

HUDSON, NH BOARD OF SELECTMEN
Minutes of the April 10, 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 Ken Massey.

3. **ATTENDANCE**

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

Staff/Others: Steve Malizia, Town Administrator; Fire Chief Shawn Murray; Deputy Fire Chief Neal Carter; Toni Weller, Library Director; Jean Serino; Tom Kuegler, HLN.

4. **PUBLIC INPUT**

National Telecommunications Week

Chief Shawn Murray recognized all of the dispatchers and telecommunications workers, who with calm, quiet, competent voices, are the unsung heroes of public safety. They glean information from highly agitated callers, who can't remember where they live, what their name is, or what they saw and then they have to provide that information to the emergency workers, promptly and accurately. They often have to do several things at the same time, all of which involves life-safety issues. He and Police Chief Gendron thanked all of the dispatchers and telecommunication workers that work for the Town of Hudson.

Proclamation for National Library Week 2007

Chairman Jasper read the proclamation, which encouraged residents to avail themselves of the services and resources offered at the Hills Memorial Library, and it praised and thanked all library workers. He then presented it to Library Director Toni Weller.

No one in the audience addressed the Board on any matter at this time.

5. **CONSENT ITEMS**

Selectman Maddox removed 10A Park Avenue, listed under #3. Chairman Jasper noted the changes to the calendar.

Motion by Selectman Maddox, seconded by Selectman Robinson, to approve the consent items, A-D, with the exception of 10-A Park Avenue under Item #3 and the changes made to the calendar, carried 5-0.

A. **Assessing Items**

1) Veteran Credits (1 Crestwood Dr, 20 Glasgow Cir, 2 Applewood Dr, 6 Clifton St, 10A Sunshine Dr, 15 Reed St, 24B Rangers Dr, 14 Bonnie Ln, 21 Sutherland Dr, 35 Krystal Dr); Disabled Exempt (328 Abbott Farms Ln); Elderly Exempt (68 Mobile Dr, 4 Village Ln, 4 Gulf St) w/recommendation to grant.

2) Re-granting 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 (104 Old Derry Rd, 7 Gloria Ave, 3 Forest Cir, 9 Beaver Path)

3) **2006 Abatements (10A Park Ave, Map 223/Lot22) w/recommendation to approve.**

Selectman Maddox said he didn't have time to get a hold of the Assistant Assessor and there was a note that said a cell array did not exist, but when he was on the Planning Board, they came in and got five approved and there are six on the tower, so he was wondering how one does not exist, since there are more than the Planning Board approved. Before the Board approves this, he'd like to have a chance to talk to the Assistant Assessor. Selectman Massey asked about the timeframe relative to abatements. Mr. Malizia wasn't aware of any. Chairman Jasper said when they apply is what is critical; it has to be by April 1.

Motion to defer until April 24 by Selectman Maddox, seconded by Selectman Robinson, carried 5-0.

B. **Licenses & Permits**

Raffle Permit by Hudson Senior Council on Aging during Old Home Days

C. **Acceptance of Minutes**

- 1) Board of Selectmen's Minutes of March 27, 2007
- 2) Board of Selectman's Minutes of April 3, 2007

D. **Calendar**

~~4/11 8:30 am Highway Safety Cmt in BOS Mtg. Rm~~

4/11 9:00 am Joint Loss Prevention in CD Mtg. Rm

4/11 7:00 Planning Board in CD Mtg. Rm

4/12 5:30 Sewer Utility Committee BOS Mtg. Rm

4/12 6:30 Recreation Cmt at Oakwood Rec Ctr

4/12 7:30 ZBA in CD Mtg. Rm

4/16 6:30 School Board in BOS Mtg. Rm

4/16 7:00 CIP in CD Mtg. Rm

4/16 6:00 Library Trustees at the 49 Ferry Street Annex

4/17 7:00 Cable Committee in BOS Mtg. Rm

4/18 5:00 Water Utility Committee in BOS Mtg. Rm
~~4/18 7:00 Library Trustees in BOS Mtg. Rm~~ (moved to 4/16 at the Ferry Street Annex)
4/18 7:00 Senior Council on Aging in CD Mtg. Rm
4/19 7:30 ZBA in CD Mtg. Rm
4/19 7:30 Budget Committee in BOS Mtg. Rm
4/23 7:00 CIP in CD Mtg. Rm
4/23 7:00 CTAP in BOS Mtg Rm
4/24 7:00 Board of Selectmen in BOS Mtg. Rm
4/25 7:00 Planning Board at ~~CD Mtg. Rm~~ **Community Center**
4/25 7:00 Open Space Committee in BOS Mtg. Rm
4/26 1:00 Trustees of Trust Funds in BOS Mtg. Rm
4/30 7:00 CIP in CD Mtg. Rm

6. OLD BUSINESS

A. Votes taken after Nonpublic Session on March 27, 2007

Motion by Selectman Nadeau, seconded by Selectman Robinson, to hire the 2007 Summer Staff as outlined in the Recreation Director's memos of March 20, 2007; Alison Shupe and Lisa Terwilliger as Tennis Instructors; Thomas DeAngelis as Babe Ruth Baseball Director for the fee of \$600; Kimberly Malley as Summer Program Director for the fee of \$5200, Cindy Holton as Ladies League Softball Director for the fee of \$500 and Dave Yates as Men's League Softball Director for the fee of \$500, carried 4-1. Selectman Maddox voted in opposition.

Motion by Selectman Massey, seconded by Selectman Robinson, to change the status of the Recreation Department's part-time employee, Susan Kaempf, to permanent, effective April 1, 2007, at \$13.00/hr, carried 5-0.

Motion by Selectman Massey seconded by Selectman Robinson, to hire Jennifer Riel as part-time Water Utility Clerk at \$13.32 per hour, Step 1 of the Admin & Support union contract, for 30 hours per week, effective April 15, 2007, as recommended by the Finance Director, carried 5-0.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to waive the six-month probation requirement for Firefighter Toby Provencal, effective March 27, 2007, as he has met all of the probation requirements while serving as a temporary firefighter for 17 months, as recommended by the Fire Chief, carried 5-0.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to hire Michael Mulcay as temp firefighter, a non-exempt position @ \$13.73 per hour, probation step, in accordance with IAFF Local 3154, as recommended by the Fire Chief, carried 5-0.

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

Votes taken after Nonpublic Session on April 3, 2007

Motion by Selectman Massey, seconded by Selectman Robinson, to seal the Nonpublic Session minutes carried 4-1. Selectman Maddox voted in opposition.

Motion by Selectman Maddox, seconded by Selectman Robinson, to hire Robert Chamberlain as a truck driver/laborer in the Highway Department, effective April 8, 2007, at a rate of \$15.39 per hour, Labor Grade VIII, Step Minimum, in accordance with the labor relations agreement, as recommended by the Road Agent, carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Robinson, to adjourn at 9:58 p.m., carried 5-0.

