

HUDSON, NH BOARD OF SELECTMEN
Minutes of the February 13, 2007 Meeting

1. **CALL TO ORDER** at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** led by Assistant Assessor Jim Michaud.

3. **ATTENDANCE**

Selectmen: Richard J. Maddox, Shawn N. Jasper, Kenneth J. Massey, Kathleen R. MacLean and Benjamin J. Nadeau

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Jim Michaud, Assistant Assessor; Shawn Murray, Fire Chief; Cecile Nichols, Town Clerk/Tax Collector; Tony Bass, KNA; Joyce Cloture; Karen Knox; Norman Martin; Doug Robinson; Lt. Tousignant; Nominations & Appointments candidates; 3, 4 others; Ashley Smith, TEL

4. **PUBLIC INPUT**

Chairman Maddox asked if anyone in the audience wished to address the Board on any subject.

Teresa Stewart, 22 Tamarack Street, read the following prepared statement:

The members of this board have been quoted as saying that they asked the Police Chief to prioritize his department's needs. I have checked the minutes as far back as March 2006 and show no record of this being discussed in reference to hiring two police officers to be on the streets. Can the Board provide documentation of this? 2nd question. When did the BOS discuss and approve a plan to hire two firefighters this year and two patrolmen next year? And why weren't the chiefs involved in the discussion? I would like to be provided with answers to my question by Friday, Feb.16th by noon. I would like provided to me the minutes/memos/emails to support the BOS' statements. If there is no such documentation, then this BOS owes the residents of Hudson and the Police Chief an apology. Thank you.

Selectman Jasper said the resident has asked two questions, and he wanted to respond because he was the Selectman who made both statements, and he felt it was appropriate for him to respond at this time. During the budget presentations, the Chief of Police came in with four positions that he asked for—a dispatcher, a clerk and two patrol officers. The Board had discussions with him, in which the Chief was asked which positions he needed the most. Selectman Jasper can't help it if the minutes don't show exactly what the Chief said, he has a very clear recollection. He didn't have any intention of trying to go back and find the tape, or watch the meeting. However, the Chief told the Board he really needed those positions, and that's what he said he needed. He didn't know if the Chief would deny that; he didn't even care to ask him. That's what the Board put forward; the two positions the Chief told the Board he needed the most. Subsequently, those two were forwarded to the Budget Committee and the Budget Committee did not support the clerk, so on his motion, the Board withdrew that warrant article. As to the second question, that was his own statement and his own opinion. He believes he said something to the effect that he could pretty much guarantee they would come forward with two next year. That will be subject to the Chief's request, because the Board does not generally put forward requests for personnel. If the Chief has a higher priority than for the clerk, and depending on what happens with dispatch, that would be the case. That was his remarks on the floor at that time. That was not the position of that Board; it was his (Selectman Jasper's) personal opinion. Obviously, he was not speaking for the Board; he did not confer with the Board.

Ms. Stewart said she was requesting documentation, not hearsay. She expects that the Minutes will be gone through to prove what was stated to the Police Chief. Selectman Jasper's recollection and the actual Minutes may reflect something different. She wanted to see documentation, not his personal comments.

Chairman Maddox said this was what happened what they got into a discussion during public input. Selectman Massey thought this should be taken up during other business, so they didn't get into a debate. Chairman Maddox agreed. Selectman Jasper said it was most appropriate when somebody comes forward and they can have this discussion under public input to get the information out while Ms. Stewart was still present. He didn't know if it was in the Minutes. They don't do verbatim minutes. If the Chief would like to publicly challenge his assertion, that is his right. Ms. Stewart responded, but was not discernable.

Chairman Maddox said this is what happens when a discussion is opened up. Selectman Jasper said he just wanted to say that he is personally not going to go back through and look for that. He didn't know if anybody else well. They were his statements, his recollection. Ms. Stewart has a right to challenge that, but that is his recollection and how they got to where they did. As far as he is concerned, that's where it lies. Other members of the Board may have different recollections, but he believes they all have basically the same recollections. They had the discussion, and those were the priorities. Whether it made it into the Minutes or not, he has no idea.

Selectman MacLean said the Chief told the Board he had nothing to do with that petition. She wondered why all of this was going on, what was said to the Chief. Why don't they ask the Chief? She didn't think the Chief would deny the Board spoke to him. If it's all about the Chief, he should come in and speak for himself. Has the Chief denied that the Board said something? To her, that's between the Board and the Chief and if somebody wants to know, or if somebody thinks the Board didn't say something and the Board said they did, then the Chief would be the one to answer to it. It's very simple. Ask the Chief. He was the one who was there and the discussion was between him and the Board. To bring in other people is much ado about nothing.

Selectman Massey said they should take this up under other business, but believed Ms. Stewart's request was for a written response to her two questions, and she has that right. The Board should respond with a written response. She deserves that, but the Board should discuss it in other business.

5. **NOMINATIONS & APPOINTMENTS**

- A. **Building Board of Appeals** (1 member, term to expire 12/31/09) No applicants.
- B. **Planning Board** (1 alternate, term to expire 12/31/08)

David Fredenburg, 27 Hazelwood Road, said he's lived in Hudson about two and a half years and for nine years before that, in Windham. About two years ago, he saw that the Planning Board was asking for volunteers, but he didn't have enough information at that time on which to base any decisions. As towns develop, people would like them to be more affordable, rather than less, so the cost of that development shouldn't be higher to the taxpayers, it should be less, or equal. Also, a town that is more livable is a goal. In the southern tier, they are seeing a lot of development that seems to be driven more by developers and money than by what makes more sense, such as providing recreation, walk-able roads or bicycle-able roads—something a little more user-friendly. Developments are going in, sidewalks are being wiped out of their plans, and he doesn't have enough information on the outside to make judgements. He didn't know whether or not he would be useful, so he was wondering what the Selectmen are looking for from Planning Board members, as well as what his fit would be. He is a pediatrician and has had an office in town for over nine years and has remained somewhat invisible because he doesn't try to advertise; it has always been by word of mouth. His office is in the basement of Dr. Chamberlain's old office, and he is affiliated with the hospitals in Nashua. He has interest in health, recreation, livability and stress, which they are seeing in the suburban sector. The way the suburbs are designed is very stressful for a family and for commuting, which is getting more interesting every year. He wondered if he would be more help in the inside looking out, as opposed to being on the outside, looking in.

Chairman Maddox asked if Dr. Fredenburg had ever been to a Planning Board meeting. He said no. Selectman MacLean asked if he had ever seen a Planning Board meeting on TV. Dr. Fredenburg said they do not have cable, something they decided against 20 years ago. He sits on a number of committees in the state, such as immunization and funding programs. He was chairman of the Pediatric Department for the last two years at Southern NH. He has sat in on probably more contentious meetings than the Selectmen can even think of. Talk of funding a vaccine through insurance companies for about \$7 million becomes interesting. Sitting and watching is not the same as doing but, at this point, he was ignorant, so he wondered where the Selectmen were at, in this regard.

Selectman Massey said Dr. Fredenburg mentioned in his opening remarks that the south end was being developed at the developer's interest and money, and he thought it would be more appropriate to focus on road infrastructure and parks. Selectman Massey asked who would fund it, if the developer didn't, and how that funding would occur. Dr. Fredenburg said livability is important. The town is currently in a major suburb development; they all know that. There are a lot of roads that are not walk-able, right now. If development is not being done on a money basis, he didn't know what else would be driving it. Many times, building is occurring on very difficult lots, so there must be some profit margin involved. Funding, which he has seen in a number of studies in planning, is a lot of towns are going through development that is costing them more in services they have to provide than what comes from the people paying taxes or paying their portion of those structures being built. He didn't know if that was true in the balance sheet in Hudson, but it's a question that, if development is driven by the ability to sell properties, they will continue to see that trend. If it is balanced against the cost of school services, traffic adjustments or taxes, maybe there is a better way to keep the balance there.

Selectman Massey said the Planning Board, Zoning Board and Conservation Commission are land use boards, and they are statutorily required to hear all cases that come before them with a neutral position. They have to give fair hearing to both the applicant and the abutters, but they can listen to other input. In an applicant comes before the Planning Board with a proposal that Dr. Fredenburg personally does not care for, but which the town's zoning ordinance allows for, subject to the controls and/or requirements that the land use board places upon them, would he (Dr. Fredenburg) be able to hear that case fairly, without his personal opinions color that deliberation? Dr. Fredenburg believed questions could be asked. Personal opinions could be expressing concerns he might have that it's not appropriate for a sidewalk to be denuded from a project because it's too costly, or the length is too long, or some other reason. An opinion needs to be expressed. Could he say they can't build it, or will vote against it because he personally thinks it is bad? No, not if it falls within legal parameters, what is appropriately allowed and statutorily required. No, he can't say no to that.

Selectman Massey asked if Dr. Fredenburg was on public record being for or against RiverPlace, or any of the other major developments that are currently underway in town. Dr. Fredenburg said they were intriguing concepts. Selectman Massey said he wasn't asking for an opinion; he wanted to know if he was on public record as being for or against it. Dr. Fredenburg said he has never been on public record regarding any planning issues in this town.

Selectman Jasper said the Selectmen were looking for somebody, such as the way Dr. Fredenburg described going into the process, who asked some good questions and came across with reasonable concepts. They have to go based on what is allowed. A lot of people are lamenting some of the uses they have and some of the things that are going on. Almost any commercial development brings in more tax dollars that it does cost in services because when you look at the town, the school budget is \$40 million, which is where most of the costs are. The state provides a number and says it's eight something per student and you take the \$40 million budget, it doesn't work that way because they back out numbers. If they didn't have any students, would they still be busing them and would they be building buildings? The number is closer to \$10,000 per student and there is obviously very few homes, if any, that are paying \$10,000 per home, so any

time there is a child in a house, that's a loss, but you can't ever find a situation where a building causes a loss because of the demands on police or fire. There's more expenditure of dollars than they are paying in property tax revenue, and that's why a community like Hudson, which has a fairly good balance, is in a much better shape than Windham or Litchfield. That's part of the problem. For years, they've been trying to draw in certain businesses and for a long while now, they haven't had a lot of growth in commercial/industrial. They have Wal-Mart and Sam's Club and the super Shop & Save. Now, suddenly, they are flooded and none of them are happy about that, but it's allowed in the town's zoning, and they have to go based on what zoning allows. Maybe in the future, they can figure out how to change this. Maybe they've gone to the tipping point but, at the same time, you can't say if you own land on Lowell Road, you're going to build a single family house because who is going to buy that house and live there? None of them would say they would love to live right on Lowell Road. There are some people already there who are satisfied doing that, but to build a new development along there is tough. Trying to find a balance is the job of the Planning Board.

