBA.

Selectman Robinson asked if the Board should change the name of the committee from Solid Waste and Recycling to Recycling for a clearer definition. Chairman Jasper thought so. They are four years out before they are going to be dealing with solid waste. If future boards want to give them that charge, OK, but the change now would add clarity to the discussion.

Motion by Selectman Robinson, seconded by Selectman Nadeau, to make the following changes to the committee:

~~Solid Waste and Recycling Committee~~

1. ~~Work with the Selectmen and the Road Agent to look at Hudson's long term needs and options in regards to our solid waste "program":~~
  - a. ~~New technologies~~
  - b. ~~Regionalization~~
  - e. ~~Other cost containment ideas~~
2. ~~Work with new contractor to:~~
  - a. Get information out regarding the new contract/process
  - b. Work with the schools, cable, civic groups to spread the word on the recycling effort.
  - e. ~~Cross pollination of ideas~~
  - d. Educate people on how to dispose of electronic/hazardous waste
3. ~~Monitor:~~
  - a. Contractors performance
  - b. Tonnage versus prior years
  - c. Recycling progress
  - d. ~~Citizen issues~~
4. ~~Long and short term recycling goals~~
5. ~~Recommendations to Board of Selectmen~~

Selectman Maddox said this was an over-reaction. The Board can give this group to act on those four items for now, but the other items are important. Over the next few years, those things need to be looked at. The name and overall focus should stay the same. Selectman Massey also would not support the motion because he didn't want to wait until the middle of the fourth year to think about the next contract. It's important for the focus to start out with recycling, but in the second or third year, the committee needs to start focusing on where they go, so by the time they are ready to go to the warrant articles—the October before the contract is up—it means they'd have to have been working the previous year. He didn't want to change it just to recycling and have that focus lost.

Mr. Bernard agreed that changing the title was not necessary. The committee will do whatever the Board directs and if they want to focus to be on recycling, that's what the committee will do. If, at a later date, the Board directs them to start working on the next contract, they will.

Chairman Jasper said the future of solid waste management is recycling. The only other thing they are going to do with solid waste is landfill it, unless someone comes along with some other method. Hudson isn't going to build an incinerator or a land fill, so the only real focus this committee will ever really deal with is figure how to better recycle; how to recycle more, how to get more out of the waste stream and how to do it more efficiently. Over the years, Kevin has been dealing with this very effectively. The issue of finding a place to dispose of solid waste should be left with the Road Agent and the committee should think just about recycling. The committee doesn't need to deal with finding a new contractor or where it is going to go. If this contract doesn't work and things get more expensive, that may mean having to do what other communities do, such as pay per bag, etc. Recycling should be the focus right now. As the committee gets off the ground, the committee can be expanded, if need be. The focus was not clear to the committee members and they were going off in other directions. Changing the title and charge makes it clear and concise. If the committee wants to do more, they can always come back to the Board with that request, or at the Road Agent's request. He was in support of the motion.

Selectman Robinson said in speaking with Kevin Burns, his baseline for recycling is 11%. That is the actual number the committee is starting with. Success or failure on how well the committee does will be based on how high they get that number. Hopefully, it will go to 25%, which will save them \$250,000. Kevin does not need folks to look over his shoulder and to micro-manage what he does with solid waste. He is a proven solid professional, handling the solid waste contract over the past eight or nine years, keeping it level funded. He needs folks to take the recycling and be a proponent for him to help get the message out.

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

## 6. CONSENT ITEMS

*Motion by Selectman Robinson, seconded by Selectman Maddox, to approve Consent Items, A–E, as noted or appropriate, carried 5-0.*

### A. Assessing Items

- 1) Multiple credits & Exemptions—Veteran Tax Credit (115 Fox Hollow Dr, 131 Abbott Farm Ln, 1 Lois Dr, 25 Rangers Dr, 76 Dracut Rd, 9 Mt. View Dr, 29 Mobile Dr, 61 Mobile Dr, 14 B St, 8A Monarch Ct); Disabled Veteran Tax Credit (14 B St, 20 Campbello St); Disabled Exemption (8 Wade Rd, 5 Mobile Dr); Blind Exemption (8-A Monarch Ct); Elderly Exemption (5 York Rd, 16 Reed St, 46 Highland St) w/recommendation to grant.
- 2) 2006 Abatement, Cumberland Farms, Inc., Map 176/Lot 49 w/recommendation to deny.
- 3) 2006 Abatement, 2-A Rangers Drive, w/recommendation to approve.
- 4) 2006 Abatement, 7 Glover Brook Lane, w/recommendation to approve.
- 5) Re-granting of Elderly Exemptions (25A Quail Run Dr, 8B Lampron St, 2 Katherine Ct, 56 Pelham Rd, 31 Bonnie Heights Dr, 10 Circle Dr, 36 Krystal Dr, 24 Riverside Ave, 69 Wason Rd, 51 Mobile Dr, 23A Holly Ln, 86 Central St, 31 Bockes Rd, 8 Lexington Ct, 9 Pond View Dr, 8 Hardy Rd, 4A Hopkins Dr, 12 B St, 61 Highland St, 204 Central St, 27 Krystal Dr, 21 Lowell Rd, 54 School St, 922 Fox Hollow Dr, 146 Ferry St, 58 School St, 299 Webster St, 37 A St, 6 Logan Ct, 6 Scottsdale Dr, 3 Edgar Ct, 29 A St, 99 Central St, 18 Grand Ave) and Disabled Exemptions (17 Greentrees Dr, 4 Nottingham St, 1 Blackstone St, 25 Federal St, 10 Village Ln, 148B Barretts Hill Rd, 31 Mobile Dr, 6 Lexington Ct, 3 Chapin St) w/recommendation to re-grant.
- 6) Yield Tax Warrant/Certifications of Yield Tax Assessed, Map 204/Lot 073, (Sousa) w/recommendation to sign.
- 7) Excavation Tax Warrants (Map 122/Lot 002 [Nash]; Map 140/Lot 001 [Brox]; Map 141/Lots 001, 003, 004 [Brox]; Map 150/Lot 013 [Brox]) w/recommendation to sign.

### B. Water/Sewer Items

- 1) Sewer Abatements, No. S-07-08b (S-UTL-07-12, 1 Prince Dr, Acct 6378, \$21.43; S-UTL-07-13, 53 Bonnie Heights Dr, #3489, \$950.02), w/recommendation to approve.
- 2) Sewer Abatements, No. S-07-08 (S-UTL-07-09, 2 Wagner Way, #5232, \$36.91; S-UTL-07-10, 13A & B Brackett Ln, #6636 & 6637, \$47.86; S-UTL-07-11, 31 Merrimack St, #4941, \$11.90), w/recommendation to approve.

### C. Licenses & Permits

- 1) License to Operate a Motor Vehicle Race Track (Hudson Speedway for 2007 Season)
- 2) Petition and License for one Pole (3073/8 ½) License Petition 9AA287, Industrial Drive
- 3) Request to collect funds at Market Basket on 6/16/07 by the Litchfield AAU 12U Arsenal Baseball Team.
- 4) Request by HO Smith PTO for a fundraiser at SAM's Club on 5/5/07 from 10:00 – 5:00.

### D. Acceptance of Minutes

Minutes of the April 10, 2007 Board of Selectmen's Meeting

**E. Calendar**

4/25 7:00 Planning Board at Community Center	5/12 Celebrity Softball Game @ Jette Field (HPD vs former Bruins, Red Sox & Patriots)
4/25 7:00 Open Space Committee in CD Mtg. Rm.	5/14 7:00 Conservation Commission CD Mtg. Rm.
4/26 1:00 Trustees of Trust Funds in CD Mtg. Rm.	5/15 7:00 Cable Committee in BOS Mtg. Rm.
4/30 7:00 CIP in CD Mtg. Rm.	5/16 5:00 Water Utility Committee BOS Mtg. Rm.
4/30 – 5/5 Volunteer Recognition Week	5/16 7:00 Library Trustees in BOS Mtg. Rm.
5/01 7:00 BOS Workshop in BOS Mtg. Rm.	5/16 7:00 Senior Council on Aging in CD Mtg. Rm.
5/02 7:00 Planning Board in CD Mtg. Rm.	5/17 7:30 Budget Committee in BOS Mtg. Rm.
5/03 6:00 Volunteer Recognition Ice Cream Social at Community Center	5/19 7:30 Comedy Night at Community Center
5/07 6:30 School Board in BOS Mtg. Rm.	5/21 6:30 School Board in BOS Mtg. Rm.
5/08 7:00 BOS in BOS Mtg. Rm.	5/22 7:00 BOS in BOS Mtg. Rm.
5/09 7:00 Planning Board in CD Mtg. Rm.	5/23 7:00 Planning Board in CD Mtg. Rm.
5/10 6:30 Rec Committee @ Oakwood Facility	5/24 7:00 Open Space in BOS Mtg. Rm.
5/10 5:30 Sewer Utility Committee BOS Mtg. Rm.	5/24 7:30 ZBA in CD Mtg. Rm.
5/10 7:30 ZBA in CD Mtg. Rm.	5/28 Memorial Day—Town Hall Closed
5/31 7:00 NRPC in CD Mtg. Rm.	

**7. OLD BUSINESS****A. Votes taken after Nonpublic Session on April 10, 2007**

▶ Motion by Selectman Massey, seconded by Selectman Nadeau, to promote Lt. Dave Morin to the position of Captain of Suppression in the Fire Department, a non-exempt position, in accordance with the Police, Fire & Town Supervisors Association, Step 1, Captain, with an hourly rate of \$27.68, effective 4/15/07, as recommended by the Fire Chief, carried 4-1. Selectman Maddox voted in opposition.

▶ Motion by Selectman Massey, seconded by Selectman Nadeau, to promote FF Allan Dube to Lieutenant, a non-exempt position, in accordance with IAFF Local 3154, Step 1, with an hourly rate of \$19.73, effective 4/15/07, as recommended by the Fire Chief, carried 5-0.

(Start Tape 1-B)

▶ Motion by Selectman Massey, seconded by Selectman Robinson, to promote temporary FF Michael Mulcay (a Call FF) to the position of FF, a non-exempt position, in accordance with IAFF Local 3154, probationary FF, effective 4/15/07, with an hourly rate of \$13.73, as recommended by the Fire Chief, carried 5-0.