B. Stop & Shop Ball Field

Chairman Jasper said, at this point, he's had two conversations with Atty. Morgan Hollis. The last was last Friday, as a follow-up to his initial conversation. Atty. Hollis has been in touch with Stop & Shop and they are weighing their options. He didn't remember if he gave a report on this already or not, but with the new information that they do actually have alternatives, they are considering all their options, including fighting the whole issue, whether to build it there, make a donation, or build it somewhere else. Chairman Jasper expects to hear back from Atty. Hollis within the week, so he recommended keeping this as an item for the next meeting. He didn't think there was any particular hurry, or the need for a motion, as he was pleased with the progress being made to date.

7. NEW BUSINESS

A. Recreation Department

1) Background Checks

Recreation Director Dave Yates said as of two years ago, background checks were done on employees and volunteers, but they never came up with a policy back then of when they would re-do background checks, so he suggested every three years to make sure they are up to date on everyone. Selectman Robinson asked what the background checks do and what they cover. Mr. Yates said they are criminally focused. Each person

would fill out a form that would be forwarded to the NH State Police. If the person has no record, the form will be stamped as such. If there is one, that paperwork would be forwarded to the town for review and determination if this person should be working for the Rec Department. The cost is \$7.50 for each volunteer and for employees, it's \$15 per check. Selectman Nadeau asked why the State Police was doing it and not the HPD. Mr. Yates said Chief Gendron said his department is not authorized to do background checks. Mr. Malizia said it is routed to the State Police by the Hudson PD.

Motion by Selectman Maddox, seconded by Selectman Nadeau, that, in addition to initial background checks, a follow-up check be conducted on all Recreation Department employees and volunteers every three years.

Selectman Massey asked if they also have to check with the State DCYS. Mr. Yates didn't know if that was included in the State Police check. Chairman Jasper said he wanted to stay focused. If anyone has questions about the checks they already do, that would be appropriate for follow-up, but this motion makes sure that after people have been hired, at least every three years, another check is done, the same as when they were hired. He didn't want to get bogged down with details of what the check involves; they don't know because that wasn't what they were tasked to look at. If there are questions about the checks, or a real interest in what they entail, they could have Dave come back and/or have the Chief come in at another time. Tonight isn't the proper format for that discussion. Selectman Robinson disagreed, saying they shouldn't be voting on something being checked that they didn't know what it was, was being irresponsible. The Board needs to know what the checks involve.

Chairman Jasper said they are already doing the checks for new hires; this Board has been approving that aspect, which has been the policy of the town forever. Every time they hire someone, they are approving the check. This is not the appropriate forum to be discussion whether or not the check, itself, is appropriate because it is the same check they are already authorizing. To ask the Chief to come in to explain what is done is totally appropriate, and he would accept that as an item for a future meeting. That's something that needs to be left up to the law enforcement agencies. They are not going to change the policy of the State Police on what they do for background checks, but they can have that discussion. Selectman Maddox questioned this being the policy "forever," saying he believed it was only two years, as he was on the Board when it got voted in. Times have changed from years ago, when people were hired when somebody knew somebody's cousin. With all of the things that are going on today in the world, the Board of Selectmen opted to spend the money to get everyone checked. Now, it's a function of continuing that so things don't slip through the cracks. As long as there is a data base that clearly shows they were tested in 2005, they are going to be checked again in 2008—that's what they are trying to do. He wants to make sure they are not allowing someone to come in and, 10 years later, never having been checked again. That's what the motion is about. Chairman Jasper said that was correct, and his reference to "forever" goes to the beginning of the program, but he was referring to background checks that they do for other employees, and he assumed when this was added on, it was the same background check they do for every other employee. He believes there is only one type of criminal background check.

Vote: Motion carried 5-0.

2) **Proposed Ordinance governing Skate Park**

Chairman Jasper read the text of the ordinance, which indicated the hours of operation were 9:00 a.m. to 8:00 p.m. daily; the Hudson Skate Park shall be used exclusively for skateboarding and in-line skating from April 1 through November 30; all users are responsible for providing their own skateboard, skates and equipment and ensuring that all are in good working order; all users are required to wear a helmet at all times; appropriate signs shall be placed at the Skate Park, indicating the hours of operation and all the rules that are to be followed by users and that the ordinance will become effective 14 days after the date of passage.

Selectman Maddox asked what was different from what was on the sign now. Mr. Malizia said those were rules; this was an ordinance, which has teeth in it in that it can be enforced by the Police Department. Selectman Maddox said there were no fines or penalties tied to this ordinance. Chairman Jasper said that was a question. Mr. Malizia said a fee or fine could be included, probably some kind of criminal or misdemeanor trespassing charge against them. Chairman Jasper asked Mr. Malizia to look into that with the Chief. Would the penalty just be removal? That's doesn't keep them from returning the next night. This ordinance might require an amendment. That's why they are having the public hearings.

Motion by Selectman Nadeau, seconded by Selectman Robinson, to forward this to public hearings, the first to be held on April 24th and the second to be held on May 8th, carried 5-0.

B. Fire Department

1) **2007 Assistance to Firefighters' Grant Program**

Fire Chief Shawn Murray and Deputy Chief Neal Carter were recognized. Chief Murray said the Fire Department has participated in this federal program over the last five or six years and they have been successful in obtaining grants for various equipment. Last year, they applied for a grant for a pumper tanker.

This year, the 2007 process allows them to apply in two areas of the grant—one is in operations and one is in vehicles and apparatus. He was seeking authorization to apply for a grant to replace the current 1987 Ranger International tanker, and to apply for funding to purchase replacement firefighter gear. Their current gear is 10 years old and is beginning to show signs of wear and deterioration. Due to the environment and condition this gear is exposed to, the fabric loosens up and loses its thermal and moisture protection abilities. Changes in the NFPA standard now requires the addition of add-on equipment and other requirements. This program would allow them to replace all of their gear at once, rather than spread it out over a number of years.

(Start Tape 1-B)

Chairman Jasper said he's already suggested to the Chief that a capital reserve fund should be established for this. If they don't get the grant, they will be looking at spending that money much more rapidly. These are the types of things that can really help stabilize the tax rate. He's sure the Chief will be bringing that forward in his 09 budget. Selectman Maddox asked if that covers the call force and, possibly, the Explorers. Chief Murray said definitely the call force, but he'd have to check to see if it extends to the Fire Explorers. The Explorers do not actively enter buildings to fight fires, so they get the recycled gear.

Selectman Massey asked when the grants are awarded. Chief Murray said typically in late fall, early winter. A lot depends on their backlog. This year, they went way beyond the award date and they were still awarding grants up until about a month ago. Selectman Massey asked if the town has to commit to the 10% match when they apply for the grant. Chief Murray said yes, but the final commitment isn't made until they give approval, which is when he'd come back to the Board for authorization to accept the grant. Selectman Massey said if they are going to take the money from the apparatus capital reserve, the earliest they could make a commitment would be March 12, 2008 because that fund is a "voter to expend." They wouldn't be able to make any commitment on the grant until after the March election. Plan B would be to take it from other areas. This is something they need to be cognizant of as they get closer. Chairman Jasper said if they were able to get a grant for any of this gear in the amount of 90%, they would find the remaining 10% out of the town budget. They are talking a maximum of \$10,000 to leverage \$90,000; they will find the money. Selectman Massey said it would be more than \$10,000 for the truck. (Talking back and forth and over each other.) Chief Murray said by the time they are awarded the grant (for the truck) and spec out the truck and go out to bid, it typically would go beyond the time period, so there is plenty of leeway to assure that they don't get into that position. There being no further discussion on the gear, they moved on to the tanker.