Selectman MacLean asked if Dr. Fredenburg was available Wednesday evenings. He replied yes, he was. He has a lot of other commitments, but Wednesdays would not be an issue. Chairman Maddox said Dr. Fredenburg would not have an opportunity to attend tomorrow night's Planning Board meeting because it was cancelled, due to the predicted heavy snow storm coming up the coast, adding that Dr. Fredenburg holds the record for the longest Nominations & Appointments interview.

Robinson Smith, 48 Burns Hill Road, said he had called Chairman Maddox to talk about the RiverPlace project, and Chairman Maddox suggested he apply for the Planning Board. He has a lot of questions and concerns with the traffic, but he would also like to get more involved with his local government. He believes that is important and always makes an honest effort to vote. He would like to make sure there are no misgivings for the RiverPlace project. He hasn't decided whether or not he is for or against the project, but he has a lot of questions regarding impact studies and things like that. He has never been to a Planning Board meeting, but he has watched them on cable.

Selectman Jasper thanked him for applying and applauded his interest. RiverPlace is the number one project that everyone is looking at, but the Planning Board deals with a lot of other projects and he wondered if those would hold Mr. Robinson's interest, or if he was a one-issue applicant. Mr. Robinson said he was looking at this as an opportunity to understand how the town envisions what is going to happen in the future, and RiverPlace is going to have an impact. He'd like to be a part of how the Planning Board decides what is zoned and the overall vision for the town.

Selectman Massey said with RiverPlace and one other major development that is supposedly in the works on the south end, if Mr. Robinson has made any public statements that would indicate that he is either for or opposed to those projects. Mr. Robinson said no, he has not. Selectman Massey said regardless of what Mr. Robinson's opinion is, if he thought he'd be able to approach either one of those projects with an open mind, understanding that the Planning Board is proscribed by certain legal rules that indicate having a fair hearing for both the applicant and anyone at the meetings who happens to be opposed to it. Mr. Robinson said most definitely. He is not for or against and he really needs to educate himself on the entire process. He didn't know the overall benefit for the community was going to be or the overall benefit for the town, itself. He has done some research on his own, but he's not for or against RiverPlace.

Chairman Maddox said he would see if he could split the baby and wondered if Dr. Fredenburg or Mr. Robinson would be interested in a position on the ZBA. The Planning Board has one vacancy, but the ZBA has two and they are both good candidates and he didn't want to lose either one. He wondered if either of them would like to attend the ZBA meeting on Thursday, February 22. Dr. Fredenburg indicated he cannot make Thursday night meetings. Chairman Maddox asked Mr. Robinson to attend the meeting and if he still wanted to be considered for the Planning Board, then the Board of Selectmen would have to make a choice. Selectman Jasper said the ZBA is also going to be involved in the RiverPlace project, dealing with special exceptions and the wetlands issues and things of that nature. He asked how long Mr. Robinson has lived in town, and what his plans were for continuing to do so. Mr. Robinson said he's lived in town about three years. He grew up in Nashua and was active duty in the service. After he got out, he came back home and tried to find a place in Nashua, but he couldn't afford it. When he lived in Nashua as a kid, living in Hudson was thought to be living in the sticks. However, he found that Hudson has come a long way and this community is a much better place to live than Nashua and he plans on staying here for quite some time.

Selectman Massey said the Zoning Board has a far more judicial character to it than the Planning Board does. They make rulings that, at some level, are quasi-judicial, so there's a lot more formality in the way they make their decisions because they have certain rules that have been set down by the NH Supreme Court that they have to follow in making their decisions. That's something for Mr. Robinson to consider; they are actually operating under some very strong judicial requirements. Mr. Robinson responded that he had no experience at all with judicial requirements. Selectman Massey said lack of experience was no barrier. The Zoning Board is one of those interesting boards where it is taken for granted that the way you become a voting member is to spend time as an alternate, with on the job training, to learn what the job is about so when he does vote, he has the experience behind him. If he is on that board, he will learn how things go and at the point of time he is asked to vote, he will be in a position to do so.

C. **Solid Waste and Recycling Committee** (4 members, 2 to expire 12/31/07 & 2 to expire 12/31/08)

Marc F. Michaels, Zero Fir Lane, was not in attendance.

(Start Tape 1-B)

Leo C. Bernard, 3 Bungalow Avenue, said he applied because he wanted to help the committee and the town.

Selectman Massey asked if Mr. Bernard was prepared to accept the slings and arrows from people who are upset over the new trash contract and be able to prepare a plan to present to the town. Mr. Bernard said he was hoping to step up to the challenge. Selectman Massey said they can't ask people if they've attended a meeting because this committee has not met yet. Mr. Bernard said he was just waiting for that question. He then complained that he hadn't received a call about this meeting and neither did a few other people, including Ray. Selectman MacLean said the Board knew Leo would be present because he always is. Mr. Bernard said he was here with the Cable Committee. Ms. Boisvert said she left a voice mail message for Ray at his work number. Chairman Maddox said the two committees, Solid Waste and Cable, would dovetail together nicely by putting some of the recycling information on cable. Leo could be thinking about how that could be presented. Mr. Bernard thought he could do that, adding that he has also served on the Budget Committee and is on the Water Utility Committee. He is doing all he can for the town of Hudson. Selectman MacLean said last year, she got a Valentine's Day flower from Leo. Mr. Bernard said because last year, Valentine's Day was on a Tuesday, but this year, it's on a Wednesday.

Raymond Rowell, 6 Marshmallow Path, was not in attendance.

Frank Rosier, 6 Little Hales Lane, said he is an avid recycler and tries to instill that in his children. The amount of trash we have is a pressing concern for a lot of America. This is a passion of his and he likes to see folks try to do their best to cut down the amount of waste they have. His daughter has even started a recycling program at her school. As a family, they enjoy the process of it, making sure they are doing their part for the community.

Selectman Massey asked if he was prepared, given all of the controversy over the new trash contract, to be trashed. Mr. Rosier said yes, that he's had that conversation several times with his neighbors. His wife is co-president of the Nottingham West PTO and he has discussions with members of that board, as well as at private functions, and discussed that very issue. This is something that is necessary in the town, and is necessary in the country. He has seen other programs in upper NY state and they've worked very well. There are a lot of different ways they can go, including pay programs.

Chairman Maddox said they are looking for this committee to be considering the next contract, after this one expires in five years. The recycling program should be at its optimum, and present other options, as they move forward. He didn't think this committee would take a lot of grief for this; that would be the Board of Selectmen. This committee should provide input for the future, as they move forward. The town has always waiting until three months before the contract ended, then asked what they were going to do. He'd like them to look out years in advance, to consider the different options to see what would work, what doesn't work and how they can make that number as high as they can to keep the costs down and do something for the planet. Selectman Jasper said the Chairman put too much emphasis on spending the next five years planning for year six. They ought to be looking at that, but the primary goal was to make the contract that they've entered into for the next five years work to the optimum. The primary mission is going to be to educate people, to get them to recycle and once that's up and running, to start looking at how to improve things for the future. He wouldn't expect they would give any thought for the next couple of years to what was going to happen at the end of this contract. It's unlikely that many who are on the committee will still be sitting on it, and unlikely the Board of Selectmen will be the same. Chairman Maddox said he was trying to emphasize that the committee isn't going to be the shield that will happen after July 1. The Board made a decision and will abide by it. Selectman Jasper agreed.

Selectman Massey said he didn't want this to get lost in the shuffle, but one of the items he wants to make sure the committee is focused on when they get started is an issue that Selectman Jasper identified, which was how they regulate access to the West Road dump facility on those days that it is open. That has to be one of the first things they have to tackle so that when July 1 gets here, they are up and ready to handle that. Selectman Nadeau said as liaison to that committee, he wanted to have a meeting in March, right after the appointments are made.

D. Zoning Board of Adjustment (2 alternates, one term to expire 12/31/07 and one to expire 12/31/09)

Kevin Houle, 1 Cathedral Lane, will be at the Board's meeting on February 27.

E. CTAP Sub-committee

The following boards have made their appointments for the CTAP subcommittee.

- School Board – David Bouchard
- Planning -- Suellen Seabury
- Zoning
- Recreation
- Conservation – Linda Kipnes

The consensus of the Board was to wait until after the elections to appoint a Selectman member.

6. CONSENT ITEMS

Motion by Selectman MacLean, seconded by Selectman Nadeau, to accept the Consent Items, A-D, carried 5-0.

A. Assessing Items

- 1) a) Veterans' Tax Credits [45 Derry St, 22 Chagnon Lane, 1 Gates Lane, 1 Greentrees Dr, 14 Grand Ave]; b) Elderly Exemptions [4 Cummings St, 6 Marshmallow Path]; Blind Exemption [33 B St], w/recommendation to grant.
- 2) 2006 Abatements (62 and 64 Central Street), w/recommendation to approve.
- 3) Recission of 2006 Abatement Application (28 Mobile Drive), w/recommendation to approve.
- 4) Disabled Veteran's Tax Credit (501 Elmwood Drive), w/recommendation to deny.
- 5) 2006 Abatement Application (3 Mockingbird Lane), w/recommendation to approve.

B. Licenses & Permits

- 1) Hawker-Peddler Permit for Glenn Smeltzer to sell flowers and plants for the Blushing Rose at True Value Hardware on Route 102.
- 2) Request to solicit donations/funds by Altrusa Club of Merrimack Valley at Wal-Mart and Market Basket.