▶ Motion by Selectman Massey, seconded by Selectman Maddox, to hire Ashleigh Kreider at \$13.00 per hour and Kyle Janco at \$12 per hour as summer interns in the Engineering Department, as recommended by the Town Engineer and outlined in his memo dated April 4, 2007, carried 5-0.

▶ Motion by Selectman Nadeau, seconded by Selectman Robinson, to hire the following Recreation Department substitute and Robinson Pond personnel for the 2007 summer season (Duntin Johnson as Councilor in Training at \$6.75 per hour; Jess Destramp, Cyllina Everett, Anthony Girginis, Allison O'Donoghue, JoAnn Reich & Kevin Thibault as Councilor I at \$8.50 per hour; and Paul Durham, Sarah Jardim, Krista Stott and Thomas Tollefson as Counselor III at \$9.50/hr) carried 5-0.

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

**B. 2006 Abatement, 10-A Park Avenue, Map 162/Lot 1-1 (deferred from April 10, 2007)**

Selectman Maddox had asked that this be deferred. In the interim, his questions were answered satisfactorily by the Assistant Assessor, who said the previous statement he had made was incorrect, that the property owner was being assessed for a cell that does not exist. It does exist, but it belongs to somebody else, and the correct owner is now being assessed. Selectman Massey said the record should show that it's an abatement on property taxes for Map 162/Lot 1-1, 10-A Park Ave.

Motion to approve, as recommended by the Assessor, by Selectman Maddox, seconded by Selectman Massey, carried 5-0.

**C. First Public Hearing on Proposed Ordinance 07-03 Skate Park Rules (sent to public hearing on April 10, 2007)**

Recreation Director Dave Yates said at the last meeting, Selectman Maddox asked if there was a penalty if, for instance, someone doesn't wear a helmet. Mr. Yates brought up this issue at a staff meeting, and Chief Gendron said he thought the perpetrator would just be removed from the premises, as they have been doing right along. It's tough to judge when no one is there on a daily basis. Violators are discovered on a random basis, when driving by, as he did tonight on his way to the meeting, and make them leave. If someone violates the ordinance too many times, a trespassing order can be sent to the person's home and get the parents involved. They would be told that their son or daughter couldn't use the skate park any more because they were not obeying the rules. The ordinance would just give the rules already in place a little more teeth. Selectman Maddox didn't see the need for this ordinance because it says the same thing that the signs, which are already posted, say. Mr. Yates said Kevin Burns also recommended going the route of adopting an ordinance, as he has driven by there many times at night, seeing people hanging around at the skate park. This ordinance provides the Police Department with more teeth, just as it does with Greeley Park and at the tennis court. The Chief of Police also recommended setting specific hours. The first draft of the ordinance said dusk, but now it is 9:00 a.m. to 8:00 p.m. That recommendation has been incorporated into this version of the ordinance. Chairman Jasper pointed out that the Town Administrator provided a memo that explained why it was important to have an ordinance versus a posted sign. Selectman Maddox said he saw the memo.

Chairman Jasper opened the public hearing at 7:35 p.m. and asked if anyone wished to speak to this. There being no response, he closed the hearing.

Selectman Massey said he'd take it upon himself to talk to the Chief about this, but without any penalties, he didn't see what would stop anyone from, after the police officer has told them they have to leave, and the police officer leaves, going back. Even if they get charged with a misdemeanor trespassing charge, there is no penalty. Chairman Jasper said if they are charged with criminal misdemeanor trespassing, there is a penalty, which could involve up to a year in jail because any misdemeanor carries with it the ability to be sentenced to up to a year in jail, and there could be fines. Anyone is welcome to have a conversation with the Chief on that, if they'd like. The second and final public hearing will be held on May 8.

Selectman Robinson said he finds himself in the camp that wonders if they really want their police going there to kick kids out who don't have the proper gear. Yes, he believes helmets are important and yes, he believes that wearing knee pads, hand pads and elbow pads are also important, but he believes they could paint on the sign the actual hours of operation. He visited the park three times since the last meeting and kicked kids out. The common answer he got from the kids was, "Wouldn't you rather have me skating here instead of hanging out someplace else?" He answers, "Yes, but you don't have a helmet and you can't skate here." Is the issue kids who don't have helmets can't afford helmets? Are they throwing an ordinance at something because they are trying to take care of a problem with a law? He is miffed on how to handle the helmet situation. Chairman Jasper said they all have two more weeks to think about it and ask any questions and anyone can come in with any proposed amendments to the ordinance at that time.

Selectman Maddox said the intent was to have kids wear helmets, with an ordinance to enforce it, but he didn't think the police would have the time; that's not going to be the issue. How do they make it work? What works somewhere else? Other communities must have the same problems. He stopped at the park on the way to the meeting, and the kids are teenagers. He heard, "The dog ate my helmet. Somebody stole it." If they truly should wear a helmet, what works in other communities? Mr. Yates said many other people, including recreation directors, have called him with that same question. Skate parks are notoriously known for kids not following the rules. That is why they are taking the step of putting forth an ordinance. There is a state RSA that says a town cannot be sued, as long as the town maintains the skate park. Kids are skating at their own risk. If the Board wants to do away with the helmet law, they can and the kids will skate at their own risk, but this ordinance is a tool to use if the kids don't follow the rules. The good kids follow the rules and wear a helmet. The skate park is a hangout now, and without rules, it will be a major hangout. Nashua's skate park is a much bigger mess than Hudson's because there are some kind of rules in place. He goes by all the time, advising kids to follow the rules.

Selectman Maddox asked if they were better off saying if anybody finds five people without a helmet, it's locked for the day. Hopefully, they will get the message that if they wear helmets, it will be kept open. Putting this ordinance in place, hoping the police will give them a criminal trespassing is just chasing their tails. Chairman Jasper said Selectman Maddox was missing the real point, which is the hours of operation. The criminal trespassing is to deal with the people who are there after 8:00 p.m. and before 9:00 a.m. That's where they expect the police to enforce it. This ordinance gives the Rec Department the ability to enforce a little more the rules and regulations, telling kids go get out until they have a helmet. It's like every law that gets passed by the legislature. How many speeders get caught? This has to be in place. Even though the town would be exempt, it's a liability issue if somebody got hurt. They could claim that no one told them they needed to be wearing a helmet. If they don't have something in place, the water is muddied. People can't be arrested for criminal trespassing except outside the hours of operation. He didn't think there was anything else they could do except tell the kids to put on their helmet or leave, but he didn't think the police were going to be doing that. The conversation is going further than it needs to go. It's an ordinance; it's the policy, and leave it to the Rec Department to decide how they want to handle the rules and regulations, which are already posted and in place.

Mr. Yates said Kevin Burns was the one who initially recommended this, due to his guys going out there all the time to clean up after the kids. He felt a lot of the vandalism and trash was being done after hours. That's when Kevin recommended putting in firm hours. He wasn't worried about the helmet issue; that came from the Rec Department. Selectman Robinson said the reason for the trash issue is because the town didn't provide a trash barrel. Mr. Yates said yes, they did, until they burned it last season. Selectman Robinson said then it should be put back, adding that there were cameras there, as well, and the center lens is supposed to be refocused. Is it an ordinance or do they have to figure a way to have kids wear helmets? Are they just throwing a law out there?

Selectman Massey said there are trash receptacles that are animal-proof, designed to keep bears out of the trash at parks and you can't destroy them or open them to get at the stuff. It would be the type of trash receptacle they might want to look at to put there to make it possible to have a place (for trash) but it wouldn't be prone to vandalism, like most trash receptacles are.

Chairman Jasper said if anyone wants to bring anything forward, the second public hearing is on May 8 and they will vote at that time—and amendments will be in order. Selectman Massey asked, for clarification, if they make amendments, if it was subject to another hearing. Chairman Jasper said he didn't believe that it was. He asked Priscilla if she knew if that was the case. She answered that she did not know, but they could check with the attorney, if there was a question. Chairman Jasper didn't think that was necessary because that would defeat the whole purpose of having public hearings and amendments.

**D. Update on Stop & Shop Ball Field**

Chairman Jasper said he spoke last Friday night with Atty. Morgan Hollis, who is representing Stop & Shop and they are making progress. They have said, "You can have \$50,000 or what you can do is get us the letter, with the permission to build

a ball field there. We'll then analyze that and we'll sit down and talk, if we want to build it there, or make a donation." He said that he has to agree with them and finds it very strange that, after nearly three years and having a letter from DOT saying all they need is for the town to acknowledge that the state may sell the land and that the town will have right of first refusal, but a fence and indemnification are needed. Very simple things to take care of, but that hasn't happened in three years, so Stop & Shop is sitting there, wondering why the town hasn't done that. They want to keep the town honest on this one. Chairman Jasper told them he understood that and he anticipates the Board will say they (Stop & Shop) will get the letter. They now need to do that. Obviously, he hasn't been able to do anything with Steve out this week, but he will get him on that to get those loose ends tied up. This will be on hold until that time.

Selectman Massey said before they go down the road with the letter, he would like to get a sense from the Board as to whether or not they would support building a soccer field in the circumferential right of way because it makes no sense to go through all the effort to get the letter and send it to them and then the Board votes not to approve doing it. He would not be in favor of spending money to build a soccer field behind that facility.

Chairman Jasper agreed, because even if they are willing to do it, it doesn't make sense in the long term. Ultimately, at that point, it would be their decision, if the Board goes to that extreme. If they get to the point where Stop & Shop says they are going to build it, the Board can say they don't want it there, and essentially, they are back to \$25,000 or nothing. This whole thing brings to light a point that really needs to be made to the Planning Board representatives. This was a case of the Planning Board committing the town to a long-term expenditure, which they had no authority to do. It may have been the best idea in the world, but having a ball field commits the town to maintaining that field, and that is something the Planning Board does not have the authority to do. Any time the Planning Board has an idea like that, it needs to come back to the Board of Selectmen for approval before it becomes part of the site plan. Although it is a wonderful idea, he didn't see the nexus between building a grocery store and building a ball field. His understanding of the RSAs has always been that when you do off-site improvements and impacts, it needs to be necessitated by the development. Even if it is a good idea, that doesn't make it right. Certainly, the Planning Board knows that and uses this as a bargaining chip. He's not comfortable with that, even though it may end up being to the public benefit. There's an issue or right and wrong.