Chief Murray said the tanker is 20 years old and is scheduled for replacement in 2008 as part of the vehicle apparatus replacement program. Acquisition of grant money for tankers has been the most successful when applying for these grants and it looks at the benefits of a tanker locally and regionally. They will request approximately \$260,000 in grant funding; 90% of that is \$234,000 and the town's 10% match would be approximately \$26,000.

Motion by Selectman Nadeau, seconded by Selectman Maddox, to authorize the Fire Chief to apply for the 2007 Assistance to Firefighters Grant program through the Federal Office of Domestic Preparedness for the purpose of obtaining funding for replacement firefighting gear and a tanker.

Selectman Maddox said they've applied for a tanker three years in a row. He keeps wanting to go for the Quint, but that hasn't gone well—but they haven't got the tanker, either. He wondered if there was some sort of pecking order and if their chances have moved up a little further in the food chain. Chief Murray said the vehicle replacement plan drives part of that. They are continually told that tankers provide the most success in applying for grants. If they don't have any luck this year, maybe they should look at something else. Selectman Maddox asked what the feds look at, and what they've awarded in the past year. What did the town do wrong? What was in front of them that did better? Chief Murray said that's difficult to answer. They look at need and it's a competitive bid process. Selectman Maddox said he looked at the website and he saw a number of spreadsheets that showed what they gave out, more of the monies, rather than what they were giving it for. Is there a way to find out what they did right, and maybe, what Hudson needs to do better? This is the third year they've put in for a tanker, with no luck. If they put his Quint in, maybe they'd have had it by now, but he'll let that go this year. Chairman Jasper said it was probably the overall need of the community, rather than a specific piece of apparatus. He suspects the federal government will look at the community's ability to pay and the effort they are putting forward. Hudson may have a more difficult time getting monies for something like this than a town that has a substantially smaller tax base. That's typically how these things are done, based on the real need of the community. They may never be successful, just because of the economics of Hudson. Chief Murray said Chairman Jasper was correct, and he could get a breakdown of the communities in NH that received apparatus. Smaller communities are looked more favorably on; it's numbers, budget, demographics, etc. He will forward that information to the Board. Selectman Maddox said it's a Homeland Security Grant, so the chances of a community with a population of 300 is small. Chairman Jasper said they were mixing apples with oranges, here, although it is Domestic Preparedness, so it probably is the same thing with a different title. Selectman Maddox said he was just looking for ways to improve their chances for getting that tanker.

Vote: Motion carried 5-0.

2) **Job Descriptions and Promotional Policy**

Chief Murray said tonight the job descriptions included Fire Lieutenant, Fire Captain, Deputy Chief of Operations and Deputy Chief of Support Services. Over the past couple months, they've been working on improving their job descriptions and promotional policy. The Board has made it clear they want the employees prepared for career enhancement, so he and Deputy Carter have worked on these documents to bring them more in line with empowering the employees to go out and get further education, both technical and higher education, as well as prepare themselves for future supervisory positions. He forwarded talking points and rationale for the Board after Friday, but it took some time to write it up.

Motion by Selectman Robinson, seconded by Selectman Maddox, to approve the Fire Department job descriptions, as presented in the document dated April 10, 2007, carried 5-0.

Chief Murray said in reviewing the promotional policy, they did some revisions, shortening it up by removing redundant job descriptions and then added some clarifying language to strengthen the policy, itself. The other major change was to remove the waiver process. An individual could request a waiver for any number of the minimum requirements in the policy, and that has been removed. The feeling was the policy is clear enough and personnel should meet certain standards, without a waiver.

Motion by Selectman Robinson, seconded by Selectman Nadeau, to approve the Fire Department's Promotion Policy, as presented in the document dated April 10, 2007, carried 5-0.

C. **Petition to DRA Re-adjust Hudson's Assessment Review Year**

Town Administrator Steve Malizia said the Assistant Assessor has prepared a memo, outlining a request to petition the Department of Revenue Administration to adjust Hudson's assessment review year. Every five years, the DRA reviews Hudson's exemptions qualifications and Assessing files to make sure they are in compliance with state laws. As the town is currently undergoing a reassessment effort right now that will be completed for the 2007 tax year, and are also requalifying and updating all exemptions, income, assets, etc., the Assessor is recommending that they petition the DRA to put the town's review year to 2007 from 2009, to more closely align with and expedite the process.

Motion by Selectman Massey, seconded by Selectman Robinson, to authorize Chairman Jasper to sign the letter to the DRA, petitioning approval to have the Hudson assessment review year adjusted from the 2009 property tax year to the 2007 property tax year, carried 5-0.

D. **Sewer Utility**

1) **Nashua Waste Water Treatment Plant Over-expenditure**

Town Administrator Steve Malizia said the town has been charged its 12.58%; the probably is there is no appropriation for that because Nashua never gave the town a heads up when the budget was being done. The town has an exposure of \$330,000 for a capital improvement that the city of Nashua made to the wastewater treatment plan, of which the town of Hudson is a 12.58% owner of, so Hudson needs to do something. One of the things they can do is petition the DRA Commissioner for permission to over-expend, provided a funding source is identified. The Sewer Utility has a rather robust, undesignated fund balance, or surplus, which could easily accommodate this request to expend \$330,000. If the Selectmen approve application, then it goes to the Budget Committee for them to approve application.

Chairman Jasper said this letter came in in September, which would have given them enough time to put it in the '08 budget. Town Engineer Tom Sommers said there is another part to it. This is one check; they have another check coming up in that budget, which was included. Since this check was due, it was felt they had to deal with it within this fiscal year, which he recommended and the Sewer Utility Committee supported. Selectman Massey said when the invoice came in, there was no detail behind it and it took them several months to get the city to pay attention. Last year, the Board authorized him, Mr. Sommers and Mr. Malizia to meet with the Commissioners in Nashua. It turned out that it was easier and would probably get them down the road faster if Mr. Malizia and Mr. Sommers met with the Director of Public Works, who was the former Wastewater Treatment Manager. It was the result of those meetings, that went into January or February of this year, when they finally got, not only the detail behind the bill they were submitting, but they peeled away the other onion that showed a significant charge coming down the road. The DPW Manager has agreed to have periodic meetings now with Mr. Sommers so the town won't be blindsided in the future.

Motion by Selectman Massey, seconded by Selectman Maddox, to submit an application to the Commissioner of Revenue Administration for permission to over-expend the Fiscal Year 2007 Sewer Fund budget by \$333,422.60, with the funds to come from the Sewer Fund Unreserved Fund Balance, as recommended by the Sewer Utility Committee, carried 5-0.

Chairman Jasper said this will move to the Budget Committee before the letter is sent. Selectman Massey said this does not impact the tax rate and it will not impact the sewer rate because it is coming from surplus.