C. Acceptance of Minutes

Minutes of the Selectmen's Meeting of January 23, 2007

D. Calendar

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| 2/14 7:00 Planning Board in CD Mtg Rm | 3/08 5:30 Sewer Utility Committee in BOS Mtg Rm |
| 2/15 7:00 NRPC in CD Mtg Rm | 3/08 6:30 Recreation Committee @ Oakwood Rec Center |
| 2/15 7:30 Budget Committee in BOS Mtg Rm | 3/08 7:30 ZBA in CD Mtg Rm |
| 2/19 President's Day —Town Hall Closed | 3/12 7:00 Board of Selectmen in BOS Mtg Rm |
| 2/19 6:30 School Board in BOS Mtg Rm | 3/12 7:00 Conservation Commission in CD Mtg Rm |
| 2/20 7:00 Cable Utility in BOS Mtg Rm | 3/13 7:00 am – 8:00 pm, Voting at Community Center |
| 2/21 5:00 Water Utility in BOS Mtg Rm | 3/14 7:00 Planning Board in CD Mtg Rm |
| 2/21 7:00 Library Trustees in BOS Mtg Rm | 3/15 7:30 Budget Committee in BOS Mtg Rm |
| 2/21 7:00 Sr Council on Aging in CD Mtg Rm | 3/19 6:30 School Board in BOS Mtg Rm |
| 2/22 7:00 Open Space in BOS Mtg Rm | 3/20 Blood Drive at Hudson Community Center |
| 2/22 7:30 ZBA in CD Mtg Rm | 3/20 7:00 Cable Committee in BOS Mtg Rm |
| 2/23 1:00 Trustees of Trust Fnds in BOS Mtg Rm | 3/21 5:00 Water Utility Committee in BOS Mtg Rm |
| 2/25 7:00 Legislative Forum at Anheuser Busch | 3/21 7:00 Library Trustees in BOS Mtg Rm |
| 2/27 7:00 Board of Selectmen in BOS Mtg Rm | 3/22 7:00 Open Space Committee in BOS Mtg Rm |
| 2/28 7:00 Planning Board in CD Mtg Rm | 3/22 7:30 ZBA in CD Mtg Rm |
| 3/05 6:30 School Board in BOS Mtg Rm | 3/27 7:00 Board of Selectmen in BOS Mtg Rm |
| 3/06 7:00 BOS Workshop in BOS Mtg Rm | 3/28 7:00 Planning Board in CD Mtg Rm |
| 3/07 7:00 Planning Bd Workshop in CD Mtg Rm | |

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on January 23, 2007

Motion by Selectman Jasper, seconded by Selectman MacLean, to hire Patricia Barry as an Assistant Town Clerk/Tax Collector at \$13.32 per hour, effective January 28, 2007, in accordance with AFSCME Local 1801 Admin & Support Staff contract, as recommended by the Town Clerk-Tax Collector, carried 5-0.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to hire Neal Carter as Deputy Fire Chief of Operations within the Fire Department, an exempt position, in accordance with the Police, Fire and Town Supervisors' Association, Step 4, Deputy Fire Chief, at an hourly rate of \$35.67 effective March 4, 2007, and to Step 5 upon the completion of six months probation, as recommended by the Fire Chief, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman MacLean, to adjourn at 10:12 p.m, carried 5-0.

8. NEW BUSINESS

A. Public Hearing--Revised Veterans' Tax Credits, Elderly Exemptions, Disabled Exemptions & Blind Exemptions

Chairman Maddox said at the deliberative session on February 10, the voters amended Article 25, Veterans' Tax Credits, to \$500 from the \$400 amount that the Board of Selectmen had approved. At the Selectmen's special meeting following the deliberative session, the Board voted 3-2 to not recommend that article. He opened the public hearing at 7:46 p.m. and asked if anyone in the audience wished to speak on any of the aforementioned.

Howard Dilworth, Jr., 15 Sycamore Street, said he was the culprit that moved to raise the figure from \$400 to \$500 at Town Meeting. He believes this is the right and proper thing to do and people should vote for this.

There being no further speakers, Chairman Maddox closed the hearing at 7:48 p.m.

B. 2007 Property Value Update Contract—Appraisal of Public Utility Property, George Sansoucy

Assistant Assessor Jim Michaud said the town has been using George Sansoucy as its public utility consultant since 1992 and has been very successful with him. Back in 1992, Southern NH did not win their case against the town. Tenaco was also a case that the town won. They were seeking a substantial abatement and Mr. Sansoucy was successful in defending his appraisal of the property. As recently as 2005, New England Power had appealed their assessment of their utility property and, subsequently, pursued it to Superior Court and made it very clear that the town intended to pursue this through the trial. NEP subsequently withdrew. The difference between Mr. Sansoucy's public utility numbers and the state's numbers—the state also does an evaluation of public utility—the state came up with a value in 2006 of \$25 million. Mr. Sansoucy came up with a value of almost \$71 million. Suffice to say, he wouldn't use the state's numbers. This was done as a sole source bid; he didn't go out to look for other public utility consultants. He only knows of one in the last five years that has gone out and done evaluations for the town of Pelham—Don Spring.

Chairman Maddox noted the Board received a distribution tonight, changing the contract amount from \$11,000 to \$12,000. This amount is a substantial increase from three years ago. Mr. Michaud believed it was an annualized 4½% increase. He is being used more often, his time is stretched and he has had to add staff. It reflects and overall cost in labor and other items associated at arriving at these values. The \$11,000 in his original memo was a typo.

Selectman Jasper said he had a question, not really on this contract, but it ties in to where they are potentially going with the Rochester decision that the courts have said towns shall assess a value to the use of the right of ways. Rochester has appealed, so it's still not done and some towns may say they don't have to do that until this is fully adjudicated. When it is fully adjudicated and it stands that a value will have to be assigned to the right of way that is used, would Mr. Michaud be doing that evaluation himself, or would he use Mr. Sansoucy or someone else? How would that value be established? Mr. Michaud said when they started assessing land rights of Verizon's use of the right of way, he had arrived at the value and the method he used was similar to Rochester's. Subsequently, Mr. Sansoucy has come out with a methodology that Mr. Michaud has been using for the last four years for assessing Verizon's land rights. He has been using that methodology, but the town's figures. Mr. Sansoucy maintains he is valuing the other utilities' use of public rights of way as a component of his overall value of Keyspan, Public Service, etc. When the decision finally comes down, and it could be a year or two from now, they'll decide then who they are going to use as the consultant for those values. He hasn't asked Mr. Sansoucy to come in and value the property for Verizon; he's been maintaining it himself, so he couldn't really answer Selectman Jasper's question. Selectman Jasper said he had, in a way. If they were to decide to use Mr. Sansoucy, he assumes that this contract would not cover the work necessary to do this. Mr. Michaud said that was correct. Valuation of Verizon's use of the public right of way is not included in this \$12,000 contract. Selectman Jasper said but the gas company and phone company... and they don't send the cable company a tax bill, they pay a franchise, so theirs would have to be valued under the Rochester decision, as well. Mr. Michaud said he'd have to look at the agreement to see what it says about taxes. Selectman Jasper said so that would possibly be an add-on, as well. Some unknown amount of money would need to be expended to do that. It's not anticipated that that would be done in-house, as Mr. Michaud has indicated.

Selectman Massey understands why Mr. Michaud wants to use Mr. Sansoucy and he wouldn't propose to do anything different, but at some point in time, Mr. Sansoucy is not going to be available. How does the town prepare so the next time this is done, and if Mr. Sansoucy is not available, the town can get the quality that it is getting from him? What steps do they need to take in order to make it possible for somebody other than Mr. Sansoucy to do this work in a manner that Mr. Michaud would be totally satisfied? Mr. Michaud said that's a function of the marketplace. If word goes out that Skip is retiring, there are probably people in his company that will split off and form their own entities to do this work, and/or other entities may come in from out of state to engage in soliciting communities to value this property, or maybe a combination of both of those. Selectman Massey asked if the \$12,000 was in his budget. Mr. Michaud said yes, 5410-252 Other Professional Services, and it is in the budget backup.

Chairman Maddox asked what the income difference would be to the town, tax-wise, between the \$25 million and \$71 million. Mr. Michaud the \$17 million represents approximately 41¢ on the rate and the state's figure of approximately \$25 million is 15¢ on the rate, so it's about a 26¢ difference. If they discount the fact they wouldn't spend the \$12,000 the difference might be a little less, about 1/2¢ because the state's numbers are free in the sense that all the taxpayers of the state pay that, and they used the state's numbers before 1992. Chairman Maddox said it's a substantial amount of dollars. Mr. Malizia said they are paying to get something of value.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to award a contract to George E. Sansoucy, PE, LLC, in the amount of \$12,000 for public utility appraisals for the 2007 property tax year, as recommended by the Assistant Assessor, carried 5-0.

C. Off-site Improvements, Nottingham Square Site Plan, Lowell Road

Tony Bass of Keach-Nordstrom Associates, representing Sousa Realty and Development, was recognized, who said a few months ago, the Planning Board approved Nottingham Square site plan, which included some off-site improvements on Lowell Road. Those include a second north-bound through lane, starting at the southerly property line of the Nottingham Square site and extending past the site, through the Rosita Lee site, through the Brake and Go site, and taper back in front of the muffler shop. It also includes a traffic signal at the southerly entrance of Fox Hollow and the main driveway of the shopping center. That signal also includes crosswalks so pedestrians can cross from and to their condominium. The improvement also includes a sidewalk on the entire length of what he just described and it

will be built in accordance with the cross section that was built at Executive Drive—vertical granite curb, same lane and shoulder dimensions, etc. If five lanes every continues up, it would not have to be rebuilt in this location. He was seeking authorization for Mr. Sousa to get into the right of way in order to build it.

Selectman Massey said the benefit with this road improvement, the intersection at Fox Hollow south and the entrance to this property are going to be signal controlled by video cameras, not be imbedded wires in the pavement. The advantages of that are significant because the road will never have to be torn up to fix a problem. The cameras will be able to see what is going on in all directions and make appropriate signal changes, based on what is physically happening. This appears to be the way most signaling is going now and he believes they will see a big difference in the way the traffic is handled on that section of the road.