Selectman Maddox believes they should send the letter. Then Stop & Shop said they'd sit down and make a decision. They are waiting to see if the town can get it. If they have to spend \$130,000 they might up that money. At this point, the town is discussing their options in open session, but so be it. The town already sent them four letters, so some of the statements might be a little disingenuous. It's not like the Board hid from them. Letters (from the town) were sent repeatedly, saying the town wanted to do something, but not one letter was responded to. Luckily, Chairman Jasper was able to talk to (Stop & Shop's) attorney, but the fact that they were waiting for the town to do something... several letters *were* sent, asking to do something.

Selectman Robinson said the Board should absolutely stop playing softball and start playing hardball—and get the kids a baseball field. According to NH DOT at the meeting held in January, that land will never be a circumferential highway. If the town decides to take it over, that's another thing. Chairman Jasper said to understand two things. It will never be a circumferential highway, but that doesn't mean it won't be a road or an interchange and it doesn't mean it won't be sold. If it is sold, Hudson is not going to approve \$300,000 or more an acre to buy a ball field. The town will have first refusal, but it's not going to be at a price the town can afford. That's prime real estate. He sees it more likely being used for highway projects. Even if they were able to avoid touching it with a highway, think about the noise factor in that location. It's a bad location. The end result of this may be the negotiations go to a point where there's more money involved. He's willing to do that. Hopefully, at this point, with a new commissioner, they can still get the same deal they had. Selectman Robinson said in response to Selectman Massey's question, he has not spoken to the Recreation Committee, but he would be in favor of putting it there, unless the Rec Committee said not to.

Chairman Jasper said they would try to satisfy the concerns of the state and move on, recognizing that that letter from the state came well over two years ago and nothing has been done in the interim.

**E. Legal Services Contract** (deferred from April 10, 2007)

The Town Administrator's recommendation was to go with a two year contract, w/a 26-hour per month retainer, as this is the cheapest option. It is too bad they didn't look at 30, but they are not going to go down that road now. Selectman Maddox said they need to find some way to track this because by not using the retainer that one month, at \$140 an hour, they wiped out almost all the savings they got doing this deal. Chairman Jasper agreed, but to understand that at the whole rate they are getting is more favorable than they ever did on just a regular hourly basis because while it's a better rate on the retained hours, it's also a better rate on the other side, so there is a balance there. Too bad they don't know when those are until the end of the month—but that seems to be a real unlikely occurrence.

*Motion by Selectman Maddox, seconded by Selectman Nadeau, to enter into a contract for legal services with the law firm of Hodes, Buckley, McGrath & LeFevre for the period of July 1, 2007 through June 30, 2009 for the terms as specified in the contract of employment dated March 22, 2007, carried 5-0.*

**8. NEW BUSINESS**

**A. Liaison Reports**

**Selectman Nadeau** said the Rec Committee was present tonight for a discussion later on the agenda.

▶ There was a CIP meeting last night and the School Board has still not sent a representative to the meeting. The Budget Committee declined to send someone, which they already knew. Next Monday, they are talking about the school projects, so they will be sent a letter and give them a call to see if they will, hopefully, attend. The CIP process is not working out because of lack of attendance. Chairman Jasper said that's up to them. The whole CIP is a committee of the Planning Board.

**Selectman Maddox** said the Planning Board will meet tomorrow night at the Community Center to hear RiverPlace, as far as it pertains to the roadway layouts and wetlands impacts and it will be televised. This is just the first of many, many meetings in regard to this project. Chairman Jasper asked if he was referring to just the internal road layout. Selectman Maddox said that, as well as the off ramps coming off the highway. He asked if any Board member had any concerns they wanted him to bring to that meeting. It is still a work in progress by the consultant's own statements. The state has not agreed with what the developer wants to do, and that is going to affect a number of wetland crossings. The Planning Board is just starting into this, but it's important for people to know it will be tomorrow night.

Selectman Massey said he was reading the Planning Board consultant's letter dated April 19, 2007 from VHB and, quite frankly, he was disappointed for the following reasons. Sagamore Bridge road interchange, and this was his charge to the representative to the Planning Board, relative to the layout at the interchange with Sagamore Bridge, it would "appear." It goes on further, thus the proposed layout of the interchange "appears." It goes on in another point, specifically elimination of the auxiliary ramp is "apparently" under consideration. Quite frankly, when you're paying somebody the kind of money they're paying VHB, he is not looking for appearances or apparently. He's looking for legitimate opinions that say A is B, or whatever it is. To have these weasel words in a document just gives him all kinds of abilities to tell them, "well, maybe they were right." He thinks they would want to ask the Planning Board to be a little critical of the representation that the town is getting from VHB because for a road layout... and the other thing that was of interest to him was he's (Mr. Kennedy) been on this job since last year.... which has been known, and the issues have been known, he sends a two-page document, with all the weasel words in it that are not appropriate. Selectman Massey was disappointed.

(Start Tape 2-A)

Continuing, Selectman Massey said at the meeting in March, the Planning Board formally voted to hire VHB as their project consultant, so as of today, VHB is no longer under the jurisdiction of the Board of Selectmen. Selectman Maddox said there are some concerns he shares with Selectman Massey and they are going to try to address some of those.

**Selectman Robinson** said the Assistant Assessor's team is working diligently on the Veterans and Disables tax credits and the tax bills are coming.

▶ The Solid Waste Committee met and the Board already discussed that. Another concern the committee had was a budget. Chairman Jasper said the committee does not have a budget, but they have monies available through the Road Agent, through his budget, although he didn't think town funds should be spent on this. The advertising that needs to be done should be done through Corcoran. He didn't want to see the town spending money. Cable can be used for public information, and that's as far as he'd like to see it go. Corcoran is going to be putting the information in the barrels and are going to be doing a program for cable TV. Corcoran has a financial interest in wanting to see the program work well and they will be glad to work with the committee. They should go down that road first before any town money is spent—at least that's his opinion. Selectman Robinson said, according to Kevin, he has the ability to cut a PO, if they needed to do something. He thinks the committee wanted affirmation from the Board. He asked the Board to help him out. Selectman Maddox said just as the Planning Board needs a certain amount of money on occasion to do something, if the committee came in, via the liaison, so they can do X, Y & Z, they'd look at it just like anything else. Even the Cemetery Trustees gets a certain amount of money. Perhaps they could do something at Old Home Days. Selectman Robinson said that's already in the plans. Selectman Maddox said any money the committee would have to spend would be short money, in his opinion. Selectman Robinson said the Road Agent put a letter into the HLN and Telegraph, saying "Now is the time to go through your house and get rid of all the bulk items you think you will no longer need. From now until June 30, the town will remove one bulk item per week at curbside for free. With the new cart system scheduled to begin in July, there is free curbside collection service of bulk items. The landfill will continue to accept bulk items from Hudson residents for free for the foreseeable future. The landfill opens for the first time this year on April 28 from 8:00 to 2:00. If anyone has any questions, call 886-6018 at the town garage." Kevin has worked with Corcoran for a handout for distribution to be put in the HLN and has set up a website with Pinard Waste, called [Hudson@PinardWaste.com](mailto:Hudson@PinardWaste.com) for Hudson residents to access for information. The contractor will be coming to the meeting on April 30 in the Selectmen's Meeting Room. If people need extra recycle bins, which are free of charge, they are available at the Highway Department and at the landfill on the Saturdays it is open.

▶ Information Technology—Lisa has about five applications for the two positions that were advertised. She will be going through them next week with the Town Administrator and conducting interviews on April 30.

**Selectman Massey** said he had his first meeting as liaison to the Seniors. He met with their Board of Directors last week. The first item on the agenda was to put together the plan for coming up with the addition to the Community Center. They will be meeting this Thursday to draft the plan. It will be brought to the Board on May 22 for review and approval. Upon approval, the bids will be solicited. It is anticipated they will come back at probably the last meeting in June for the Board of Selectmen to approve the contract to do the feasibility work, with a start date in July, with anticipation to come back before the Board of Selectmen for a review and consideration for a warrant article in the September timeframe. They have some ideas about what they want to do and they will be submitted in the form of a request for proposal and bring it to the Board on the 22<sup>nd</sup> of May for review and approval.

The Seniors are still concerned about not being able to have the use of the Hudson Senior Center, the Community Center, in the months of July in August for Wednesdays and Thursdays. Since they are going to be at the workshop next week, it would be appropriate to have the conversation with them. They brought up two things to him. They heard from the school district that it is ready, willing and able to provide space to the recreation program on those days. It was his understanding, and they are going to see if they can verify it in the minutes, that scheduling of the hall—the Community Center—was going to be the responsibility of the Community Development Department and the rationale at the time was they had no vested interest in that facility. The Seniors' perception is, having the recreation center schedule the building, looks a lot like a conflict of interest. That is something else they should look at and, from his perspective, he recalled that in June of 2005, the Board named the Community Development Department as being responsible for scheduling that facility. It's something they can talk about next week. They are very interested in being able to do that. The Community Development Director was in the audience, so Selectman Massey asked him what his recollection was with regard to scheduling the center. Mr. Sullivan said he did recall the discussion, but he didn't remember a specific vote of the Board. From a practical standpoint, however, since the Rec Department was using the facility on a somewhat regular basis, Dave was more aware of what was going on at the hall. The Community Development Department used to book the hall for pretty much everyone else, including the Seniors. The janitor at the Community Center also works for the Recreation Department and if there was a problem, one of the Seniors would advise the Community Development Department. They, in turn, would talk to Dave, who would then find Reggie and fix the problem. They narrowed that gap a bit, but Dave taking over. He wasn't aware of any problems with this but, if there were any, he'd be happy to help solve them. But no, he didn't recall a vote of the Board.