- 2) **Request for Waiver from Temporary Water Connection Moratorium (54 Dracut Rd; 15 Eayers Pond)**
Town Engineer Tom Sommers said this property does not have a house on it, but the one at 15 Eayers Pond Road does. Selectman Maddox thought it was existing homes on existing lots of record only. Mr. Sommers said that's one; the other is you have to meet a requirement of showing reasonable proof you will not bring the pressure below 35 psi. The Dracut Road property meets that requirement. They came forward with engineering data to back that up and that was reviewed with the consultant.

Mr. Malizia said when the moratorium was first passed, it contemplated new homes coming on line and it had a requirement in there that if you were to hook up, you had to meet certain psi for new properties. What they didn't contemplate was existing homes that had water quality issues, so in July 2006, the Board added a section that covered existing homes.

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

E. Police Vehicles

Town Administrator Steve Malizia said on February 27, the Board of Selectmen directed that he work with the Police Department and other departments to see if any of the HPD trade-in vehicles could remain in town service. At that meeting, they discussed the possibility of transferring over a Ford Explorer for Community Development, replacing one of the older vehicles, a '96 Chevy Caprice. Upon further review, they also determined that Assessing is in need of a more reliable and larger vehicle than they currently have. There is a Ford Escort that, basically, services everybody else in Town Hall. The summer interns use it; Assessing has used it, but it's a small vehicle, so they are looking at possibly bringing over a Chevy Impala from the Police Department for Assessing, and others, as needed. He looked at what the Police Department was trading in, what the assets at Town Hall were, and he was recommending retaining a 2002 Ford Explorer that had a trade-in value of 6k and a 2003 Chevy Impala that had a trade-in value of 4.5k, for a total of \$10,500 which could come from contingency, since there is a balance of \$36,000. That would buy them some time for procuring new vehicles for those departments, which has been held off. He recommended they retain the Escort for the summer interns to use. The college kids are out doing field work, and that vehicle is acceptable for their use.

Selectman Robinson asked what the cost was for stripping the vehicles. Mr. Malizia said the cost was minimal, believing that cost was built in as part of the trade-in cost in the police budget.

(Start Tape 2-A)

Motion by Selectman Robinson, seconded by Selectman Nadeau, to retain two police trade-in vehicles, the 2002 Ford Explorer and the 2003 Chevrolet Impala, for use by Community Development and the Assessing Department, respectively, and to fund these vehicles from the Town Contingency account 5940-298 in the amount of \$10,500.

Selectman Nadeau asked if they have to get the Police Department the \$10,500 now, if they could just leave it in contingency until they need it. Mr. Malizia said they won't do anything until they do something with the dealer; they'll probably be paying the dealer because he's expecting to get two vehicles, of which he's then giving the town \$10,500 so he's not going to execute any payments until those vehicles come over here. Chairman Jasper said if the question was if they need to do nothing until the Chief depletes all his other accounts, that's not really fair. Mr. Malizia said the intent was to hold the money until we get the vehicles, and when the Chief needs to make a payment to the dealer is when they need to come up with that money. Selectman Robinson said when the cars are traded in, that's when the cash, which comes from contingency, has to be paid. Chairman Jasper said as they go along in future budgets, they will be looking at this. Mr. Malizia said that's something they will definitely put in the rotation.

Selectman Maddox said the only one that's still hanging is the '87 pickup truck, which would then be turned in in the next cycle. Mr. Malizia said that was picked up from surplus and was fixed up as a show truck. They will probably come up with a recommendation to put it out as a sealed bid because that probably has some value to some younger person, and they'd probably get more than from a dealer or anyone else. Given that it's somewhat "souped up," it will have some attraction to some buyer. Maximize the value.

Vote: motion carried 5-0.

F. Legal Services

Town Administrator Steve Malizia said it's the policy of the Board of Selectmen that the legal services contract will be reviewed at the first meeting in April in the year it's going to expire. The current two-year agreement with Hodes, Buckley, McGrath & LeFevre will expire this June. Atty. Buckley has prepared a proposal for the Board's review. It was Mr. Malizia's recommendation to continue with the current law firm, as they have done an excellent job of servicing the town and they have a wealth of experience with the town. He can pick up the phone and get them right away; they are very responsive. He and Chairman Jasper had a conversation today about possibly looking at the retainer hours. (He passed out an analysis for the Board to review.) The current contract has a couple of elements to it. There is a retainer portion, where the town gets 26 hours a month of general legal services for a \$135 fee. This excludes any cases that are being litigated, which carries a different rate. Once they exhaust the 26 hours, they kick in at the litigation rate. Chairman Jasper suggested asking the attorneys to bump up the retainer hours to 30-35. Over the last 20 months, they've averaged about 38 ½ hours of general legal services. The downside is if the town uses less, they still pay but, generally, the town hasn't been under the 26 hours. He had a brief discussion with Atty. Buckley, and they will

be amenable to looking at it. This isn't something they have to rush into, but maybe the Board would like to establish the number of retainer hours, if they choose to continue with this firm.

Chairman Jasper said 30 hours retainer would be reasonable, as a minimum. Going back to December 05, the lowest number of hours used is 31.2. Selectman Nadeau questioned the possibility of 32. Selectman Maddox said in October 05, it was only 11.4 hours and asked if the phone wasn't working. Mr. Malizia said it was a less litigious month. Selectman Maddox said they've had this firm for several years, and thinks it's time to go out and kick the tires, at the very least, to see what else is out there. Do they simply say they really like this firm, they are nice people, and just go with that? Or do they, at least, see what else is out there for pricing for services? Hudson is getting bigger, so there may be a firm that services the town better at a lesser rate. He likes them, they are good people, but the Board is in the business of keeping down costs. Chairman Jasper said when they did the last changeover, it was a very painful and expensive process. If they were to ever do that again, he's sure they would not do what they did, which was to let cases continue. Nonetheless, they would have to pay an extraordinary amount of money to bring new people up to speed. Perhaps they could even get a rate of \$5 or \$10 an hour less, which is doubtful, but this firm offered the best expertise in the fields they were looking for and have served the town extraordinarily well. To change firms would be penny wise and pound foolish. Granted, they don't have a lot of pending cases, but he credits this firm for that. They did their darndest to make sure the town stayed on the straight and narrow and, when they do end up in court, the town does well. He would not be in favor of going out and looking, just for the sake of looking because the town has been served so well by this firm. It's not in the best interest of the town to go out to bid.

Selectman Robinson said in reviewing the town bills over the last month, he remembers seeing legal services bills and there is a name assessed to that line with a minute, or whatever the time element is, and he's seen it from 10 minutes to 2 ½ hours. He's not challenging those conversations, but he wondered what the policy was of who was authorized to call the attorney for advice and counsel. Mr. Malizia said they have a form, requesting legal services. If a department needs to contact the attorney, they fill out the form, which he or the Board Chairman can approve. Staff cannot just pick up the phone and call the attorney. Selectman Robinson agreed with Chairman Jasper about staying with this legal firm. 3.7% over the retainer rate and 3.4% represents \$5 per hour on the retainer rate and litigation rate and \$10 on the proposed contract; it's a very minimal rate increase over two years. Averaged out, it's lower than inflation.