Chairman Maddox said he sat through this as the Selectmen's representative to the Planning Board. The request was for the Selectmen to grant them the authorization to work within the right of way, but with no real description of what they are doing. He asked if there was a plan that reflects the work. Mr. Bass said absolutely. The last sheet of the plan that was filed was an off site improvements plan. He brought a copy for the Board that he distributed to the members, saying that he colored in the section that was going to be widened. A much more detailed set has been filed with the town and reviewed for the off site improvements. Chairman Maddox said he was trying to find a reference of what the town was allowing them to do; they can't allow them just to road carte blanche. He noted that it showed they had already crossed Lowell Road several times. Mr. Bass said those were some utility connections.

Selectman Jasper didn't have any concern about this, per se, but his question was one of timing. The plan was approved some time ago and the building is under construction. In theory, the Board could deny the request for authorization. He was wondering in there should be a better process in place on the town's part to get a request like this to the Selectmen in a more timely fashion, so the Board isn't acting after the barn door is closed. He didn't know what would happen if the Board said no, and would not grant the authorization, or if the Board thought it should be something else. Chairman Maddox said Selectman Jasper was absolutely right, where the Selectmen's rep brings that back to the entire Board. The question is if they should bring in the applicant's engineer to do a presentation, much like the Planning Board. They need to start addressing this, the more town roads are going to be impacted.

Selectman Jasper said giving permission to work in the right of way is one thing, which is giving tacit approval to a particular plan, but the Selectmen shouldn't be granting such approval without a letter of recommendation from the Town Engineer. Chairman Maddox said that was kind of where he was headed. The Board needs something more definitive than what it says in their packet. The Town Engineer should state clearly what is going to happen, or he could make reference to said plan, as well as having an agenda item for some place in the future to talk to the Community Development Director to see how that very issue—dealing with existing town roads—can be addressed.

(Start Tape 2-A)

Selectman Jasper said without documentation, he didn't know he'd be approving what the Planning Board intended, or knowing if the Town Engineer was OK with this. They need to improve the process. Given the fact that the ground is thoroughly frozen and they are going to be getting a foot of snow on the ground, this is not going to be holding up somebody because it's not the applicant's fault. They need a better internal process.

Mr. Bass said they Board wasn't approving a plan tonight. The Board would be allowing—giving permission—to work within a right of way to build on a plan that was approved by the Planning Board, which was reviewed by the town's consultant, as well as the Town Engineer. His handout was to show the Board what was going on. The reason it was before the Selectmen now is because he brought it up to Manny, saying he thought this was something they had to do, even though no one mentioned it to them. This is what he's done a couple of times in the past, coming before the Selectmen to get the authorization. The current Selectmen may not have been on the Board at that time. It is definitely not clear how it is supposed to be done. The Planning Board, at that time, was Chairman Maddox, who told them, at that time, they needed to get approval from the Board of Selectmen, so they came to the Board and were asked what they were doing there. He explained it and got the approval, and that was before the plan was approved, which is not quite right, either, because then what is the Board approving? The way it ended up happening this way, and it has been this way ever since he can recall, is the Planning Board ends up going through the whole review and approval process, which all of the departments chime in on, and they get an OK on the engineering aspects of it, and exactly what they are doing and how they are doing it. Now he is coming before the Board for permission to actually step in the right of way and do the work. It makes sense for it to happen in the order that it's happening. That way, they don't have the concerns about what plan they are approving. The Selectmen was giving authorization of what the Planning Board already acted on, already reviewed and approved. Maybe the timing needs to be a little different, like prior to ground-breaking. The decision of this Board could be to follow the plan that was approved and signed by the Planning Board.

Selectman Jasper said in this case, he'd be OK with that, but they really do need to work on the process. It's fine if the layout has been approved and recommended that to the Board of Selectmen, but the step prior to the final signoff on the site plan, the Selectmen should have their say. Otherwise, they are left with a situation where they will totally screw up what has gone on, if they were to say no tonight, or they are just a rubber stamp. On something of this magnitude, it's important that people have an opportunity to tell them what they think; they've done that with the Planning Board, but the Selectmen are ultimately responsible for the roadway. At the end of Old Derry Road and 102, where the Planning Board had made a recommendation which was going to have a pretty substantial impact of the corner to add another lane, and that was what the Planning Board had wanted, and he thinks it was Manny's project. Mr. Bass said it was

Pond View Estates. Selectman Jasper said that was right, and it was an off site improvement and the Board of Selectmen said no, they didn't want to change the character of that area. There were a number of trees that were going to be taken down. Mr. Bass said there's a stand of very large pines along there and former Selectman Charbonneau, who lived there, was on the Board and that's how they ended up with that issue. About a dozen 36" pines would have come down. Selectman Jasper said he was one who was really against taking down the pines; it had nothing to do with the fact that Selectman Charbonneau lived there. It was going to change the characteristic of that area, and he didn't think it really warranted that for what the benefit was going to be. The Board needs to be in a position to be able to give feedback to the Planning Board before they put their John Hancock on the plan. Chairman Maddox said, at the very least, one of the stipulations will be the plan is not approved until final signoff by the Board of Selectmen on any town roads. In the interim, the Selectmen's representative should make the applicant aware that a preliminary design should be brought before the Selectmen, so they see it during the process, even though things may change here and there. At least they are aware of what could be happening to a town road. All things the Planning Board does affects town roads, unless it's a new road. It's trying to make that distinction of where they go with this. Selectman Jasper said there is a difference between simply a curb cut, just butting up to existing pavement, which many of the small residential streets do, versus actually opening the roadway, widening and putting in lights. The roads are the Selectmen's responsibility. He values the input from the Planning Board, and they need that, but there is a very defined line. If someone is going to be opening up a town road, it needs the Selectmen's approval, so they need to be involved in the process earlier, rather than later.

Chairman Maddox didn't want to have two Planning Board meetings, one right after the other. They need to find that balance. At the workshop, the representative to the Planning Board could say here are some plans that may need Selectmen input because of the impact to the roads. The Selectmen really doesn't want to see another set of plans also on Tuesday nights. For this one, he'd be looking for something from the Town Engineer that says they are doing something according to a plan, rather than just giving authorization to work in the right of way. Mr. Bass suggested the Board's authorization could say it is in accordance with the approved and sign plan that is in the Community Development Department. It wouldn't be anything other than that. It's on record upstairs, signed by the Planning Board and recorded at the Registry of Deeds. Chairman Maddox said Mr. Bass wouldn't even have to come back, but he'd be more comfortable having something from the Town Engineer, saying to work within the town's right of way, as per plan such and such, but it's up to the Board.

Selectman Massey said, for the record, the cost of this road improvement is being borne solely by the developer. The town is not paying anything towards this cost. It's part of the cost that the applicant is required to incur in order to have the facility that is on that site. He would also expect that the Board would authorize the Chief of Police, at his discretion, to determine whether or not the flag personnel can be contract flaggers, or would be police detail because of the type of road they are talking about. He's not suggesting they have police detail there; he's suggesting he wants to make sure that the Chief has the ability that if, in his opinion, police detail is warranted, he can stipulate that. Chairman Maddox said that was news to him. Lt. Tousignant was in the room, so Selectman Massey addressed the question to him. He wants to make sure that if the Police Department believes that they need patrol officers to be the flaggers, that they are able to do it. The Chief has indicated on many occasions that that's not what he wants to necessarily happen, if there are certified flaggers and they are doing their job. Selectman Massey wants to make sure that they have the ability, that if it needs it, that the Police Department believes they are going to be able to assign police officers, similar to what they did down on River Road when they were putting in the new pipe line. Lt. Tousignant said during the summer time, they have several requests for police officers. If a roadway is going to be closed and only one lane of traffic can go through, the Chief likes to have a police detail because it is safer. He can't answer for the Chief, but he does make every effort to make sure that the officer that fills the detail makes every effort to fill it and if their officers are tied up, or they can't fill a detail, they also use officers from other towns, as well as Hudson officers go to other towns, too, to assist in filling details. Selectman Massey said from what he knows about this case when it came before the Planning Board, the Town Engineer did, in consultation with CLD, have input as to how this road layout was going to occur, and it was at Mr. Hall's insistence that they go all the way down to Executive Drive and make sure that the road is constructed in such a way, that if they were to extend from Executive Drive forward, they would not have to do any realignment on this particular section, that it's all going to line up, if you were to go straight again with the lanes that are currently there, that come down to two lanes right in front of the Granite State Glass Co. He thinks the approval tonight would be to do it in accordance with the signed plan of record, and they would get what they are after. He agreed that, in the future, they should have some kind of process on the Planning Board, such as what Chairman Maddox suggested, a stipulation on the drawing that final site plan approval requires the Board of Selectmen to approve the right of way incursion. Selectman Jasper said he was fine with doing that, in accordance with the plan. In the future, he'd like to see an accompanying letter from the Town Engineer, giving the blessing.

Motion by Selectman MacLean, seconded by Selectman Jasper, to approve the request for Keach-Nordstrom Associates to perform work within the town's right of way on Lowell Road to perform off-site improvements in support of the Nottingham Square Site Plan, in accordance with the signed site plan and with the engineering detail on file in the Community Development Office.

Chairman Maddox said he saw the plan and was assuming this was correct, and it's not like they are going to be doing this next week. Selectman Massey said everyone should understand that there were at least two things that the Planning Board required and the applicant agreed to. There is a north bound right turn into the property, and that is being constructed in such a way as to render all but people who don't use their head to be able to make a left turn southbound.

It is going to be very difficult for somebody trying to make a left turn southbound out of that right turn lane, and that was done at the express interest of the Planning Board to prevent people trying to cross over two lanes of traffic to get southbound. Can you every prevent somebody from doing something stupid? No, but it's being engineered such that it would be very difficult to do that. That was one of the things the Planning Board did concerning safety. The other thing they required the developer to do, and they have already mentioned, and that was to make sure these systems are aligned such that if it ever gets extended down to where the Granite State Glass merge occurs, there won't have to be any road alignments. The final thing they did with this plan is that the stanchions that are going to be used for the lights will be on the Fox Hollow side of the road and are being located such that, if they ever widen the road to be the full two lanes southbound and two lanes northbound, they will not have to relocate those. They are actually being located in such a way that if they ever widen the road, they will already have been provided for it. He thinks there was a lot of consideration given to the town's needs when this plan was brought before the Planning Board and, based on some of the inputs that the Planning Board looked at from terms of safety and future expansion, the applicant made those changes, and that's what is reflected in this plan.