▶ Selectman Massey was happy to bring to the Board some honors that members of the Police Department have earned in the past several weeks. He went to State House last Thursday, where the Union Leader, in conjunction with the Governor, had their annual Heroes' Awards. One of the individuals honored was Officer Mike Davis for his rescuing an 11-year girl from her friend's car last year on Route 111. Congratulations to Officer Davis, who represents some of the finest in town. The Chief is going to be awarding commendation medals to four individuals within the Police Department for their work in the narcotics trafficking—Officer Sullivan and Akim were instrumental in following up on a lead that he obtained from Officers MacDonald and Connor. As a result of Akim's keen nose, he was able to locate a large seizure of cocaine and \$60,000 in cash. The individuals arrested are currently serving 20 years in federal prison, so it was a significant drug bust. Office Conner, through some work, seized some crack cocaine and almost \$5,000 in cash and part of the effort was they discovered that the vehicle that they apprehended had a hidey-hole. Further investigation on the part of Officer Connor and Officer MacDonald turned up the fact that there was a shop in Lawrence, MA that was customizing hidey-holes for drug dealers. As a result of their efforts, the Chief is going to award them commendation medals—Officer Sullivan and Akim; Officer James Connor and Officer Scott MacDonald. It would be appropriate to have some letter of appreciation from the Board. The Chief thought May or June. He thanked the officers, saying it was a reflection of the department.

▶ The Ice Cream Social is coming up a week from Thursday, from 7:00 p.m. to whenever. The returns are coming in very slow. He's only received confirmation of about seven or eight people out of all the boards, commissions and committees. He will reissue tomorrow morning a letter to all the chairman of the various boards and commissions, asking them to have their member contact him to let him know. He asked how many Selectman would be volunteering to help him. Selectman Robinson said he will be out of town. The rest of the Selectmen plan to attend. Selectman Massey said he's looking forward to it and a good time will be had by all.

**Selectman Jasper** said Benson's old office building has, once again, been vandalized. To that end, he has been working to get electricity into the building so they can get an alarm system in there. They have two prices that are not totally equal because one included an alarm system and it was not the system he was looking for. He didn't think they needed a system with audible sound. He'd like it to be a silent alarm so the police will be able to come and catch the perpetrators and not give them any advance warning that the police will be on the way. The quote from P. M. McKay to install the electrical for \$1,680 and the price from Brian Mason Electric of \$975 to do the electric.

*Motion by Selectman Massey, seconded by Selectman Maddox, to approve the \$975 to have electricity brought into the office building to prep it for an alarm system.*

Selectman Maddox said two years ago, the Board voted not to spend any money at Benson's until they own it. This is taxpayer dollars out the window, so he just can't vote for it. Chairman Jasper said damage is being done to the buildings and they are spending money now to make repairs to secure the building every time it is vandalized, and it is taking time for the police to respond. Every time it is broken into and they take the security off the doors and windows, more damage is being done, which ultimately result in spending more money. Selectman Maddox said it's not the town's property; the state should be called. Chairman Jasper said the state doesn't care and won't spend a dime on it. The DOT really doesn't care if there are any buildings there or not. They've given the town permission to do what they need to do to maintain the buildings. They spent a lot of money on the historic assessment and on Hazelton Barn to do things there, but they are not going to do this.

Selectman Nadeau asked if the building were going to be in jeopardy if they put in electricity. Chairman Jasper said not with the new electrical service. As soon as they get electricity in, they'll be able to get an alarm system in. If this is approved, he is going to ask the Town Administrator to solicit three quotes on a silent alarm system to cover the train station and office building. Selectman Massey said he was troubled by continuing to spend money on Benson's. This is short money and he will support this, but they are coming to a fork in the road, probably this year, where they either tell the state to give the town the property under the terms and conditions they were talking about, or the town is walking away—and then do so from the Hazelton Barn.



Chairman Jasper said perhaps he jumped ahead of his report, but while they were talking about the motion, he would explain things a little more of where they are at. He has not heard back on the final day, but it was supposed to be Monday or Tuesday coming up, the Attorney General's Office will be on site, but the most important people who will be there are from the Division of Historic Preservation to look at the three buildings in question to see if they can get some agreement on where to go with this. He is cautiously optimistic that once they see what the town is up against, they are going to be a little more realistic about what their requirements are. They don't see their requirements as onerous because of the waiver process, but the town doesn't want to go in having to get waivers. They need to know up front. That is supposed to happen Monday or Tuesday of this coming week. He already told the Town Attorney that if they are not on a path to get this wrapped up by the end of May, he's going to start rattling cages all over the place. If the meeting on Monday or Tuesday does not bear some fruit, he will immediately set up an appointment with the Governor and Councilor Wieczorek and really start pushing.

The state has thrown a new wrinkle into things, which he hasn't talked with the attorney about; he has only seen it in memo form. They are saying they understand the environmental issues of the two known landfills that the town wants the state to indemnify them, but now they are asking what if some other environmental issue comes up in the future that they didn't know about. The state doesn't think they ought to be held liable for that. Chairman Jasper said his position is wait a minute; you're the folks who bought this place to begin with, not doing the due diligence before paying \$4.1 million for the property. He didn't think there was anything out there, but he didn't want to put the town in a situation where they are assuming liability that now rests solely and squarely on the state. If the state does not accept responsibility, it's time to say goodbye. Going back to the alarm system, if they don't get it, they're going to be giving back a whole lot of money to Shepherd's Hill Development. They are collecting \$300 a unit and if they don't do Benson's the town can't keep the money. The balance will have to go back. This is an expenditure that isn't going to cost the taxpayers anything. He didn't want to see the buildings gone in the next month or so, and it's just getting worse and worse.

Selectman Maddox asked why this historical commission, who is trying to put a gun to the town's head, redirecting that towards the DOT. Those buildings are in their care, right now. Chairman Jasper said they don't have any power over DOT. Selectman Maddox asked why the town was trapped by this onerous requirement of materials that are going to be very expensive. They are holding the town hostage. Chairman Jasper said the other part of the equation is if the state was doing anything with those buildings, they might have to be held to those standards, but the fact that the state is doing nothing but letting them fall into the ground... it's only what you do rehabilitation is there a problem. It's one of those crazy situations, which is what government so often is. Just plain crazy.

Selectman Robinson asked how many trips the police have made out there in the past six months. Chairman Jasper said he had no idea the total, but he is aware of three separate incidents in the last several months. Substantial damage has been done.

Selectman Nadeau asked if the kids who vandalized it have been caught, and what have they done. Chairman Jasper said yes, but it is still state property, so the state has to step in. The town couldn't get a hold of anyone who would accept responsibility. The police now have direct contact with the people who are in charge of getting estimates. Whomever the town contacted never got back, so by the time it went to court, there was no estimate on the damage, so the judge decided that with no damages estimate, there was nothing he could do. The father of one of the juveniles involved said the town didn't have any authorization because it was state property, so instead of having his child take responsibility for the damage, it was a get out of jail free card, so to speak. Selectman Nadeau asked if the money being used for this purchase was out of Shepherd's Hill. Chairman Jasper said it's all in one account, and the town can charge it to that. Selectman Nadeau said in that case, he was in favor of it. Selectman Massey said there are actually two accounts—a capital reserve fund that the Board of Selectmen are agents to expend, and the Shepherd's Hill Contribution Fund. He thought it would be appropriate to take it out of the latter. Selectman Nadeau agreed. Chairman Jasper said the minutes would reflect that.

Selectman Robinson said if the put in the alarm system, and they catch the kids, are they back in the same situation where the father says it's state property and you can't do anything to my kid? Chairman Jasper said no, because at that point, they will have a contact person who can come in and press charges on behalf of the state. Selectman Robinson asked if the alarm system was to enhance the state's position in prosecutions. Chairman Jasper said it would be to, hopefully, protect the town's future assets and, hopefully, also prevent future vandalism. They could put in a audible alarm there, but he didn't want to do that. Hopefully, word will get around once they see the electric service in there and phone service, they will feel that this isn't a place to mess around with. And they can do a better job of posting, and that has been a problem, as well. He'll be talking with Steve about that. He didn't think there were any signs on the buildings at all to indicate No Trespassing.

Selectman Massey said he'd support a silent alarm. He was on a ride-along with the police two summers ago and when the alarm went off on the particular building, three minutes later the dispatcher from the security company called the Hudson dispatcher; three minutes later, they were at the scene and everybody was gone. They got away with over \$50,000 worth of merchandise. Those six minutes were crucial, but for the entire time, the alarm was going like crazy. Chairman Jasper said, in this case, there is nothing to steal, only things to break. When they get into the building, they are there for the long haul. His recommendation, if possible, would be to ring in directly to the police so there is no middleman in the alarm system.

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

Chairman Jasper said, without objection, he'd have the three quotes for an alarm system taken care of.

► Chairman Jasper was called by the Republican leadership of the House last week and asked to testify on SB-88 because of his position as a Selectman. A labor bill. It has a couple of really bad things in it, one of which is an evergreen clause. Right now, when they reach impasse with a labor union, all the current salary rates and health benefits continue, but there are no future increases for steps or anything like that.

(Start Tape 2-B)

With this bill, if you don't reach agreement, you continue to get a 3% annual increase and you get your steps and everything else. Some people are saying no, that's not true, but when he testified in Municipal Association, that was the reading of the bill. The other thing in this bill that is really onerous; it may not be too bad for Hudson, but it might have an impact. You can form a union under this bill with as few as three people in the bargaining unit. The town has a couple of units with 22. Ten is the number required now to form a union. When both of those bargaining units formed, the number was well under 20, so they didn't have the option of splitting up. There are some communities of interest within those bargaining units where you could take some police and fire supervisors and get nine. This would result in having several more units. The end result of either of these things is an issue of an unfunded mandate. The state is changing the rules of the game, which will certainly incur a cost on the town, if not in having new unions, in the past two years, they've had two contracts, at least, where they've gone to impasse on and had to go to arbitration. Didn't cost anything. This would clearly cost something. Unfortunately, not everybody sees it that way. He spoke with Rep. John Knowles on Saturday, and he, as well as Rep. Maryann Knowles and Rep. Russ Ober, are on the Labor Committee. Russ Ober agrees with Selectman Jasper's position. John Knowles was not ready to see it that way. He didn't see how anybody could look at this and say it's not going to cost the town more money. In the very first Supreme Court decision on the Amendment to the Constitution, 28-A, in 1984 said it does not have to cost you money immediately, as long as it will result in a future expenditure, if certain things happen. That's clearly the case here, which makes it a violation of 28-A, but obviously, the entire state Senate didn't see it that way. So, they've got some problems there. The hearing has been continued until tomorrow morning at 10:00 at the State House in the LOB. That is an issue that is a real problem for municipalities, if this passes.