Chairman Jasper said the number of hours has increased since September, but that's probably because of RiverPlace. Mr. Malizia said that, and there have been some water issues, such as Groves Farm and other things. He looks at the bill every month and double-checks it, then he passes it around to the appropriate staff members, just to keep an eagle eye on it. If the Board directs him to check with the attorney about something, he complies, but he tries to balance out the requirements and needs of the Board and the bill. From a legal services standpoint, the bills are pretty reasonable, compared to what they were three or four years ago, and even more so when they had another firm in. They've been able to budget pretty flat line; in fact, \$10,000 was cut because they're getting more bang for their buck. They're also more cognizant of what they are doing. They are being pretty reasonable, here. Selectman Robinson said it dropped \$70,000 over five years in legal costs for the town. Mr. Malizia said in that period of time, they had the previous firm as attorney of record for some cases, clearly not the way to do it in the future. Chairman Jasper said in 1999, they spent \$120,000; in 07, they spent \$105,000. They won't find too many line items in town that have actually decreased and that they are spending less on. His only request is that they move the number of retainer hours to 30, but that is up to the Board. They can either put this off for two weeks, or do something else.

Selectman Massey said expenditures of this size do lend themselves to go out to bid, but legal representation is close to the same relationship you have with your auditing firm. Typically, you don't change your auditing firm because you get a better rate because they are intimately familiar with all of your business. They understand how you conduct it, and they are able to do a much better job of auditing. Usually, when you change auditors, you have to be very careful because sometimes that's a signal that things aren't good and you're shopping around for another auditor. He didn't think that was the case with the lawyer side of it, but the point he was making was that yes, you could go out and, as Chairman Jasper said, there's that learning curve and, equally important, in this particular case, just looking at the cost over the last several years, they've served the town well. On the basis of what they are actually charging, he is familiar with rates right now, between \$175 and \$400 for this type of work in the Manchester area, so they are not anywhere near the top of the billing rates for these types of firms, so he would not support a move to put this out to bid.

Motion by Selectman Maddox, seconded by Selectman Massey, to defer this for two weeks to request the firm increase the retainer to ~~30~~ 32 hours per month.

Selectman Robinson said with what is coming in on the south end and what has been going on since October '06, 30 hours may be a little bit too light. Selectman Massey said any of the activity associated with some of those projects would be charged to those projects. Chairman Jasper said some may be, but the day to day questions probably will not be billable back to them, but they will do the best they can to see that that is done. Based on the last five months, Selectman Robinson is correct. Selectman Robinson said he wasn't proposing 38, but maybe four hours extra per month is too light, given the number of calls. Chairman Jasper said the motion was amendable.

Amendment by Selectman Robinson, seconded by Selectman Massey, to take it to ~~34~~ 32 hours.

Selectman Maddox said he was going to split the baby, and he would vote for 32. There were a couple of months where they just made it to zero. The town doesn't want to give them money for doing nothing. Selectman Nadeau agreed with 32 hours. Selectmen Robinson and Massey were amenable to the change.

Vote: Amendment to 32 hours carried 5-0.

Amendment by Selectman Maddox, seconded by Selectman Robinson, to go to a three year contract.

Mr. Malizia said he'd have to get another proposal. From a cost perspective, he can't say the firm would agree to that. Chairman Jasper said it was OK to look at this, but if they come back with a two year contract at 32 and a three year contract at 32. He didn't want to change this to a three year contract and have the numbers go up, so they were not comparing apples to apples. He asked if the intent was to have two proposals, adding that he wouldn't go for three years because there's too much uncertainty out there. Selectman Maddox said that was the intent.

Chairman Jasper clarified that the amendment was to seek a parallel agreement for three years at 32.

Vote: Amendment carried 4-1. Selectman Massey voted in opposition.

Vote on the main motion, to defer to ask for a retainer of 32 hours and to request a parallel agreement for three years at 32, carried 4-1. Selectman Massey voted in opposition because of the three-year contract option.

G. IT Director

Town Administrator Steve Malizia reported that Lisa Nute has accepted the Board's offer of the position.

Motion by Selectman Massey, seconded by Selectman Robinson, to hire Lisa Nute as the Town's IT Director, a non-union position, effective April 15, 2007 at a starting salary of \$75,000 w/ an increase to \$78,000 effective July 1, 2007.

Selectman Maddox said he could not vote for this and was saddened to be in that position. Upon reflection, he looked at how they got there and he just cannot vote for the motion. As much as he wanted this person, and asked her to apply, having one person as the applicant left after however the process went, they have to accept a plan he cannot go with. He cannot vote for the architect of that plan. He understands the reasoning of the Board and he's sure it is going to go that way, but he still cannot sit there and say that he believes in the architect of the plan, so he will have to vote in the negative and, with all the things that were said last week, they will leave it up to a difference of opinion. The Board is in the position where they now have to accept a plan to get this person. There may be something they need to look at how they got to this point, but so be it.

Chairman Jasper said the Board adopted the plan because it believed in the plan that was presented. There was an interview process, and the recommendation was made to hire Mrs. Nute. This is within budget; it's the same body count at the end of the day for the town. He wishes he knew more about this, but he has to go on the recommendation of the Town Administrator and other staff because he's not an expert in this area. Mrs. Nute has done an excellent job for the town, over the last 22 years and he believes she will continue to do that job for the taxpayers and the town of Hudson because she has the town at heart. He respects Selectman Maddox's position, but the Board was not wrangled into a position. The Board came to its decision freely of its own will, not because if they don't do this, they are not going to get the person they want.

Selectman Robinson said while the interview process occurred before he was on the Board, between 1996 and 2004, he was directly involved with the selling of computers, networks and the associated peripheral devices and Lisa has proved beyond a shadow of a doubt that she is more than capable and more than ready to lead the new organization that is going to start within the next month or so. She is fully competent and fully prepared to take on the new challenges. Selectman Maddox said that's why he was so terribly pained. He didn't disagree. He just looks for his department heads to be more flexible. This was a packaged deal, and he can't buy the package. Chairman Jasper said anybody is a fool who accepts a job and is not given the resources to do the job that they feel are necessary to accomplish the goal. To do anything less than what she has asked for, he would have serious reservations about where she intended to take them. If she came in and said this is what I need to do the job, but I'll take less staff and less hours, she would be setting herself up for disaster. Selectman Robinson agreed. Massey said she was prudent.

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

H. Liaison Assignments

Chairman Jasper said he worked very hard with all of the members to make them as happy as possible, but as his first assignment as chairman, he found it impossible to make everyone happy. Many had similar interests, while others had no interest whatsoever in some areas. He hopes he arrived at a reasonable compromise.

Selectman Massey said the first order of business was to appoint Selectman Jasper as the member to the Budget Committee and Selectman Nadeau as the alternate, and so moved, seconded by Selectman Robinson. Carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Robinson, to approve the Board of Selectmen liaison assignments for the upcoming year, carried 5-0.

Chairman Jasper said he has changed the agenda so, from now on, Liaison Reports will be the first item under New Business, so if there are things that come up, they can deal with those while fresh on the agenda and they can have the appropriate people present. He wanted to try that to see how it works out. Sometimes, there may be nothing.