Vote: Motion carried 5-0.

D. Public Hearing on Ordinance 07-02 Water Utility Rules and Regulations

Selectman Massey said these were reviewed at a previous meeting. Because it is a change to the town Code, they need to have a public hearing before these rules and regulations are implemented. They have been reviewed by the Water Utility Committee and have recommended the Board approve them.

Chairman Maddox opened the public hearing at 8:25 and asked if anyone wished to speak. Robinson Smith, 48 Burns Hill Road, had questions about the nominations and appointments process, not this item. He was told to contact the Selectmen's Office to get all of his questions addressed. Chairman Maddox closed the hearing at 8:27 p.m.

Motion by Selectman Massey, seconded by Selectman Nadeau, to adopt Ordinance 07-02, Water Utility Rules & Regulations, as recommended by the Water Utility Committee, carried 5-0.

E. Sewer Connection Stub, 85 Highland Street

Selectman Massey said this is another one of those items with a long history, but the Sewer Utility, after carefully looking at the issue, did make the recommendation that they install this connection and that the cost be reimbursed from the Sewer Capital Assessment Reserve Fund.

Motion by Selectman Massey, seconded by Selectman Nadeau, to approve the installation by the Highway Dept, or that the Highway Department oversees installation of a sewer service connection for 85 Highland Street to correct an oversight, with cost to be funded through the SCA fund, as recommended by the Sewer Utility Committee, carried 5-0.

F. NH Clique Police Enforcement Campaign

Police Lt. Bob Tousignant said this is something they have done for several years now and they would like to schedule this year's event to take place from May 21 to June 3. They will use two man patrols, lasting three hours and they plan on doing seven of them. The grant is in the amount of \$1,890 from the state and covers the cost of the police officers on an overtime rate to work the seatbelt blitz. They are not on duty on the street, at the time. These programs they have conducted in the past several years have been successful. The patrols are planned for early morning when parents are driving their children to school and they are at the entrances to the schools. Unfortunately, there were several violations of children not being seat belted in the cars and tickets were issued for those violations.

Motion by Selectman MacLean, seconded by Selectman Jasper, to authorize the Police Department to enter into the NH Clique Enforcement Campaign with the NH Highway Safety Agency in the amount of \$2,173.50 carried 5-0.

G. Temporary Technical Support Recommendation

Finance Director Kathy Carpentier said she was seeking approval to change the hours and pay for the town's IT contract technician. The contract with Eaglevue ended on January 31, so they are back down to one person, working part-time. He puts in a lot of after-hours and weekend hours. As they develop the plan for the future, in the interim, she'd like the Board to approve the recommendation to increase his hours from 35 to 40 and his rate from \$32 to \$40.

Selectman Nadeau didn't have a problem with the hours, but he did with the pay. Chairman Maddox noted that it was a 25% increase and wondered what the justification was for that leap. Ms. Carpentier said Vin was hired as a technical support person in the beginning, with Eaglevue being more of the director-level position. Vin has really stepped up in the role and is going to be making a lot of the decisions, along with her, until people are in their positions. Vin has come a long ways since he was hired at \$32 an hour, and he is going to be running the ship, at this point.

Selectman MacLean asked if the money was still available from the other position that wasn't filled. Ms. Carpentier said yes, and there are additional funds because they won't be paying Eaglevue. Selectman Jasper said he didn't have a clue what was going on. He thought later on tonight they were going to be filling the vacancy of the top dog in this department and, therefore, this person wouldn't be running the show. He asked what he was missing. Chairman Maddox said timing is everything, and they were looking to fill the IT Director later. Ms. Carpentier said one was public and one was nonpublic. Selectman Massey said regardless of whether or not they hire an IT Director tonight,

there is going to be some period of time where, until that individual brings forward their final IT structure—and they are going to talk a little bit about the structure in nonpublic—the work that this individual is doing is critical to continue moving forward with.

(Start Tape 2-B)

He, along with the Finance Director and Town Administrator, made the decision not to come to the Board with a request to renew Eaglevue's contract because they felt by extending Mr. Guarino's hours to 40, they would pick up the slack from not having Eaglevue. A lot of the things Mr. Guarino is doing are over and above support functions. They are actually implementing and helping the town transition off of the existing VAX software, on to the Windows/Intel architecture. The need for this individual isn't going to go away the minute the IT Director is hired. How they fill it at some point in the future is reflective of how the Board wants to look at the structure, which they will touch upon in nonpublic. The type of skill they are talking about warrants the differential in pay.

Selectman Jasper felt very dense. He assumed the person they were going to be hiring, and for the sake of discussion, assumed they were going to hire the IT Director tonight. His assumption was this person would be reporting to the IT Director, but what he heard as the justification for giving a 25% increase, in addition to the hours, and he didn't have a problem with the increase in hours—is that they are going to be sort of working alone. He asked if these two were going to interact. He was totally lost. Ms. Carpentier said, unfortunately, this was putting the cart before the horse. Selectman Jasper said that's why he wanted to use assumptions. Mr. Carpentier said if she was the person making the plan, she would report to the IT Director, but she won't be. They had a manager-type level and a technical level in the IT world on this side of the house. There is a whole plan that is going to be developed that's going to consolidate things, but they still need somebody who will be running the show over here. It would still be under the direction of the IT Director, versus the Finance Director. Selectman Jasper said if that person is going to run the show over here, he didn't have a clue where the IT Director was because he thought that person would be over here, running the show. He was totally lost and the only way to not be lost is to not put the cart before the horse. He didn't know if they could continue the status quo for two weeks, with the 32 hours at the same rate, or if they are going to lose this person, but he was very uncomfortable with what he is hearing right now.

Selectman Massey said he wouldn't object to deferring action on this until after they come out of nonpublic tonight. The majority of the discussion would deal specifically with this, but when they discuss the IT Director's function, this job may come into more clarity.

Selectman MacLean said before the meeting, she asked the same questions to Selectman Massey. She felt that if they were going to hire an IT Director, that person would be the one that would know if this was a good idea or not, so to speak, and she didn't mean any disrespect to KC. Ms. Carpentier said that was her predicament; she didn't know what the Board was going to decide to do later tonight. They do have a need that needs to be addressed tomorrow morning, depending on the outcome of tonight. Selectman MacLean felt better waiting. Chairman Maddox felt the same, to wait until the next meeting. They won't get an answer tonight of where this is going to go. He is sure this person is worth a significant amount of money, but questioned a 25% increase because there was nothing that justified that kind of an increase, and there wasn't a time limit on it; it's an open-ended number, at a significant increase, with a new person starting, at some point. There were too many open ends that needed to be addressed, either later in this meeting, or at the next meeting. Ms. Carpentier said she left it open-ended for that reason. She would be more than happy to come back in two weeks, or someone else could bring it back. She asked if the Board would break down the motion to at least increase the hours. Chairman Maddox said he could read that motion and see where it goes. Selectman Massey said regardless of what the individual is paid, the hours are needed, even if the IT person starts on Monday. When Eaglevue left, they gave up 16 hours of on-site, plus additional off-site hours. They are, effectively, down to 35 hours from an 80 hour-function. Rather than try to mumble through everything, it will be a little clearer when they have the discussion on the IT Director position in non-public. Then the Board could decide to act on the request for added compensation tonight or two weeks from now, but the extended hours are critical because they don't have Eaglevue any more.

Motion by Selectman Nadeau, seconded by Selectman Massey, to amend the agreement with Vince Guarino as a temporary technical employee for 40 hours a week at \$32 an hour for the next two weeks.

Selectman Nadeau didn't mind increasing the hours, if they are needed, but he had a problem with a rate increase. If it is only going to be two weeks until they talk to the IT person to see where they will go from here, he didn't have a problem with that. Selectman Jasper said it wasn't going to be any clearer in nonpublic because there is only one reason he's going into nonpublic, and that's to talk about hiring a person for a position. He's not going to talk about what the person in that position is going to do. If they are going to have a discussion about the job description and the functions of that position, he's not going to do that in nonpublic. He is also confused. They had two people for 80 hours a week. Both those people left, so Eaglevue was hired, and "this" individual was hired for 35 hours a week, and 16 that the other would get. They had 51 hours, and lost 16 hours. They are hiring someone for the IT position at 40; 40 and 35 are 75, so he didn't see how they are losing time by hiring someone for 40 to make up the 16 they lost and, therefore, they still need another eight, which gets them to 80. He totally didn't see how a 16 hour position and a 35 hour position puts them in a worse position than what they had 40 and 35. Ms. Carpentier said it wasn't a 16 hour position; they were on-site for 16 hours, but they worked from an off-site position for more hours. They were covering the original 80 hours that were budgeted. That's where they started with and they've been limping along with what they had. It will become a little clearer (after nonpublic). They won't be talking about job responsibilities, but how the plan is going to look,

based on hiring the IT person. Chairman Maddox said they will be talking about personnel. Selectman Jasper said a plan is not personnel. They can talk about what the person in the position is going to do, but he is not going into nonpublic to talk about a plan, how anybody's time is going to be divided, who is going to report to whom, but the other Selectmen can, if they want, at their own peril. He is only going into nonpublic to talk about the qualifications of an individual and why they should hire the individual for the job they already discussed. They can talk about all those other functions right now, without ever talking about any individual. He was totally lost.

Selectman MacLean said she was voting against the motion. She'd like to start fresh and not put the cart before the horse, and she was just as confused as Selectman Jasper, but she asked her questions before the meeting.

Vote: Motion failed, 2-3. Voting in favor were Selectmen Massey and Nadeau.