Selectman Massey said he's been reading the materials on this and he has been extremely dismayed. The one that really caught his eye was the ability to continue the contracts, which effectively says there is no incentive for anybody to ever settle a contract. He then moved to send a letter to all the members of the Labor Committee on behalf of the Board, and to the Senate members of the Labor Committee, vigorously opposing this on the grounds of it being totally impractical, especially the three people creating a bargaining unit. Chairman Jasper didn't think it required a motion, saying it was too late to send it to the Senate, but it could be sent to the Labor Committee. If it were to pass the House, it would be appropriate to follow up and send a letter to the Governor, urging him to veto the bill on the constitutional grounds. Where would there be incentive to negotiate, if you were already going to get what you negotiated and it was just going to continue? Without objection, he will make that letter happen.

**B. 6 Clement Road Sewer Betterment Assessment**

Chairman Jasper said Howard Dilworth was scheduled to talk on this, but wasn't able to make it. Selectman Massey said he could speak to a little bit of it, since a lot of the discussion happened when he was on the Board. Chairman Jasper thought it should be deferred, mainly because of the second part of the motion. He has some serious questions in that someone owes the town money, a legitimate debt, why the interest should stop. If the money was in the bank, they'd be collecting interest on it. This needs someone from the Sewer Utility to come forward. Selectman Massey said the reasoning at the time was that, at some point in time, the sewer fee would exceed the value of the land. Chairman Jasper said he understood that, but if they paid their fee when it was due, it would be over and done with, like everyone else. The sewer fund ended up being short \$48,000 because that betterment district did not get fully funded. Therefore, monies from someplace else in the sewer account covered that \$48,000. The interest rate doesn't necessarily need to be 6%, the amount they've been charging. Whatever the average rate of return is on their investments, they should be continuing to get on that \$48,000. It's a business decision the owner of that land needs to make. Selectman Massey said it's actually \$27,000, plus accrued interest, but it would be worthwhile to have Mr. Dilworth come. Tom Sommers said he could make it to the next meeting, too.

*Motion to defer until May 8 by Selectman Maddox, seconded by Selectman Massey, carried 5-0*

**C. Discussion with Recreation Committee**

Mick Regan, Chairman of the Recreation Committee, and Vice-Chairman Sue LaRoche were recognized. Mr. Regan said they wanted to open a dialogue with the Board, to find out what the Board of Selectmen expects of the committee, as well as Board support for their programs. As the town grows, their programs grow and they are encountering safety issues and they are looking for some feedback. They had expected, in the past, to have an informal meeting with the Board, with the ability to bounce things off of each other, but that didn't take place, so that's why they requested this meeting. They wanted to meet with the Board prior to the meeting on May 1, which will include the Hudson Senior Council on Aging. Where does the Board want the committee to go? How does the Board like their programs, and where does it think they are going? Are they doing a good job?

Chairman Jasper said he thought the committee was doing a good job. They were in one of those positions where nothing is heard unless there is a problem. That's not a good situation to be in, but far too often, that's what it is. He wasn't aware that the Recreation Department wanted a one-on-one meeting with the Board. They were invited to the May 1 workshop because of the relationship between the Seniors and Recreation Department with the use of buildings. It would be appropriate for both boards to be at the same workshop, although it would not be inappropriate to have just the Recreation Committee at another workshop to talk about where they want to go. The purpose of the committee is really to tell the Board where town recreation should go. He isn't involved enough on a regular basis to know what is needed. The Board relies on the committee to come to

it, and it is hashed out during the budgetary process and through the Recreation Director, who is present on a regular basis. The committee is also provided some help via a Selectmen's liaison, although that doesn't always work out. When he was the liaison, he had more time conflicts than not. There are too many meetings and not enough people to go around. Speaking on behalf of everyone else, he appreciates the work the Recreation Committee does on the town's behalf and they want to work together as well as possible. The Board needs to hear more about what it can do to help the committee make those recommendations. They've got some planning to do for the future, but they've got to take baby steps because that's the only way to get anything done in town—take little steps.

Selectman Maddox said last year, the Board instituted a program of meeting with the department heads at workshops, and that worked out very well. The Board of Selectmen met with the Planning Board on a semi-regular basis because of the issues going on there. This brings to light that there are other boards and agencies they need to work in at workshops. Chairman Jasper said on September 2006, the Board did meet with the Recreation Department, so that would have been the appropriate time to have brought the committee in, and they just didn't think that all the way through. They covered all of the bases, but probably not all of the people. At the next meeting, they are going to be talking about their schedule. They will continue to meet with everybody and, in this case, remember to invite the Rec Committee to come in, as well. Selectman Maddox said the Board is looking for the committee to put some ideas forward. When looking at the big picture, if nothing is biting them, that committee must be doing a good job. The Board needs to hear what is not working well, that has either been corrected and the Board just doesn't know about it, or things the committee wants to see that the Board should be looking at downstream. What programs are bulging at the seams? How do they make that work? The fields are an issue that's been going on for a long time. They've gone to CIP a number of times. Maybe some sort of dialogue, coming together with some sort of agenda the committee wants to talk about so the Board is as prepared as it can be.

Sue LaRoche said in the committee's monthly meetings, they are constantly striving to provide programs for the full gamut of ages throughout the town. They have programs for the younger kids, movie night and they are initiating a father-daughter dance. A big issue they are facing, which has been brought up at their meetings, and will continue to be brought up, is lack of space in town and what they should do with all of the programs they do have. The Recreation Committee, recognized by the town as a committee of a town department, would appreciate support for its programs insofar as they have the numbers to support the need for space, buildings, fields, etc. They would appreciate knowing they have the support of the Board of Selectmen by being aware of the large number of people that the Recreation Department deals with on an annual basis.

Chairman Jasper said they do provide support through the budgetary process, even if they don't verbalize it. When the budget is approved by the Board of Selectmen, that is their stamp of approval. If further support is needed, the committee has to realize that the Board is being pulled in 100 different directions and they need to be made aware of what they can do to help those who are helping them because the Board just won't always know what to do or even think of it. When things are running well, and there is no noise, the Board is off in another direction. That's the reality of the job. As for himself, he is sorry the committee feels neglected and unappreciated, that's not reality. Essentially, the Board members are just volunteers like the committee members are.

Ms. LaRoche said it's not an appreciation thing, and they're not looking for a pat on the back, by any means. They understand they are volunteers and have to put the time in, just like everyone else does. The thing that is disturbing—and she is being honest—when she got the letter from Mr. Jasper, sent to Mr. Renzullo about the meeting next week, the fact that she was copied—the letter was not addressed to the committee, and as a former member of OPAC, she knows they got invited to the meeting, as well—she felt slighted by in that the letter wasn't addressed to the committee, as well. They feel like they are being brushed over and that's something they need to discuss.

Chairman Jasper apologized, saying when he signed the letter, he didn't give that a thought. The purpose of the letter was to talk to the Seniors, and others were copied. He should have caught that and said they need to be specifically invited to come in to talk about this. The primary focus was on the Seniors, but recognizing that there were other people who were impacted by that. It wasn't the proper way to do it but, again, he comes in—and as anyone who has been chairman can attest to—and there's an awful lot of things to sign in the course of a week, and you can't think every single thing through. They have a limited staff, and they are doing the best they can for the Board, so sometimes things just go through the cracks, that if you had the time to sit back and think every letter through, you'd come to a different conclusion.

Selectman Robinson wanted to echo the fine job that the Recreation Committee and Department does for the whole town, providing activities for some 800 kids. He has an expression he uses at work with his employees, "be my friend." If he, as a Selectman, is not supporting the committee the way they choose to be supported, recognized, thanked, appreciated—not how the Board chooses to do it—please call him. He wants to appreciate the committee members in the manner they want to be appreciated, not the way the Board thinks is the right way to do it. As they build a relationship going forward, that's how it has to be done. He has to appreciate each member the way they want to be appreciated. The committee has a tough job. With the skate park, there are headaches, headaches, and with the Community Center. He applauds their tenacity with how they've been able to cope all these years. Hopefully, they can work through it. As Selectmen, they make some mistakes sometimes and maybe how the letter was addressed was a mistake. He asked them to please be his friend and if he can appreciate them, or partner with them in a program, such as the Daddy-Daughter dance, he's more than happy to do it.

Mr. Regan said it's not so much a pat on the back—and he thanked the Board for the Ice Cream Social—but what they are looking for is teeth for some of their programs. They are growing, and they have safety issues. A lot of different things come into play with their programs. They realize that the squeaky wheel gets the grease. He's been on the committee for 13 years,

and they've always been below the level, and that's a good feeling, but they hear things in the wind that things might be changing, and they start getting nervous because a lot of families and lives to think of that are involved with the summer program, which is a big part of what they do. A lot of families need and utilize the program; it keeps kids off the streets, and they don't want to lose that—but they are concerned that they might. Selectman Robinson asked what the reason was for that concern. Mr. Regan said it was the use of the building (Community Center). Compared to three years ago, when they crammed 250 kids into Oakwood. It's a safety issue. When they switched to the Community Center, parents were glad. It is safer and more organized. As a town, they stick their necks out; it's a liability. The Community Center works well for them and they don't want to lose it. They hear about the \$15,000 feasibility study, but is it putting an addition on the building so the two groups can co-exist? Long-term, does it mean recreation will be out of that building and will it be called a Senior Center? They have heard a lot of rumors, so they need to open the discussion to find out how valid they are.

Chairman Jasper said as poorly as the invitation may have been sent, part of that is the discussion that will take place next Tuesday. They all hear rumors, but the Board hasn't done anything with any of that. They are pretty much in agreement that the focus is to put an addition on the building so the two groups can co-exist, but as he stated at Town Meeting on his own behalf, in his perfect world, the Rec Department would have a new facility at Robinson Pond. He has always hated the idea of having a summer Rec program on hot top. At the Community Center, there's no place to build fields or even have a proper recreation program. The first step is going to be what they can do for the Seniors with that addition, and that's not just for the summer. That's something they've wanted since Day One with that building because it's not conducive to their total programming. That may happen, and then they'd move along to the next step.