(Start Tape 2-B)

8. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Ben Nadeau (none)

Ken Massey ... there are two landowners that are currently discussing opportunities with them (Conservation Commission), and if they decide to make a recommendation, they will be coming before the Board with their plans. There are two properties, in particular, that they've been asked to take a look at. One is a property is on Old Robinson Road and the other that they've just come across, that the owner has talked to them within the last couple of weeks, is a piece of property that borders the old town forest, approximately 22 acres, so they are going to be doing site walks. They already did on Robinson Road. The issue there is ultimately going to be whether the value that the property has a market value in is what the owners are looking at and whether the town thinks it's appropriate to purchase. The other piece of property is the same thing. They are going to do a site walk, which borders Pelham and Hudson and adjacent to the town forest. If they think it's worthwhile to proceed, then they would do the due diligence as to market value versus assessed value, etc., and then make a recommendation to the town, via the Selectmen, as the best way to do it. They basically have two different ways the Conservation Commission can go about this. One is to fund the purchase price out of the Conservation fund that only requires a public hearing by the Board of Selectmen and the Board of Selectmen have to approve it for it to go forward and the other is a warrant article that then goes before the voters. To him, the one that has the more value to the town, on the surface, would be the property that borders the town forest. The land that's down near Robinson Pond is more problematic, in his perspective. They are doing some work on it and he thinks they will be hearing more from them in the next couple of months on that.

▶ May 3 is coming quickly. That's the Thursday of the volunteer week, and the ice cream social is set for the Community Center at 7:00 p.m. He trusts his fellow Selectmen will be volunteering to participate as servers, or for whatever else they are going to need. He will be sending an e-mail out to all of the various boards and commissions, etc., asking them to give a head count and also any member of their committee or commission that has a minimum of 10 years of volunteer service to the town, the Board would then honor them with a certificate of appreciation on the same lines they are doing with town employees—but it would be for 10 years, not 20 years. He's looking forward to it and has lined up where to get the supplies. "Please put May 3 on your calendars, 7:00 p.m." Chairman Jasper thanked him, saying he looks forward to it.

Rick Maddox said Jim Barnes, Planning Board Chairman, announced that the recently-appointed alternate, Robinson Smith, had to resign. Selectman Maddox spoke with the other gentleman that applied when Mr. Smith did, and he plans to come to the meeting tomorrow night to "kick the tires," to see if it's something he'd like to do, and he will get back to Selectman Maddox so they can, hopefully, move forward with that.

▶ Volunteer Day is a great idea because these people put in a lot of effort, especially the land use boards, not to take away from Recreation or any of the other boards that help the town. It is a real commitment.

▶ Selectman Maddox said he asked the Town Administrator for some information, which he supplied, in regards to the average single family residence. The value is approximately \$276,000. All of the things that were approved at the March elections will raise the estimated tax bill for that \$276,000 assessed value home \$99. They've seen a number of things in the newspapers lately, saying that it's going up \$1,200. Unless they've just put an addition on their house, or whatever, that's just not the way it is. What was voted in raised tax bills approximately \$99 to \$105—but Steve warned it could go six different ways. The state may change some of the school funding, the county may go up 6% instead of 5%, etc.

▶ He keeps seeing in the paper that the elections were rigged. He and Selectman Robinson only had a view from across the street, but he's worked with these people for the last three years as a Selectman. To find people that will be there from 6:00 a.m. until 10:00 p.m., still smiling and still personable and still helpful, it's a disservice to them. If someone has an allegation they can prove, take it to the Secretary of State or Attorney General, but writing it in the paper is just a disservice. They said they talked to 40 people that didn't vote for the Highway contract, but the no's were 800, and it still passed. If there's something out there, bring it forward, but to keep accusing people who work hard for the community is not the right statements to be making.

▶ Relative to the 3rd Bridge, he talked to Lynne Ober, the principal sponsor of that bill. Either the Chairman, or all five Selectmen, should be sending a letter to the Chairman of the Public Works Committee, as well as all of the members of that committee, the petition that was signed. There was some SNAFU, a whole other adventure with that, but they have about 500 signatures. It's time to send that information to that committee, as well as the DOT Commissioner, the Assistant Commissioner, all of Hudson's Reps, the Senator and the Executive Councilor. It's time to get that petition off instead of just sitting up on the hallway. Not a lot of people are signing it, so it's time to get that information in. Mr. Malizia said people frequently sign it when they are standing in line to register their cars. Chairman Jasper said the bill has been retained. No work is going to be done on it, probably until the fall. If they send it in now, chances are it's going to be forgotten, to a large degree. He thinks it would be better to leave it through the time when people come in to pay their tax bill. Let people know it's there, and then get it to the committee when they actually start working on the retained bills in September. Selectman Maddox suggested making a tickler file, to bring this forward again in August. Chairman Jasper said that would be the appropriate time to come forward with it. Selectman Maddox said the more signatures, the better, as it will show greater interest in getting the third bridge.

▶ Selectman Maddox spoke at the Planning Board relative to the 11:00 curfew for staff. The Planning Board said that was a noble goal, which they are going to work diligently towards. The Board should extend that guidance to the rest of the land use boards, and to themselves, to say that 11:00 is the witching hour. They could do a better job of time management and try as hard as they can to shut down at 11:00. At that point, they've had four hours worth of meetings, and their brain is mush because most of them work full-time jobs. He didn't know if the Board should vote on it, like they did with the Planning Board, or instruct Steve to inform the Community Development Director to pass that along. Chairman Jasper thought that was already the policy that was voted on by the Board. Selectman Maddox said only for the Planning Board. Chairman Jasper said if he wanted to propose that for all land use boards.

Selectman Maddox so moved, seconded by Selectman Massey to inform the Community Development Director to pass along that staff is to leave at 11:00. Selectman Maddox said he'd soften it up to send a letter to the land use boards to say that the Board of Selectmen will have staff leave at 11:00 and ask that they end their meetings at 11:00, rather than just say, "staff will leave." Mr. Malizia asked if the letter was coming from the Board of Selectmen. Chairman Jasper said yes, under the Chairman's signature. Vote: Motion carried 5-0.

Doug Robinson said he had some liaison assignments to review, cautioning not to shoot the messenger. The tax bills will be mailed in May and the first payment will be due July 1, as he was informed today by the Assessor.

▶ The first meeting of the Solid Waste Committee will be held next Monday night at Town Hall. All members of the committee confirmed they will be in attendance and all Selectmen are invited, as well.

▶ Information Technology. Lisa Nute asked him to make an infomercial that the rabies clinic, sponsored by the Hudson Junior Woman's Club, in conjunction with Dr. Conte, will be Saturday, April 14 from 10:00 a.m. to 1:00 p.m. at the Animal Control facility, across from the Police Dept. Dog registrations will be available on site and the Animal Control Officers will be available for questions and assistance. The second infomercial is that there will be an identity theft seminar Thursday, April 12 at 7:00 p.m. at Rivier College. The keynote speaker is Robert Siciliano, the author of the book, *The Safety Minute*. Those wishing to go may call Lisa at the Police Station for more information.