H. W/S Development Fee Review

Selectman Massey said towns can do only what state statutes say they can do and state statute has said that the Planning Board can assess fees to an applicant for applications that come before the Planning Board. Within the last two years, the Legislature has added to that statutory capability that the Zoning Board can also impose fees on applicants. That statutory authority does not extend to the Conservation Commission, the Water Utility, the Sewer Utility and the Selectmen. Non-statutorily empowered boards and commissions believe they need to have fees in order to provide consulting support to analyze and report on applications that are coming before them. They can request from the applicant for the fees, but it is a voluntary acceptance and if the applicant chooses not to honor that request, then there is no statutory recourse for those agencies. Also, it has always been the practice of this town, that when the fees are collected by the Planning Department, they are immediately added to the town's general fund. If all of the fees the Planning Board has established as required to submit an application—filing fees, abutter notifications, etc.—if it is determined a sewer analysis is needed, or a traffic analysis, or whatever, an estimate is made of what that cost is going to be and the applicant is then required to post that amount, which is then put into what is called an agency account and it is a specific account for that project, itself. As monies are spent and invoices are received from the consultant, they are applied against that fee and at the end of the consultant's services, if there is any money left in the agency account, it is returned to the applicant, with any interest. If additional monies are required because the project turned out to be more complex than the consultant had originally estimated, and the Planning Board so authorizes, the applicant is required to pay those additional monies, and they do the same thing. They get posted into the agency fee and they are expended against, etc., etc. The bottom line is that if the applicant paid a total of \$2,000 in filing fees, and they paid \$5,000 for the consultant fees, the \$5,000 is added to the \$2,000. It is not, "Oh, you paid \$2,000 so even though we need \$5,000, you are going to effectively only have to pay \$3,000." The cost to that applicant would be \$7,000 not \$5,000. That is to explain that when you look at what they are going to do tonight, when the Planning Board voted to return all fees to the applicant, the only fees that the Planning Board have control over are the filing fees. They have no control over anything that was done outside their purview.

Chairman Maddox declared a recess at 8:52 p.m. The meeting reconvened at 9:02 p.m.
(Start Tape 3-A)

Chairman Maddox said the Board of Selectmen talked to W/S almost a year ago about collecting monies for hiring (VHB) to be able to look at the scoping meetings and things the Selectmen were doing, as far as roads, in advance of the Planning Board. The plan was submitted, as Selectman Massey stated. These were put across the counter, not as what was supposed to be submitted, but they did put some of those fees. The Planning Board voted to return those. That is their right and their monies to return. The subdivision fees, the tax map, the updating fees and the abutter notification fees are going back. That's the Planning Board's decision to make. Selectman Massey said they voted to send them back because they requested that the Town Planner inform W/S Development that the plans, as submitted, were not in compliance with §334-39 of the Hudson Zoning Ordinance, which says before you can come to the Planning Board with a site or subdivision plan, you have to have, if it's going to require any wetlands special exceptions or variances, those have to have been adjudicated before they came and because they have not yet done the site plan or the appearance before the Zoning Board for those applications, the Planning Board declared that the plans were not complete and, if they are not complete, then they should be returned, along with the fees, at the same time.

Selectman MacLean asked if they were returning the fees temporarily, until they submit it with all the proper paperwork, then the Planning Board collects the appropriate fees again. Chairman Maddox said that was correct. The town is returning the fees, under the direction of the Planning Board—the subdivision fees, tax maps and the abutter notifications—of which they did not submit all of the monies they should have, which is another one of the issues that the Planning Board had. Everyone submits their total amount that they are supposed to put in, not pay half. They did not do that, so that's another one of the things that did not meet the criteria of a completed plan. They are here to talk about the other items, which are the contract planner fees and the traffic engineering. The traffic engineering fees were a contribution to look at having the town's expert at all of the traffic scoping meetings with the NH DOT, W/S and all of those, so that person would be up to speed and be able to do that. Those monies were given to the Board of Selectmen, and under its control. The same with the contract planner fees. Those are monies that they gave to augment staff because Mr. Cashell was spending 90% of his day talking to people in regards to the Green Meadow project. They need to make the decision on how to go forward with this. They have hired a contract planner with a 45-day out that they need to discuss, whether they want to exercise or not. Where do they want to go with this? He suggested that the traffic engineering fees stay just as they are. That's something that's on-going. It was an agreement that they would

fund that so VHB would be available and able to go to those meetings. They just went to one last Thursday, and the town didn't say not to go. Again, taking out of that fee.

Selectman Jasper didn't think they ought to return anything. There are some unexpended balances, but unless they request the return of those fees, the Selectmen shouldn't concern themselves with it. What they should be concerned about is the contract planner, and he was concerned, at the time, that they were putting the cart before the horse by hiring the contract planner before they had a plan. They were sure the plan was coming in, and it did come in on the same day the contract planner started, but now they don't have a plan to look at and they have a contract planner. He assumes that, in fact, some staff is still going to be working on this project. They need to have a discussion with them about what they would like the town to do. They hired a contract planner, per the agreement, but they don't have a plan. The town is burning up time. They can catch up with a bunch of stuff in the interim, he guessed, by having these people, but at some point, when they run out of the \$40,000 they may say wait a minute, we didn't have a plan in place for two months. So, are they doing cost accounting with John Cashell and Sean Sullivan, showing how much time he is putting into this so they can show them how much time they put in during this period of time because there were other plan-related things still going on, and have we talked about having a conversation with them about this situation? If they let the planner go with a 45-days notice, by the time that runs out, they might have the plan back in, but the town may not have a contract planner. They need to have a conversation with them about where they want to go with this; it's their dime.

Chairman Maddox agreed, saying that's why this item was on the agenda because it's now on the town's dime, potentially, so they need to decide what they want to do. They would fund the traffic engineering fees, anyway. It's to their benefit. If W/S doesn't fund it, and they don't send VHB, that's going to have to be made up, so he doesn't see that as an issue. The real thing is the contract planner. Do they want to have a dialogue with them? Do they want to bring in W/S and talk with the Community Development Director and Town Administrator to work out an agreement? It needs to be similar to the water tank; they are contributing this money with nothing coming back in return and no taking it off of cap fees. This is purely to assist the town in being able to deal with the project of this magnitude, while still allowing every other citizen and business that wants to come in to town to be able to go through the process. If John Cashell is spending 90% of his day, and Green Meadow is no where near the starting point, what's it going to be like once it gets going? Sean Sullivan says he, too, is spending a considerable amount of time.

Selectman MacLean said it seems like they are in a tough spot. W/S could make the case that for two months, the town didn't have the plan in front of them, but the point is they brought the plan in, and the town was ready. It's their fault the plan was not complete and incorrect, so they can't hold the town responsible. It's W/S's fault, not the town's. Chairman Maddox said that's why the Board should, at least, send a letter to Cynthia May, saying that they are going to take their option on the 45 days, starting from tomorrow morning, and then have a meeting with them because if they say no, that meter is still ticking for another two weeks until they meet again.

Selectman Massey said the reason why he gave the short synopsis of how fees and consulting monies are spent is the traffic engineering fees, whether they spent them today or afterwards, are going to be added to all of their filing fees. The filing fees are intended, primarily, to take care of the work that the Planning Department has to do, so even though, in their original, when they sent the plans to the Community Development Department, they had a cover letter that indicated they wanted to have these fees that they've been spending offset against the filing fees. Only the Planning Board can make that determination and with the exception of this contract planner fee, everything that has been spent would have been additive, under any circumstances. In his mind, they might have a legitimate request that the contract planner fees come out of any filing fees, but since there is no plan at the moment, the only rational way to handle this is to do the same thing with the contract that they did with the water tank. It's basically a cost that they would look at as an investment so that, even though, down the road, they pull their plan off for whatever reason, this would not be a cost they would recover. Yes, they always have the right to ask the Planning Board for credit, but the Planning Board will make that determination, not the Selectmen. His concern is that if they invoke the 45 days, and they don't come back within 45 days, the town would lose this individual and may not get her back. The developer would be taking a gamble that if the town is not able to fill that position when they come back, the reason for why that person is there wouldn't go away, but the resource wouldn't be there, so the town would be in the original position when they asked them to fill this position, which was to be able to handle not only RiverPlace, but also handle everybody else, without any detriment. That is a round about way of saying he thinks they ought to ask them to sign an agreement on this contract planner, the same way they signed—or to have W/S sign an agreement that the contract planner is, essentially, an investment and it's not in the Board's power to say how that money, or whether or not that money could be offset against any filing fees, that there would be no guarantee.

Selectman Jasper didn't disagree with either the Chairman or Selectmen Massey about having an agreement and there is reasonable discussion about whether the contract planner fee should be credited against the subdivision fees. His personal opinion is that yes, it should be, because that really is the purpose of these fees, to cover the cost in dealing with their plans. Normally, that's a direct recoup against the staff they are paying and, in this case, since they are paying the staff, it doesn't make any sense why they wouldn't get a credit on those fees. If the cost of the contract planner exceeded the fees, they either wait or pay the excess, but given the numbers he's seen for what their fees are going to be, he didn't think that's the question. The immediate problem is what to do with the contract planner. They are dealing with a person, so he wouldn't automatically, tomorrow, give that person their notice. His first phone call would be to W/S to explain the dilemma they are in, that the town either needs to give a 45-day notice, or W/S needs to

give a commitment they will continue to cover this position. They can certainly have discussions, if they bring it up, and they already have been looking for that, so that's a reasonable conversation. If W/S is committed to bringing its plan in, and if they want the town to keep this individual on, then the town needs to know they are going to be able to reach an agreement, and then see what they say. If they think it will be another 120 days before they come in, obviously, the contract planner should be let go, unless staff thinks they are still going to be using up 40 hours a week, even though the plan is not there because of X, Y & Z. The bottom line is he wouldn't give the notice tomorrow.

Selectman Massey said he concurred, with one small nuance. He wouldn't call it a dilemma. He'd say, "Here's what the issue is. We no longer have an application before the Board, so we have two options. We either invoke our 45-day notice on this individual, or you are willing to agree to continue funding this position, with no assurances of what the Planning Board will do because this agreement is not with the Planning Board, this agreement was with the Board of Selectmen." That's the only thing they need to understand because the Planning Board has no jurisdiction right now, and they have no jurisdiction, as it turns out, until they accept the plan. If this agreement is with the Board of Selectmen, they would enter into it with full understanding that there would be no guarantee that they can offset those fees with their filing fees. He agreed with Selectman Jasper, to wait until they have the conversation with them before they invoke the 45 days.