Selectman Nadeau asked what the Recreation Committee's top three things they need help with, or what the Board of Selectmen could do. Mr. Regan said, along with town growth, the Rec Department's programs are growing. They always need field space, gym space—with more kids and more individuals, they need more space. You can't grow more land and people don't want to build more buildings. They deal with what they've got, but there is always a wish list. Right now, they just want to maintain what they have and not go backwards. They are content, and don't want to lose what they have.

Selectman Maddox said last year, he probably got into some amount of trouble for not voting for the \$15,000 because he thought that, unless they do something in conjunction with Rec, it wasn't going to work—but, he's been wrong before. He thinks they should do something at Robinson Road, also, and the Board of Selectmen need to find a way to make something go on with that. The letter that the Board received indicated the Rec Committee wanted to have a discussion about projects, accomplishments, concerns and future plans. The Rec Committee would need to come to the Board with something so they could have time to look at it and think about it before they come before the Board. He didn't know a lot about what they do. He has told Mr. Yates repeatedly he doesn't do a good job of publicity. With the thousands of people the Rec Department does things for, and not just baseball and softball and soccer, but the comedy nights, the dances, the movie nights—all of those things that just "get done." It's not through some magic, so somewhere along the line, they need to do a better job of promoting what they do because it's just in the background. The Board has done a terrible job in recognizing the hard job the committee has done, and they need to fix that, but the committee needs to indicate to the Board where they think they should be headed. What do they think should be done? The committee should be in the meeting next week to put forward their concerns and discuss the use of the Community Center for the summer. He didn't want to have a war of Seniors vs Recreation, but all sides need to be there to talk about it. He hoped the committee would be present next week, noting that Mr. Yates would not be here, and to have some numbers available. Is there one day that might be lighter than others in order to do some switching around? They should have those numbers available so they can make decisions based on facts and some good, solid ideas of what the committee are looking for. There wasn't any slight against any group in town. The Board of Selectmen have a liaison for the committee and if there was a concern, he hoped they would bring it to the liaison, just like any Board would, and the Board of Selectmen would then get more involved. Because the committee does such a good job, the Board kind of forgot about them. For that, he apologized.

Selectman Robinson said he wants to stand by the statements he made when he ran for office. For now, the Seniors and Rec Department must co-exist. That is the program; that is what has been designed. It has it's situations—opportunities—but that is the way it is right now. They have to co-exist under the present umbrella. The long-term solution would be Robinson Road. During his campaign, he said he believed in what OPAC stated as a direction for the Seniors. He also said the Seniors need to be recognized as a group of the town, like the Rec Department, with their own budget and facilities. He stands by that and will partner with the Rec Department on that; they will co-exist. He apologized for the Board of Selectmen on how the letter was written. It shouldn't have come across that way.

Selectman Massey said the squeaky wheel always gets the attention, but it's pretty clear that this Board, over the last 20 years, has supported the Rec programs, as seen in the budgets that aren't being shrunk. The Board may not often say it, but they have funded everything that the Rec Department has been requesting from the Board. The one issue he would take a little exception with Selectman Robinson is there is the issue, and it's the thing they are going to have to come to grips with because the Seniors still continue to look at it, that a portion of the building cost to the town came from a Senior Capital Reserve Fund and, on that basis, they have more of a right to use that facility than other entities, in his opinion, but they can't lose sight of the fact that the Hudson Seniors is a private organization. They will never create a budget for the Hudson Seniors, as a private organization. If they create a Hudson Seniors Committee, or whatever it is, it would not be the Hudson Seniors, as such, because the Board cannot spend money, could not budget money for a private organization. They can provide grant money to a private organization, as they do to the existing Seniors, but as they are constituted today, they are a private organization. Finally, it did come up during the meeting last week at the Board of Directors for the Seniors, his understanding is that the Board terminated the OPAC with the acceptance of the report last year, and that the invitation to

OPAC was to the people who were on the committee, but they weren't coming in the capacity as members of OPAC. Chairman Jasper said that was correct. Selectman Massey said that's the way he conveyed it to the Seniors. The invitation was to individuals to come to provide their perspective that they had gained as part of the OPAC committee.

Chairman Jasper said to the members of the Recreation Committee that his phone number is in the book, and there's nothing worse than rumors and sitting on them. If they have a question, pick up the phone and call him. He doubted if any Board member felt differently. That's what they are there for. No one should let things fester. Give him a call. It's important to keep open the lines of communication with the people they appoint to boards, committees, etc. Selectman Maddox asked if the Recreation Committee planned to be present next week. Ms. LaRoche said they would be.

(Start Tape 3-A)

Chairman Jasper declared a 10-minute recess at 9:00 p.m. The meeting resumed at 9:10 p.m.

**D. Community Development Department**

**1) Proposed Fee Schedule**

Community Development Director Sean Sullivan said a survey was made of the surrounding towns by Susan and she provided the Board with colored charts, showing where the various towns were in relation to each other. (technical difficulties) Mr. Sullivan explained that, to the existing fees, a 30% increase was plugged in, and that is what was being recommended. At a recent Board meeting, it was discussed that if staffing levels were going to be worked on/enlarged to improve the services in the department, fees would need to be available so folks using the services would pay for the cost of the service providers via fees. That was the mission in mind when this document was put together. From a fees standpoint, the Community Development Department raised \$275,770.09 last year, exclusive of Engineering. If the 30% increase is approved by the Board, that would amount to an \$82,731 increase in revenue, if they issued and processed the same number of permits in FY08. If they went to a 40% increase, not that he's advocating that, they would be looking at an increase of \$110,308; a 50% increase would generate \$137,885. If the Board adopted the 30% increase, they would still remain slightly above the curve of most communities in the region, but still well below the town of Derry. It is his supposition that based on volume, the town of Hudson is at least as busy as the town of Derry, if not busier.

Selectman Massey said if you take out a permit to build something, it would be a fixed fee, but when you look at permits that requires someone to go in and physically do something, and they've talked about electrical permits before, that time to inspect the electrical system in a warehouse would be significantly less, in his mind, that the time to inspect a printed circuit board. The amount of electricity in the types of electrical systems they would have would be substantially different, so it seems to him that inspection fees, especially on the commercial and industrial side, should be reflective of the complexity of the job. They need to have some impact on the size and complexity of the structure, particularly with electrical permits; and maybe plumbing. He assumes the current \$950 and a 30% increase to \$1,185 is all of the permits and not just the construction permits. Mr. Sullivan said that would be each applicable permit. Selectman Massey asked if it was plumbing, electrical, foundation, etc. Mr. Sullivan said yes.

Selectman Robinson said thought that when they were sending out the electrical inspector to do large buildings, the fee for the inspection was based upon the size of the building, instead of a set fee, regardless of the size. Mr. Sullivan said they could look at that, and base the fee on size. In NH, where people can wire their own home, they sometimes can spend more time in a private residence than they do in a factory, who has a licensed electrician. That takes less time than working with a do-it-yourselfer. Using the sq. footage of a building to relate to the permit charge is a sensible approach, and they will take a look at it.

Selectman Maddox didn't want to charge \$250 to put in a plug at an industrial location, and he does a lot of permits all over the area. You end up having a flat fee, then per device. Mr. Sullivan said they sometimes do it that way. Selectman Maddox said it's more equitable. When he sees the reports on the building permits, he is fascinated how people can build a house for \$72,000. He didn't know where the numbers came from, so he didn't know if they should use sq. footage, rather than someone telling them a number. The need to go up on fees, but maybe 20% on residential and 35% on commercial/industrial. It needs to be driven by what it takes to do the job. If Joe goes to a homeowner that really doesn't have the knowledge, he can end up spending more time there, but in and of itself, the complexity of an electrical service for a good-sized commercial or industrial building is much more than it would be for a residence. They need to fine-tune how to get those numbers. He wondered if the new Munismart system would let them set up something for a base price, then add on per-device fees. Mr. Sullivan said they're not into that amount of detail yet. They are scheduling inspections and tracking permits. The data on the report that shows numbers is what has been entered. The Building Inspector does it the old fashioned way; he calculates it out. If someone tells them they are going to spend \$25,000 to build a 2,000 sq. ft. house, a red flag goes up. They are not naive to what the costs are. They try to stay current, but they could do better. Bill is pretty good about charging a fair value. When they can point to something specifically, when questioned by the public, and that doesn't happen all that often, it is helpful. No two communities use the same methodology. There is a wide variety communities use to derive numbers. If there is a better and improved way to derive numbers, and the Board gives him the direction, he'd be happy to look at that and come back with a revised proposal.

Selectman Robinson asked when was the last time the residential was raised, if the whole chart was resided, and the reaction of the public. Mr. Sullivan said in 2005, about 10% was done. and they got almost no complaints.

Selectman Maddox said the fees need to be increased, it's just a matter of how they are going to do it. What does it take to do an above-ground pool? Is the town covering its cost? What about the cost of the re-inspection? Mr. Sullivan said it varies. If someone hires an electrician to wire the pool, they can be in and out in half an hour, but if someone digs the hole themselves and wants to do their own wiring, they could be there two hours. Some people are very good at it, while others need more oversight. Selectman Massey thought a master electrician had to sign off on all electrical jobs, even if someone did it themselves. Mr. Sullivan didn't think that was the case. Someone has the right to wire his own property. However, it's a different story with a rental property.

Chairman Jasper said the only increase in fees he remembers being talked about recently were Planning Board fees, when they were talking about needing more staff in the Planning Department, an Associate Planner. In order to justify that position, he thought the fees should be increased to cover that. He didn't recall any proposed increase in permits. He never liked the schedule because it never made any sense to him at all. Why is it the same for a residential sign as it is for an electrical or plumbing permit? RiverPlace is coming up, with 2.2 million sq. ft., and it's the same with one device or 30,000 devices. There needs to be a better way of doing that. A 30% blanket increase just doesn't do it; it makes no sense to him. He didn't want to send this to a public hearing. It doesn't bother him that they're the second highest in the region, if it is covering a reasonable cost. Fees can't be set on worst case scenarios; they have to be based on the average time it takes to do an inspection. He asked if anyone wished to make the motion to send this to a public hearing on May 22.