▶ Public Works Department. The Boston Red Sox have nothing on the Hudson Public Works Department. The Red Sox have touted for years that they've had 455 consecutive sellouts over the last 5.5 years. After he did some research today, the Highway Department has had seven consecutive years of 100% employee coverage for every snowstorm. Every available hand was, once again, on deck last Thursday to plow the roads for the citizens of Hudson. Street sweeping continues, despite the weather. With the new mechanical sweeper, the Highway Department is approximately 45% done. The first large construction project is underway. The department has mobilized equipment and pipe and is starting to install water mains on Hunter Lane, Gregory Street and Colson Lane. The weather is hampering their efforts to stripe, as the trucks still have the sanders and plows on them. Drainage was installed last week on Baker Street to relieve the flooding problem and the department has prepared a list of condo associations in town, regarding solid waste removal. Pinard Waste will be contacting them in regards to automated trash pickup that will start on July 1.

▶ Selectman Robinson said the Chairman for an updated on the authorized \$15,000 for a study of the Senior Center. Mr. Malizia said that appropriation is for the next fiscal years and doesn't start until July 1, 2007. Selectman Massey said, as the liaison meeting with the Seniors Board of Directors shortly, the Board has to approve a statement of work that would be sufficient to go out to bid for the work to be done. He wants to see it before the Board by the end of May. Selectman Robinson said they need a time line because the voters approved it in March. He asked what happens next. Selectman Massey said they have to write a statement of work that a design engineering firm could bid on. This Board would let that contract, and they would have to have all of it done in time to put a warrant article on next year's warrant, which means that, by September, the design-engineering firm would have to submit its recommendations and cost estimates. Selectman Robinson asked if he could make a note to himself that by September, they will have something in writing from somebody about what the study will look at. Selectman Massey said yes.

Chairman Jasper said as he and Selectman Robinson discussed before the meeting started, they need to build a consensus. Selectman Massey was totally right about the process. There needs to be a cooperative effort, but they need to have agreement with the groups involved, just what it is they are looking for. That process needs to now begin, under the direction of the Selectman who has that liaison assignment, coming back to the Board, making recommendations as to how they proceed. As he said before the meeting, what has been most talked about, what has not been agreed to by anybody, is that they would be looking at an addition off to the west side of the Community Center, that would go from the front corner to the garage area. What is feasible to place there? They need to come up with some specifications to go out and get a bid proposal together, just as Selectman Massey said—but it's not going to happen by magic. It will happen because there is going to be follow-through on the part of the Board of Selectmen, and that's going to involve all of them, to some degree. At this point, Selectman Massey has stepped up to the plate and said he would be ushering that along. He's going to need help, probably from the Town Engineer, to put the scope of work together, and that will come back for Board approval before it goes out.

Selectman Massey said, in his mind, it would be more than coming back for approval. The Board of Selectmen have to be clear that what it is reflects what they want to see move forward. It's more than just looking at it and approving it. He expects to get input from the Board of Selectmen. Selectman Robinson said the question was what was up with the \$15,000. "You said, 'I'd like to see the \$15,000 used for the possible addition on the side.' At no time did we talk about a consensus, and no time did you say it had to come back here. I don't mean to get into an argument." Chairman Jasper said well, he was going to get into an argument with him because what he said was they need to get a consensus from the groups involved. That's what he had spoken to on the

floor of Town Meeting; that was his idea, and that's all it was. Now they have to see if everyone else buys into that idea, or if there is another idea. Selectman Robinson said he was in absolute agreement; they all have to agree where they are going. Chairman Jasper gavelled Selectman Robinson, admonishing him not to interrupt, adding that he was answering Selectman Robinson's question. Continuing, Chairman Jasper said the \$15,000 does not exist at this date. That \$15,000 will not exist until July 1, so there is not status of the \$15,000. It's a budgetary item and the budget does not start until July 1. There is nothing that anyone in town can do to expend money without the approval of this Board. Every dime is signed for and approved through the manifest process, and everything else. While not every expenditure comes back for a direct vote by the Board, it is under its control. Something like this, that has a scope of work, does need to come back to this Board. All things of this nature do need to come back. He (and Selectman Robinson) had a very brief conversation on that and he was surprised by the question, based on the conversation they had before.

Selectman Massey said his understanding of what the town voted on this year was the authorization to spend up to \$15,000 on an engineering feasibility study that would include the cost estimates, if it was feasible. That \$15,000 is a contract with a design engineer. The statement of work he was talking about, or scope of work, would be approved by the Board, and that document would then be sent to all of the various design engineering firms, and they would bid on it, but they would not be able to charge the town... the town would not be invoiced for any work prior to July 1. That's why he said, in order to get the thing done by September, they need to start now to get the proposal out to the design engineering firms, so the work can be done this summer. But the money that they are talking about is strictly to pay that fee to the design engineering firm. Chairman Jasper said exactly and they will leave it in Selectman Massey's competent hands to move that along and provide whatever support they can to make sure that that happens.

Selectman Maddox said they keep saying design engineer; he thought this was an assessment of what it would take. They wouldn't necessarily go to a design engineer for that portion. Selectman Massey said when he uses the word design engineer, he didn't think they can ask an electrician if it is feasible to do this work. They'd have to have an engineering firm that could look at the building and determine, if they were going to add on to it, if it is feasible to do so and, if they were, what would be the estimated cost to do that addition? The addition has to be an addition that is feasible to add on, and the cost. If they are going to go to a warrant article to ask the town to do a construction project, you need to have a dollar value. When he talked to the Town Engineer originally, the estimate basically came from him that they could do this. You're not going to get architectural drawings that they could turn over to a firm. What they will get is a general conceptual review of what it is, and an estimated cost. If the Board accepts that, and decides to put it into a warrant article, it would be his expectation that one component of that cost would be the actual construction drawings that would have to be put together. Selectman Maddox said Selectman Massey was using the word design engineer twice; they will send it out to the design engineer, after the design engineer looks at it. What they are really looking for is an assessment of what that building will take, as far as its roof design, the electrical service—all of those questions of what it will take to do that, and that might not be a design engineer. As long as they are all going in the same direction.

Chairman Jasper said they are getting the cart before the horse. They are not going to get too terribly far for \$15,000. He envisions this as the ideal situation for design-build, that you come up with a concept, you come up with the square footage, the footprint of where it's going to go, and then the next phase is the design build bid. They've done that before in town. This is one of those ideal situations where it's not a renovation, so you're not going to run into unknowns. They are dealing with two walls, essentially. They need to put in the footing and foundation. That could be done design-build so they don't have to go the other step from here which, for \$15,000, isn't going to get them architectural drawings. They will get them the basics. If they did anything other than design-build, they'd be going back to the voters for money for architectural and engineering plans, a complete set of plans, and they'd go out to bid on that. Design-build works here very well, but they are not that far yet, and they don't need to try to get that far along, at this point.

Selectman Maddox said they are going to do more than just put up two walls, and it comes down to their function. He's heard from some people they are going to put a bathroom in that addition. If that's the case, they might be digging and pouring a foundation, and asbestos may be underneath that parking lot. Those are the kinds of things he thought they'd be looking at. Chairman Jasper said they can't do this here tonight. They are putting the cart before the horse. If the site is feasible, he envisions there are going to be some borings. What are the sub-soils underneath? There's going to be some basics, but these are the things that are going to come out in the scope of work of deciding if it is feasible. They shouldn't get themselves bogged down in details. They are way, way early on that. There will need to be some discussions with professionals about what they need to do. The Selectmen are not those professionals. Tom Sommers can probably send them in the right direction, give guidance in making that happen, but they have not started the process, and here they are already trying to micro-manage the process. He finds that a little disturbing this early on.