Chairman Maddox said this person is a contractor, and the Board doesn't have a method by which to pay for it. Selectman Massey said oh, yes, they do. They have the \$125,000 in the Selectmen's fees for managing this project. Chairman Maddox said if there is no project, why would they keep someone on? Selectman Massey said because they have a 45-day out in the contract. Chairman Maddox said they should send a letter to the contractor that the Board is going to give a 45-day notice because if W/S drags this out, or whatever, there is money in an account to fund work on W/S, but if there is no W/S, what is the Associate Planner doing? To be clean and straight, they should exercise that option and then have the meeting. Selectman Jasper was suggesting going into the meeting, keeping that person with the meter running, and talking to them. That's the wrong way to go.

Selectman MacLean said the minute the contract planner gets her 45-day notice, if in 30 days, the Board says, "Oh, the plan is back; let's give you a new contract." That's not fair to do to somebody. "Here's your 45-day notice and we might need you back, but we might not." That person would be looking for another job really quick. She is considered top-notch; everyone has spoken well of her, so she wouldn't want to lose her. Shouldn't they talk to Sean Sullivan and John Cashell and ask them how much work still needs to be done. The plan isn't at the counter, but she understands there is so much work still that goes on behind the scenes, and all kinds of things. Maybe she does have enough work. Chairman Maddox said John Cashell is still probably spending 40% of his time on RiverPlace because of meetings that have already been scheduled, or questions from other developers. All the things that are going on. He is just trying to stress the fact that if they go in saying they need to keep funding this person, they are setting themselves up.

Selectman Jasper said they have a balance for what they've paid for the contract planner of \$17,600. He didn't believe they have any type of obligation under the agreement to return any of that. As a matter of fact, W/S made an agreement to give the town another \$20,000. If they don't send the town a letter saying, "Wait a minute, we want to end this agreement." They've got an agreement right now. They have an agreement to pay \$40,000 for a contract planner for six months. That's the agreement. The town has no further obligation to do anything else. They would have an obligation to say, "Hey, we want this terminated as soon as possible." There is no down side to the town, at this point, because that was the agreement, and it wasn't contingent on anything. As a reasonable business practice, the town initiates the conversation and say, "We're concerned about your interest, where we go from here. Would you like us to give the 45 day notice?" If their answer is no, then the town is fine. He didn't think they need anything in writing, or anything further. As a matter of fact, if they don't fund anything beyond the \$40,000 once the plan comes in with the subdivision fees, regardless of whether or not they get the credit for the first \$40,000, the town has the money to continue the contract planner, based on the fees that come in and they don't lose anything. There is no reason to suddenly act like the barn is on fire, because it's not. It would be good practice to give them a call—"What would you like us to do?" Otherwise, they got a real good reason to be ticked at the Board, if they give out that notice and say, "Cynthia May, you are gone in 45 days," and W/S says, "Wait a minute. We made a commitment to pay for \$40,000. What the hell are you doing here? Why have you done this to us?" Then the Selectmen look like the schmucks because they violated the agreement with W/S. It's their nickel. Chairman Maddox said it's a matter of getting their money back. That's the fuzzy area. Selectman Jasper said they haven't requested it, so why are the Selectmen concerned? It would not be unreasonable to not have this conversation at all. Selectman Massey said the concern might be because the motion that the Planning Board made was to return all fees. Selectman Jasper said those can only be the fees that the Planning Board has control over.

Chairman Maddox said they have to make that crystal clear and was kind of surprised that now he was saying the money paid at the counter will justify an Associate Planner, when it wouldn't during budget season. Selectman Jasper said they had no increase in the revenues in the budget to pay for that. Moreover, he is not in favor of a permanent Associate Planner for a single plan. This plan will have an end. That was always his concern. Show me the long term increase in the fees; show me the long term workload. These are going to be fees in excess of revenues that we projected, and this is the purpose of the fees, to make sure the work gets done. They have the statutory authority, as a town, to expend those revenues that come in for site plan review under contract. They can't go out and hire new employees, but they can go out and hire consultants to accomplish that.

Chairman Maddox asked if the consensus was to put a meeting together with W/S to discuss what they would like, as far as the contract planner and monies expended are concerned. Selectman Massey said correct. Chairman Maddox said he and the Town Administrator would set something up with the Community Development Director and get this moving forward.

Selectman Massey said, in the interest of making something happen, and especially since they have an individual involved, he would have no objections of the Chairman and Town Administrator were to meet with W/S, not with the Board, to accomplish that, and just bring it back to the Board for the final—unless he wanted another Selectman with him, in which case, if Selectman Jasper, as vice chair was available, he'd support that, too. But he didn't want to wait until two weeks from now to have the Board meet on this issue. His suggestion, if the Board is agreeable, is that they authorize Chairman Maddox and the Town Administrator to meet with W/S Development to resolve this issue and, if they think it's important to have another Selectman, he would also, if Selectman Jasper is agreeable, to have him there, as well. Chairman Maddox said or any other Selectman who may be available. That recommendation was the consensus of the Board. Chairman Maddox said they don't want to be churning through those dollars and then it be six months out before they come back with a plan. Selectman Massey said that's why he'd rather have the Chairman do it, rather than wait until another Board meeting. Chairman Maddox said OK. Selectman Massey said the Community Development Department would now return those filing fees, on a separate action. Chairman Maddox agreed.

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

Ken Massey said he had one item—one more time, and he'd probably have to do this many more time, but to clarify, because there appears to be some misinformation out there in the land. The town of Hudson came to the voters two years ago with a request to upgrade the water utility by making improvements in the south end. Those improvements included the installation of a 800,000 gallon water tank in the south end. The article failed in 2004; it passed in 2005. Subsequent to that article being passed, they had a request from Green Meadow to participate in the design and construction of that tank for possible future use by Green Meadow. They indicated to Green Meadow that the issue they had was paramount, that the tank needed to be done for town safety reasons and for fire suppression capabilities and water pressure in the south end. The town and Green Meadow entered into an agreement whereby Green Meadow agreed to supply with what they thought their future water needs, in terms of volume, would be, and if they so chose, based on the cost of adding that incremental volume to the tank, they would pay, with the following stipulations. a) They had to take the town's cost, and if they didn't like the cost, and chose not to participate, that was their decision. Secondly, all they were buying was the ability to have additional capacity in the south end for their anticipated future needs. They also agreed in the agreement that the money was non-refundable, if they exercised the option, and that they had no guarantee that water would be available to them when they came looking for it. If the water was available, they would be required to pay for all of the infrastructure on their property and, perhaps, some indication that they might have to do some off-site construction in order to make the water possible. The agreement is with Green Meadow. It is not with W/S Development. Green Meadow is the one that exercised their option and they are the ones that agree to those things. There is nobody right now that has any right to any water, unless they pay for the infrastructure that is going to be required, and the Board of Selectmen, on the advice and recommendation of the Water Utility, agrees to add them to the system. Contrary to what anybody says, W/S did not pay for this; it was Green Meadow that paid for it and the agreement is with Green Meadow and no future guarantees are made to Green Meadow.

Chairman Maddox said what Selectman Massey said was absolutely correct. Green Meadow shall make payment of the incremental construction, blah, blah, blah. The check that was written by W/S, and that's where the confusion is.

(Start Tape 3-B)

The agreement was with Green Meadow and, obviously, they went to W/S to write the check. Everyone should understand the agreement was with Green Meadow.

Ben Nadeau said the Rec Department's Comedy Night was a great success. On February 16th, there is a 5th and 6th Grade dance from 6:00 – 9:00 and Cabin Fever is also coming up on February 24, 1:00 – 4:00. There is no school tomorrow, due to the snow. There is a winter parking ban—no parking on the streets after 11:00 p.m.

Shawn Jasper said the Highway trucks are all fueled up and ready to plow. They will be out as soon as the snow event starts and will stay out until it is over. He asked people not to call the Highway Department to ask when a certain street will be plowed. Some routes take several hours to get through, so some streets won't get plowed for hours. When he was a young child, sometimes it was two days before they saw a town truck on Old Derry Road, so people today have it much better than they used to. Unfortunately, an off-duty plow driver broke his leg, so the Road Agent was down a driver. Another worker was on vacation in Vermont, and on his own volition, has ended his vacation and headed back to town to fill out the crew. That is some dedication and is much appreciated. He didn't have the e-mail with him. He printed it out, then left it at home—but kudos to the department.

The House and the Senate are closed. There are no hearings tomorrow because of the snowstorm.

Selectman Jasper said he wanted to comment on Ms. Stewart coming in. No town funds should be expended to try to verify or to disprove his personal comments. People have a right to request information. They can request minutes, tapes, and pay for them. The town has a policy. But to expect every time someone questions something a public official says, they are going to expend time and money to verify or disprove that is not the way the system works. They could be swamped. He will stand by his remarks. This Board, Steve and Priscilla were here when they went through the budget deliberations. If it is determined that he was wrong by either the consensus of the Board, or by somebody viewing the tape of that public meeting, he will apologize. His

recollection is the Chief came in—and now he is reminded that it was a total of five positions—so his memory is somewhat faulty, but he knows the reason they got to the two that they did, knowing in his own mind, because in asking for his order of preference, and it may not have been a ranking of one, two, three. It was, “We’re only going to give you a couple, here. We’re only going to give you a few, here. What do you really need?” He has a really clear recollection in his mind that the Chief said he really needed the dispatching; went over the costs and everything associated, and the clerk, because the people were back and forth between dispatch and it wasn’t efficient. That’s what he (the Chief) really needed. The Chief never said he didn’t need the police officers; he never said he didn’t want the police officers, but the chief gave a very clear understanding that there was a hierarchy of need, and that was in the clerk and dispatcher positions. He will stand by that, but if proven wrong, he will apologize for his human failings.