There being no motion, Chairman Jasper said that sends a pretty clear message to Mr. Sullivan, based on what he has heard from the Board. Selectman Maddox didn't think they were ready to send this to a public hearing. He thought Mr. Sullivan should go back to find out what other communities do. There needs to be some sort of nexus between a fee and a re-inspection fee. They could take the average and do the math from there. Now is the time to be prepared for any type of development that could be coming in because they don't want to be doing a large industrial facility for \$250 when someone spends six months there. They probably need to come with some sort of plan to start moving towards that. Chairman Jasper agreed. Except for Wal-Mart and Sam's Club, the other stores are pretty small. They are talking about a whole different animal, if RiverPlace gets going, and they should have an appropriate fee schedule for that.

Selectman Nadeau asked if they knew how much time it took for the inspectors to do Wal-Mart. Mr. Sullivan said probably not, in terms of hours spent, such as an engineering log. They could start that now, but there aren't too many Wal-Marts on the horizon. Other than a historical memory, there probably are no records.

With electrical and plumbing permits, Selectman Massey liked the idea that Selectman Maddox had—a base fee, plus a per-device charge, but they have to be careful about devices because there are a lot of different sizes and types, so there should be small, medium and large device pricing. There is also a lot of merit in looking at a sign permit, which is \$50 and electrical and plumbing are also \$50. Certain types of fees should be based on the complexity of the inspections that are going to be required and some fee based on per-device is the way they should be going. That would solve the problem, even if it was one building of 2.2 million sq. ft., or whatever. If it was per device, it would accomplish what they are after.

Selectman Maddox said if they don't do per-device pricing, perhaps it could be based on the sq. footage—some method that works. Perhaps do some research with other towns to find out what works for them.

2) **Proclamation for Building Safety Week 2007**

Community Development Director Sean Sullivan said the Community Development Department was a member of the International Code Council, which has designated May 6–12 as Building Safety Week and have asked individual communities to adopt a proclamation. The goal is to educate the public and increase awareness of building safety. The theme this year is *Building Smarter... for Disasters and Everyday Life*. The Hudson Community Development Department conducts building safety inspections on a daily basis. Employees in the department work to ensure that structures where people work and live are safe.

*Motion by Selectman Robinson, seconded by Selectman Massey, to designate May 6–12 as Building Safety Week in the town of Hudson, NH, carried 5-0.*

Chairman Jasper suggested that perhaps HCTV could scroll the proclamation.

3) **US Census, LUCA (Local Update of Census Addresses) Program**

Community Development Director Sean Sullivan said the Community Development Department staff attended a seminar hosted by the US Census Bureau and were advised about a program called Local Update of Census Addresses (LUCA). It is a voluntary program that gives local governments the opportunity to review the Census Master Address file for the 2010 census. The Census Bureau would be able to ensure their address files of Hudson are accurate and that no residential housing units or group quarters facilities (multi-family dwellings) are missed in the census. Mr. Sullivan recommended that the town participate in the LUCA program which means the town will review the Census Bureau count of addresses for each census block in town. The town will also be responsible for submitting a local address list in a Census Bureau-predefined computer-readable format. Accurate census data is

helpful for identification of housing units in town. He volunteered to serve as the LUCA representative to the Census Bureau, if that was the will of the Board.

Selectman Maddox asked for an explanation of Option 3, as opposed to one and two. Mr. Sullivan said Option 3 was the least complex. Options 1 and 2 would be more applicable to Nashua, where someone could be designated. It has to be a confidential employee; no materials can be left out on their desk and it has to be locked up every night. Weekly communication with the Census Bureau would have to take place.

Motion by Selectman Nadeau, seconded by Selectman Robinson, that the town of Hudson participates in the LUCA program, Option 3, and that the town will review the Census Bureau count of addresses for each census block in town, and further designates the Community Development Director as Hudson's LUCA representative to the Census Bureau, carried 5-0.

(Start of Tape 3-B)

- E. **Acceptance of a donation of \$300 each to the Police Dept. and Fire Dept. from Nottingham West Lions Club**  
Motion by Selectman Massey, seconded by Selectman Maddox, to accept the donations, with the Board's thanks and appreciation, carried 5-0.

F. **Fire Department**

- 1) **Request by Fire Fighters IAFF Local 3154 to hold MDA Boot Drives in June 2, July 14 & August 25, 2007**  
Firefighter Pat Robertson said Local 3154 appreciates the Board's approval of their boot drives. Once again, Hudson was the number one boot drive in the state. It's a great feeling to know that people in town dig deep and give more and more every year. It's amazing to them. This year, they got a lot of national recognition. They were in the IAFF national magazine and one of the Hudson firefighters was holding a boot on the national telethon, as well as at the international convention, they did a clip on Hudson, as well. It was impressive to see the recognition. In June, they stayed away from graduation; in July, they avoided the weekend of the Fourth of July; and in August, they steered clear of Old Home Days.

Chairman Jasper offered congratulations and thanks for the work they do for that. Citizens do dig deep to give that kind of money, but the firefighters are out in the hot sun or pouring rain to collect the funds.

Motion by Selectman Nadeau, seconded by Selectman Maddox, to approve the MDA boot drives for June 2, July 14 and August 25 at the intersection of Derry, Chase and Ferry Streets, from 9 a.m. to no later than 3:00 p.m. and that safety vests be worn and appropriate signage be erected.

Amendment by Selectman Massey, seconded by Selectman Maddox, to strike the date of June 2, 2007.

Selectman Massey said this is the only group that the Board allows to openly solicit at public intersections. While he applauds the cause, providing them three days just doesn't sit well with him. A large number of people give because the firefighters are out there with the boot; they don't give because they want to support it. The Board doesn't allow any other organization to do this—three days is just too many.

Selectman Maddox said he might have agreed with Selectman Massey three years ago, when they were having all the problem with the signage and people didn't know what was coming up. But as someone who has stood out in the heat with the firefighters for a few hours, people are digging out their change before someone with a boot even gets to their car, and the signs clearly say what the collection is for. People will call you over to their cars and they have their windows down before they even get to the cars. He can't support the amendment.

Vote on the amendment failed, 1-4. Selectman Massey voted in the affirmative.

Vote on the main motion carried 4-1. Selectman Massey voted in opposition.

FF Robertson said there is legislation pending right now on how to make it safe to do boot drives, and they are using Hudson's procedures as the standard.

- 2) **Request to change the Fire Dispatch Shifts' Working Hours**  
Fire Chief Shawn Murray and Deputy Chief Neal Carter were recognized. Chief Murray said they wanted to change the dispatchers' current working hours and schedule from an eight hour fixed schedule to a 12 hour rotational schedule on a trial basis for 90 days. The dispatchers would work two day shifts, from 8:00 a.m. to 8:00 p.m., followed by two night shifts, from 8:00 p.m. to 8:00 a.m., followed by a four day rest period. After the 90-day trial period, they would evaluate the shift change. If it worked out effectively, they would continue with it and they would do a side bar agreement with the union. This change in schedule would allow all of the dispatchers to be exposed to the varying work hours and conditions in the dispatch center. This change would alleviate the need to fill a weekly vacant shift, which turns out to be on a Saturday. That is usually covered with overtime with either a dispatcher or a firefighter. No additional costs are associated with this shift change and the hours for coverage remain the same. Also, there are FLSA issues with this change. All four full-time dispatchers are in agreement with

the change in schedule. The Board's packet contained a sample schedule and a spreadsheet which shows the breakdown of the dispatch coverage. The town's labor attorney advised that, if the Board approves this tonight, a side bar agreement to the contract is not needed at this point; it would just be a temporary letter of agreement. They would be doing a side bar soon with the Robinson Road station, and they could do it at that same time, if this change is going to be permanent.

Selectman Maddox thought that, in the current contract, overtime was paid over eight hours. Chief Murray said that was correct. Dispatchers are paid for actual hours worked, unlike the firefighters, who are covered by FLSA. One week, they work 36 hours and the next week, they end up working 48 hours, but it balances itself out, so there are no additional costs. Selectman Maddox said they'd be working eight hours overtime the second week, so they'd be getting time and a half for those eight hours. He didn't see how there wouldn't be extra costs for that. Chief Murray said every Saturday, they have an eight hour shift open. Basically, they are eliminating that shift, which accumulates over 400 hours. The way the work schedule works out, it gets spread out and balanced among the shifts. Selectman Maddox said it sounded confusing and the math didn't work for him. Chief Murray said there are a set amount of hours; there are no additional hours. Selectman Maddox said today, they are working eight hour shifts, so they would not get any overtime. Putting them on shifts, they'd get overtime for some of those hours. Chief Murray said that was correct, but it averages out throughout the year among all of them. Deputy Carter said the overtime is paid from the FLSA, which is eight days, so they are working 48 days and it averages out FLSA-wise. It sounds confusing, but it balances out.

Chairman Jasper said they are not going to get overtime every time they go over 40 hours, or even 48 in a week because that's only a one-week cycle. The next week, they are going to get less hours. Chief Murray said it goes from a 48 hour week one week, the long week, but the week before is 36 hours. Selectman Maddox said they get overtime after eight. Several responses indicated that was not the case, based on the eight day schedule. Selectman Massey said they working an eight day cycle, so where is the overtime? Chairman Jasper said it's a 42 hour week, so there's four hours of overtime. Deputy Carter said that gets absorbed in the week because every Saturday, they have to fill an overtime shift for eight hours. Selectman Massey said he wasn't after that. There is an eight day cycle which says in 40 days, they've covered five cycles, and in those 40 days, if you were working your regular eight hours, you would have worked... he'd have to see some more math to understand why there's six hours of overtime. Since everyone now gets six hours of overtime, you've got six times four, and asked if that's what adds up to the 400 hours. Chief Murray said calculating it that way is not going to work. It follows FLSA cycles and he could assure them there are no additional hours added to the shift schedules. The hours average out over time. Selectman Massey said they work 12 hours, with no overtime; 12 hours, no overtime; 12 hours, no overtime; 12 hours, six hours overtime. Chief Murray said on a short week, they are working only 36 hours. Selectman Maddox said on the second week, they get eight hours overtime. Chief Murray said when they work 36 hours, they are getting paid for only 36 hours, not for 42. Selectman Massey asked if they were getting six hours of overtime for working 48 hours, or eight hours of overtime. (Talking over each other.)