Selectman Robinson said his question on the \$15,000 was to find out what the process was, going forward. He fully understood, as Selectman Massey said, what the process is going forward. There is a lot of miscommunication about what the voters voted on. There is a lot of misinformation about what the study is going to be done in the next budget season, after July. He thanked Selectman Massey for clarifying the course of events going forward, so the citizens who are watching and the Seniors know what the process is, or what they are looking at for that \$15,000. It's a general, overview feasibility study, nothing detailed, not the electrical blueprint. It's what might/could happen. That's all he was asking for.

Shawn Jasper

Motion by Selectman Massey, seconded by Selectman Robinson, to approve the request by the Adult Day Services Program to sponsor a Hot Diggity Dog fundraiser at SAM's Club on April 13 & 14 carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Massey, to approve the request by the NH Flames AAU Girls Basketball Club to collect monies at SAM's Club on April 20 carried 5-0.

▶ A permit for a fund raiser on April 7 at Sam's Club by Half Moon Sober Festival, Inc. was granted by Board consensus on April 6, 2007. Chairman Jasper said the people who were holding the fundraiser didn't realize they needed to come to the Board first, so rather than cancel the event, he asked that the Board members be polled. There was no formal paperwork, but he appreciated the Board members allowing it to be held. Selectman Massey recollected a conversation from last year and asked if there was any statutory reason why the Board has to approve these. Mr. Malizia said yes; the Board cannot delegate that authority. Last year, this question came up when there was a raffle permit and sign permit before the Board. He can approve the sign permits, but not the raffle permits. There is no provision for the Board to delegate those. Selectman Maddox didn't recall getting polled on the request for a fundraiser. At the very least, that should have been announced like the other votes that are read at the beginning of the meeting. Chairman Jasper said it didn't happen at a meeting, so it wouldn't have been appropriate to read it then. What he read before were motions made after the Board came out of nonpublic session. This was a poll taken last Thursday or Friday. He did not make the phone calls, so he did not know if they were stopped after there were three votes in the affirmative. Selectman Maddox said, at the very least, it was a vote of the Board. Chairman Jasper said it was a consensus; it was not a vote of the Board, not a formal vote because they were not in session. They cannot take a vote, if they are not in session. Selectman Maddox said, but if the Selectmen have to approve it... Chairman Jasper said they did; three Selectman approved it. It was not a vote of the Board. There were three Selectmen who said yes, I approve. If they are playing semantics, he was sorry. He didn't view that as a vote of the Board. The only time he views the Board as taking a vote is when they are sitting in a forum, such as this, and they are able to have a discussion and a motion and a second and a vote. Otherwise, it is merely a poll of the Board, where the Board agrees that something could happen. That's how he personally views the situation. Selectman Maddox said he wanted to go on record as saying he didn't vote for it because he wasn't called. If three voted for it, perfect, but they should at least announce that, which he guesses is what the Chairman is trying to do. Chairman Jasper said he thought he had. When Board members are called, all five should be called because everyone should be on the same page. It's important that everyone on the Board is aware of the same thing. They shouldn't stop with three, so if Selectman Maddox wasn't called, he apologized. Hopefully, that will not happen again.

▶ On Thursday, April 19, between 3:00 – 4:30 at the State House in Concord, the NH Union Leader will be honoring Hudson Police Officer Mike Davis for rescuing three subjects from their burning vehicle on Route 111 last November. Chairman Jasper hopes to be able to attend, but wasn't sure of his schedule. He congratulated Officer Davis, who has been publicly recognized by the Board in the past for that incident.

▶ As a reminder, when they are sitting on other boards as a representative of the Board of Selectmen, as a liaison, they should try to be conscious of the fact they are not representing their own opinions or agendas. Oftentimes, there is no opinion of the Board, so they have to use their best judgement. If there has been a vote of the people of the town of Hudson, it is their solemn duty to act in accordance with the vote of the people. That's not aimed any place in particular; just a reminder of how they need to conduct themselves when acting independently of each other.

▶ Relative to the "rigged elections in Hudson," sitting on the Election Law Committee in Concord, there are a lot of people who believe it is possible to tamper with the voting machines, but nobody has shown him how that is possible. Supposedly, there is going to be someone giving them a demonstration, at some point. He didn't know how anyone would gain access to the machines to do that. There is a testing process to put the ballots through the machine to test them. The machines are never out of sight of the Town Clerk, and then with the voters. It's virtually impossible to do and he's sure nobody here has had anything to do with anything like that. Even if they could, and if all the things they would do, he didn't think the Highway contract would be one they would risk going to jail over. He didn't think they would ever be free of the paranoia out there.

▶ Relative to Benson's, Chairman Jasper spoke with the town attorney last week. The date hasn't been set yet, but there will be a visit by the Historic Preservation people on-site, to actually look at the buildings that they are trying to get the town to mortgage the town to save. Hopefully, that will help move that log jam. At the State House yesterday, he was speaking with another Representative when the Governor came strolling down the hall, who had noticed Rep. Jasper had gotten elected Chairman of the Board of Selectmen and asked if there was anything he could do. They talked a little bit about Benson's and the Governor was well aware of the Historic Preservation people because of a similar piece of property where there was a building that if you leaned on it, it would fall over, and the Historic Preservation people didn't want anything else to happen on the property until the building was saved. He thinks they can finally break out of this log jam.

▶ Relative to 7-Eleven, Chairman Jasper has had a couple of conversations. He called someone in Texas, who has never been to Hudson, so he gave Chairman Jasper the name of a local agent. Unfortunately, he wrote down the number incorrectly. He now has the correct number, called the agent, but has not heard back from him. The representative from corporate in Texas said that's the type of thing they love to help the community do, to let him know and they would help. He thinks they can work something out to gain some parking down by Greeley Field, with the help of 7-Eleven.

9. **NONPUBLIC SESSION**

Motion by Selectman Massey, seconded by Selectman Nadeau, to enter Nonpublic Session under 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee; and (c) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or

against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled carried 5-0 by roll call vote.

Chairman Jasper station nonpublic Session was being entered into at 9:16 p.m., thus ending the televised portion of the meeting. Any votes taken upon exiting from nonpublic session will be listed on the Board's April 24th agenda. Nonpublic Session was terminated at 10:06 p.m.

▶ 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.

▶ 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, Cyline Everett, Anthony Girginis, Allison O'Donaghue, 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 per hour) carried 5-0.

10. ADJOURNMENT

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

Recorded and transcribed by Priscilla Boisvert
Executive Assistant

HUDSON BOARD OF SELECTMEN

Shawn N. Jasper, Chairman

Benjamin J. Nadeau, Vice-Chairman

Kenneth J. Massey, Selectman

Richard J. Maddox, Selectman

Douglas K. Robinson, Selectman