In terms of the quid pro quo, that was his (Selectman Jasper’s) own comment; he said he believed that if this was turned down by the voters, this would be something the Board would be sending to the warrant the next year. That was his opinion. That was all it was—his opinion. It can’t be proven right or wrong; there’s no need to respond in writing. Ms. Stewart brought in something in writing, but he didn’t see it. He only heard her comments, but they cannot put themselves in a situation where every time somebody says they want a response to something in writing, the Board automatically does it. There are things that rise to that level, but neither of these requests rise to that level, in his opinion.

Selectman Massey said he had no objections to the Board taking the tapes from the night of the workshop they had with the Police Department and the tapes for the budget hearings for the Police Department and having a copy made, at the normal copy cost, and presenting those to Ms. Stewart for her perusal. He does not recall, in his own mind, the Chief going down to that level of granularity. Selectman Massey knows for absolute certainty the Chief never said, “I’ll take these if I can get only one or two items.” It was always, “These are all my critical needs. The dispatch function is especially critical because I’m not able to hire part-timers.” Selectman Massey’s recollection was the Board made the decisions on what not to forward to the warrant, based on what they thought was a reasonable cost tax increase to the town residents, and it was on that basis that the two police officers were not forwarded. He also wanted to correct a misimpression at the town deliberative session. The Budget Committee never had an opportunity to hear the request for two officers being forwarded by the Selectmen because of the fact they voted not to send it. They did not ever see that warrant article. The only thing they saw relative to this was the petitioned warrant article, and as he heard on the deliberative floor, no one came forward to speak to that when it was on the public sessions. He, personally, remembers saying at the deliberative session that when he was explaining to the people that the Chief had made—I used the word plead at the time, and he realized the word plead was wrong—but what he was trying to convey was the Chief made his case for all those positions. The Board simply decided that, from a budgetary perspective, they were only going to forward the ones they did, and he had no doubt that next year, they would probably see that same request because if he thought he needed them this year, the need wasn’t going to go away. He can attest, and if somebody can find it in the records, God love ‘em, he didn’t recall any one of them every discussing they’ll put two in for the Fire Department this year and then they will put two in for the Police Department next year. Selectman Jasper said no, they never had that discussion.

Selectman Massey said his recommendation is that copies be made of the two meetings in questions. Those copies are given to Ms. Stewart at whatever is currently charged for copies of tapes being made, and he believed they have done that before. Selectman MacLean thought Ms. Stewart would have to fill out some kind of a request. What if they do all that work and she doesn’t pay for them? Selectman Massey said the letter should say if she wants to have the tapes at the following cost, and please indicate, etc., etc. He didn’t know how they could answer the questions on the priorities and quid pro quo, other than what is in the record and what’s on the tapes. He suggested that they send a letter to Ms. Stewart, saying that if she wants the tapes, this is the cost, and contact the Selectmen’s Office.

Selectman Jasper said that may be totally accurate, not exactly jiving with his memory. He didn’t remember them making the decision, based on two police officers were more expensive than the two others. In his mind, it was clearly listening to the Chief, hearing what his more pressing needs were, and he came away with the clear impression that his priorities—and he may never have sat there and said, “my priorities are these two,” that his priorities, based on the testimony he gave to the Board, was that his need was for those positions over the other positions. At the end of the day, this is much ado about nothing. There was no motion to cut the funding in the petitioned warrant article, which was the fear of some people, which he would not have supported. When people petition for the positions, that money is in there, they make their recommendation and to have tried to have cut the money out and have it a zero warrant article, he would have disagreed with. At the end of the day, they had already made their recommendation. The Budget Committee had already made their recommendation, and it was a discussion on the floor at town meeting. If the Chief would like to come forward and would like to say that he (Selectman Jasper) was wrong, that he thought he gave the Board the impression that his police officers were of a higher priority than the positions the Board recommended to the Budget Committee, he is welcome to do that and he (Selectman Jasper) won’t resent that, if that’s the Chief’s choice because, at the end of the day, this is a discussion of opinions and impressions—nothing more. Selectman Jasper believes there is some political gamesmanship going on, trying to challenge his credibility and his memory and he is going to stand by the impression. He has no idea what words the Chief used, but the clear impression the Chief left with him (Selectman Jasper) was that he (the Chief) preferred those two over the other two.

Kathleen MacLean said, contrary to what many people might believe, Selectmen talk to department heads off camera quite a bit, and it’s not always on public record. They don’t make decisions, and they don’t have meetings, but she talks to the Chief of Police and asks him his opinion on things, and to the Fire Chief, Kevin Burns and Sean Sullivan. She talks to them a lot, and she might get impressions of what they think, their opinions, their priorities, and none of that is on public record, but it still is in her head that that’s what they told her, or that’s what she has come away with. That might be the case with some of the other members. Chairman Maddox is the liaison to the Police Department, so she assumes he speaks with the Chief quite often off

camera, and it's not a matter of public record, but it's one word against the other. She thinks this is much ado about nothing. There is a warrant article on the ballot and people will vote. It sounds like the Chief needs a spokesperson. She didn't understand that. The Chief can come to the Board at any time and grieve something he feels the Board didn't quite do right. They are all grownups. He respects the Board and the Board respects him. She didn't see why, if the Chief has a problem, he doesn't come and talk to them—be adults and talk about it. The “he-said-she-said” seems so silly to her, and she didn't quite understand it.

When Dr. Fredenburg was in, he mentioned “walkable roads.” This past weekend, she and her husband, who live behind T-Bones, walked to Wal-Mart, and back. The part of the road with sidewalks was wonderful. It's such a shame to see so many cigarette butts on the side of the road, particularly noticeable when walking. She implored people to not throw their cigarette butts out their car windows. It is littering and it is despicable and it's pollution. It's terrible. She must have seen 50 trillion cigarette butts. She is for the smoking ban, the if she could walk a consecutive mile in town and not find a cigarette butt, she would advocate opening up smoking in all public places, but don't throw butts on the ground.

She thanked all of the citizens who attended the town meeting on February 10, for all the articles presented by the Selectmen and the Budget Committee. The discussions were fair, congenial and well articulated. That reflects well on the working relationship between the Budget Committee and the Board of Selectmen, as well as the department heads and the discussions they've had over the course of the budget season. For all the Selectmen's presentations, she can honestly say it was a joy to be a Selectman and to be representing such good, hardworking and honest townspeople. Please mark your calendars and vote on March 13.

Selectman MacLean said the quote at the end of this agenda was one of the better ones. “There are two rules in life. Rule one. Don't tell people everything you know.”

Rick Maddox wished Bill Oleksak get well wishes, who recently underwent surgery. He wished him all the best.

The hard work of a lot of people—town staff, the Budget Committee, the Cable Utility, the Selectmen—put together a warrant that reflected what they thought was reasonable, as far as tax increases go. Between the Budget Committee and the Selectmen, it was well thought out and, unfortunately, the only thing that really makes the paper and makes all the headlines is the issue at the end. This Board, and all the citizens, are all human. He concurred with Selectman Jasper. He got the impression that when the Chief of Police came before the Board that police officers were certainly something that he was looking for, but a SWAT van and a clerk and changing the two part-time dispatchers to full time with the benefits, and the Board picked those and put them on the ballot. Had the Chief said, “Whoa! Stop! I need two police officers more than this,” the Board would have certainly backed up. Was there any discussion to say, “Chief, you wait until next year,”? Well, this Board changes all the time, and for this Board to say that is a little difficult, at times. When it comes in next year, that would certainly be a high priority, if the Fire Department goes through, and maybe even if it doesn't. He didn't think there was ever any, “Chief, tell us your top priorities,” it was, “here is what we put to the warrant article.” If the Chief felt it wasn't important enough, or if he thought the officers were more important, he would have told the Board. He didn't think there was anything in the minutes that say, “Chief prioritized.” Maybe shame on the Board, but it's just a matter of he is the Chief of Police; he would have certainly told the Board maybe they ought to rethink that. There is a lot of drama going on, but when it comes down to it, the Board did what they thought was right, based on the information they had—the problem they have with electing Selectmen that work part-time in the middle of the night. Sometimes they don't get every little nuance, but he believes they came away with what the Chief wanted at the time and that's what the Board went with. They should move forward. The deliberative session was a good meeting, other than the last bit, but even that was democracy. It's not always a pretty sight. If you go back and look at when the Constitution was written, there was quite a cantankerous bunch, all yelling and screaming to get their piece on there. It is democracy. Enjoy it. It is something other nations and other countries wish they could do. He reminded people to circle March 13th, election day.

10. **NONPUBLIC SESSION**

Motion by Selectman MacLean, seconded by Selectman Massey, 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.

Nonpublic session was entered into at 9:55 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 February 27th agenda. Open session was entered into at 11:55 p.m.

Motion by Selectman Massey, seconded by Selectman MacLean, to hire Pam Bisbing as an Assistant Town Clerk/Tax Collector at \$15.31 per hour, Grade VII, Step 5 (a lateral move) effective March 11, 2007, in accordance with AFSCME Local 1801 Admin & Support Staff contract, carried 5-0.

Motion by Selectman Nadeau, seconded by Selectman MacLean, to hire Kevin Grebnar as Captain of Fire Training and Safety in the Hudson Fire Department, a non-exempt position, in accordance with the Police, Fire and Town Supervisors' Association, Step 1, at an hourly rate of \$29.06, effective March 4, 2007, as recommended by the Fire Chief, carried 5-0.

Motion by Selectman Nadeau, seconded by Selectman Massey, to increase Vin Guarino's hours from 35 per week to 40, at an hourly rate of \$32, carried 5-0.

11. ADJOURNMENT

Motion by Selectman Massey, seconded by Selectman MacLean, to adjourn at 11:58 p.m., carried 5-0.

Recorded and transcribed by Priscilla Boisvert
Executive Assistant

HUDSON BOARD OF SELECTMEN

Richard J. Maddox, Chairman

Shawn N. Jasper, Vice-Chairman

Kathleen R. MacLean, Selectman

Kenneth J. Massey, Selectman

Benjamin J. Nadeau, Selectman