Chairman Jasper read the note at the bottom of the schedule page, which said, "Two weeks paid at 36 hours regular followed by 2 weeks paid at 40 hours regular + 8 hours at time + 1/2," so every third week, they are getting eight hours of overtime. The overtime covered on Saturdays now is eight hours, which is 32 hours a month, on average. If everybody, every third week, was getting eight hours of time and a half, that's about 32 hours every three weeks. Chief Murray said it does average itself out over time. Chairman Jasper said it seems like it is slightly more. (He continued to try to calculate it out.) Chief Murray agreed it really was a math quandary. Chairman Jasper said they are getting 40 hours each week, which is 160 hours in a three week period. Under this, they are getting 48 and 48 and 36, which is 162. They are getting two hours more, with time and a half on 16 of those. It's not adding up to him. Deputy Carter said their secretary assured them that this does work out, that there are no additional hours. Besides, this is being proposed only on a trial basis. If, at any time, they find that it's not working out, they can go back to the present schedule without a problem.

Selectman Massey said that was a key concern of his. He asked if they quantified what the criteria will be to know if it is working or not. For example, people are used to working eight hours a day are now working 12 hours, and they are not working 12 hours a day for four consecutive days at the same time; there is time shifting on the second two days. He asked what the quantifiable goals were, or criteria, they will be able to look at that indicates it is working. Chief Murray said the most important part will be the dispatchers, themselves, who will tell them whether the change in shift hours is manageable for them, and if the rest period in between gives them enough down time between their shifts. Selectman Massey asked the Chief how he was going to quantify it. Chief Murray said that was the way they were going to quantify it. Selectman Massey said it looked to him like everyone was going to get a total increase in income. Since it's revenue neutral, they are going to shift the dollars that are paid for that overtime shift to the four current dispatchers, what would be the incentive for them to say it's not working, since they are getting more money? Deputy Carter said they are currently being offered that overtime first, anyway. If they don't accept it, it goes to a firefighter, who is less trained and not as efficient running the dispatch center for eight hours. Selectman Massey asked what would happen if two dispatchers say it's working and two say it is not. Chief Murray said all four have to say it's working. Selectman Massey asked if one dispatcher could veto it. Chief Murray said yes; that was the agreement.



Selectman Nadeau asked what the benefit was to the town to go with this proposed schedule. Chief Murray said there is currently one morning dispatcher, one afternoon and one late evening. Selectman Nadeau asked if they get to pick their work schedule. Chief Murray said no; it depends on the vacancy that comes up. They don't bid on it, or anything. One dispatcher that was hired two years ago has been on the midnight shift, and he hasn't had the ability to work the day shift, except when he picks up an overtime shift. During the daytime, it's a lot busier during business hours. That person works very hard, having to answer business line calls and emergency calls. They often end up carrying the majority of the administrative work because that has to be processed during the day, also. This proposed schedule exposes all of the dispatchers to the different shifts to learn more about the entire operation.

Selectman Massey asked what the current policy was on the maximum number of hours that a dispatcher can work on any given day. Chief Murray said there is none. Selectman Massey asked what the policy was going to be if an individual has pulled four consecutive days of 12 hour shifts and opts to take somebody's two or four 12-hour shifts for the next four days. Chief Murray said they have an overtime mandate system, that if someone happens to call in sick, then the mandate system kicks in, where another dispatcher would come in. Selectman Massey said but now they are not going to be going to an eight hour to a 16 hour day, they are going to be going, potentially, to a long period of 12 hours days, every day, especially if during the vacation period, when one of the four is going to have to cover for the one on vacation. Chief Murray said there will be a maximum amount of hours they can work, and the shifts will be split up. They wouldn't keep someone in that position long. Even a back-to-back double shift is difficult. Selectman Massey hoped that none of them would have to work back to back shifts, which would translate to 24 consecutive hours. Deputy Carter said that would never happen; they would split it in half.

Chairman Jasper said he finally figured out that math, but if the math was right, the note was wrong. The overtime hours come out, on average, exactly the same—eight per person per month, which adds up to the 32 they currently have on the Saturdays, but the note says that they are going to get eight hours of overtime every two weeks, which is 16 hours per person times the four is 64, which is twice the amount of overtime they currently have. So, it's the average of the two week period, and that would work out—but what they are showing the Board on paper is wrong. What they have to figure out is what was right—the math, or the note. Chief Murray said the hours are going to flesh out right. He was assured that they did. Chairman Jasper said before the Chief starts this, he is going to need to confirm that it is the average of the two weeks; they only get overtime for the average of the two weeks. If that is not the case, this won't even start, as far as he is concerned.

(Start Tape 4-A)

Motion by Selectman Robinson, seconded by Selectman Maddox, to authorize the Fire Chief to change the working hours and shift schedule of the four full-time dispatchers for a 90-day trial period, which will be defined in a letter of agreement with Local 3154, as outlined in the memo from the Fire Chief dated April 18, 2007.

Amendment by Selectman Massey, seconded by Selectman Maddox, that any extension beyond 90 days requires an explicit vote by the Board of Selectmen, to extend carried 5-0.

Selectman Massey said, to be clear, his understanding was that unless the Board votes to extend, it will not be extended. Chairman Jasper said that was his understanding, as well. The Chief would have to come back to the Board at some point before the 90 days. Chief Murray said it would either be 90 days, or they'd be back in with a side bar to make it permanent.

Selectman Robinson said he visited the fire station today and spoke with Warren Glen and asked him about this, and whose choice it was to do this. He said it was the dispatchers, and management supported the request. Relative to working the 12 hours, he said they often work 16 hours, due to covering for each other. Selectman Robinson asked why they wanted this change. Mr. Glen said they all want to try this in order to improve their quality of life and spend a little more time with their families in a different environment. They know it's a 90-day trial and they can go back to what they had before.

Selectman Maddox asked the Chief to humor him and do one cycle of eight days to show that there are real dollars and that it does work out. Chief Murray said they'd cycle it out and get him that information. Selectman Massey said he, too, would like to see that because he just ran three weeks in a row, and all three weeks—48 hours each week—was different than what they were seeing on the paper. He'd like to see the shifts run out to see that they really do match up to what they are talking about, which is dollar neutral.

Vote: Amended motion carried 5-0.

## 9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Ben Nadeau said on June 8, there is a Rec-sponsored Father-Daughter dance.

Ken Massey said he's already said everything that needs to be said tonight.

Rick Maddox said they need to be looking at something, inasmuch as they've heard about police staffing at the deliberative session on one of the shifts. The warrant article for two officers didn't pass, but the need is still there. He asked that the liaison to the Police Department ask the Chief to come in to see if there is a method by which they could reallocate manpower, they could put more officers

on the street during that time period. Selectman Massey so noted, saying he had intended to do that and he appreciated the nudge to do it earlier rather than later.

**Doug Robinson** didn't have anything.

**Shawn Jasper** said on the old landfill on West Road, finally, after doing all of the inspections, things are looking up and the state has said they can include a proposal in 2007 to alter the semi-annual inspections. The water quality is getting a little better out there, and that will save some money. The landfill has been closed since 1985.

There were remarks made at the Planning Board on April 11 about an editorial in the Telegraph and that the Board of Selectmen should take certain actions. The majority of the seated Board was not here when things took place a couple of years ago, so this Board is really not in a position to challenge the Telegraph on its editorial or anything, because three of them don't have any idea what went on with that Board of Selectmen and what went on with meetings and direction to staff or anything. He did know that staff should and does meet with people who have an interest in coming to town and that's a practice that has to take place. When he read the editorial, he didn't take it as any type of a slap at staff, at all. But, that being said, this Board is not in a position, in his opinion, to address that as they were not members who were there. Two Selectmen were and, as individuals, they are certainly free to address the editorial, but the majority of the Board of Selectmen are not qualified to speak to something that happened a couple of years ago.

**10. NONPUBLIC SESSION**

*Motion by Selectman Nadeau, 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.*

Chairman Jasper announced that Nonpublic Session was being entered into at 10:22 p.m., thus ending the televised portion of the meeting. Any votes taken upon exiting from nonpublic session would be listed on the Board's May 8th agenda.

Open session was entered into at 10:55 p.m.

Fire Chief Shawn Murray and Deputy Fire Chief Neal Carter referred to the 2007 Assistance to Firefighters' Grant that the Selectmen approved the application of on April 10. Chief Murray and Deputy Carter asked for authorization to increase the amount of the request in order to get a larger pumper tanker that will carry twice as much water and additional personnel and will replace two current tankers.

*► Motion by Selectman Massey, seconded by Selectman Robinson, to authorize the Fire Chief to increase the amount of the grant request in order to get a truck with a larger crew cab and a 2,500 gallon capacity water tank carried 5-0.*

*► Motion by Selectman Maddox, seconded by Selectman Nadeau, to hire Vinnie Scurini as a substitute counselor/Robinson Pond gate personnel for the summer season at \$8.50 per hour, effective May 26, 2007, as recommended by the Recreation Director, carried 5-0.*

*► Motion by Selectman Nadeau, seconded by Selectman Robinson, to hire Robert Buxton as Deputy Fire Chief of Support Services, an exempt position in the Supervisors' Association, Step 3, with an hourly rate of \$34.35, effective May 6, 2007, and to Step 4 after a six-month probation, as recommended by the Fire Chief, carried 5-0.*

**11. ADJOURNMENT**

*Motion by Selectman Maddox, seconded by Selectman Nadeau, to adjourn at 11:00 p.m. carried 5-0.*

Recorded and transcribed by Priscilla Boisvert  
Executive Assistant

**HUDSON BOARD OF SELECTMEN**

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

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Benjamin J. Nadeau, Vice-Chairman

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Kenneth J. Massey, Selectman

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Richard J. Maddox, Selectman

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Douglas K. Robinson, Selectman