

HUDSON, NH BOARD OF SELECTMEN
Minutes of the July 25, 2006 Meeting

1. **CALL TO ORDER** by Chairman Richard Maddox at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** led by Selectman Benjamin Nadeau.

3. **ATTENDANCE**

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

Staff/Others: Priscilla Boisvert, Executive Assistant; Kathy Carpentier, Finance Director; Tom Sommers, Town Engineer; Shawn Murray, Fire Chief; Deputy Fire Chief Charlie Chalk; EMS Supervisor, Mickey Rudolph; Richard Gendron, Chief of Police; Donna Lane, CDBG Grant Writer; about a dozen Ottarnic Pond residents; Marilyn McGrath; Jean Serino; Dana Thompson, Brox; Ray Rowell; Howard Dilworth, Jr; Doug Robinson, HLN

4. **PUBLIC INPUT**

Marilyn McGrath, 81 River Road, was present to talk about the installation of a fountain at Library Park, in memory of Ann Seabury, saying she had presented this idea to the Board a couple of months ago. On Friday, she and Ann's daughter found something that they believe is appropriate. Ms. McGrath had a picture of it, which she showed the Board, asking for input on the appropriateness of the size, etc. Selectman MacLean asked if the grist mill stone would be incorporated with the fountain. Ms. McGrath said she and Mr. Tate haven't discussed that possibility. Selectman MacLean thought this proposed fountain may be able to replace the small fountain that is already at Library Park, near where the soldiers are put up at Christmastime. Selectman Jasper didn't have any objections to this and thought that putting it where the fountain currently is was a good idea, but this should be referred to the Highway Department for their input relative to the installation and upkeep. Before they do anything, they should check with those who will be responsible for maintaining it. Later on, he will make an appropriate motion relative to that. Chairman Maddox said Library Park is nothing more than a traffic island and he believes that the fountain should be put at the site of the new library, a facility that was near and dear to Ann. Nobody sits in Lenny's bench because of the traffic. The gazebo is nice, but a band will never play in it because they won't be heard because of the traffic. If the fountain was put at the library, they could incorporate into an area with a bench, and maybe the grist mill stone, where people could sit and reflect. Selectman Jasper thought the Chairman made an excellent point, particularly with a new library, but he thinks that those who are going to donate this in memory of Ann, should be able to choose the location, as long as there is no legitimate reason for keeping it from being put there. It would get a lot more use and be seen by a lot more people at the library. Perhaps Ms. McGrath could work with the Library Trustees to see if that would fit into their plans. Ms. McGrath didn't disagree with placing it at the new library, but she'd like to see it happen in her lifetime. People have been talking about a new library for over 20 years, and it hasn't happened yet. She doesn't know that a location has been chosen, that it has been approved and plans are in place to build a library. She wanted to be able to look *at* the fountain, not down on it. Selectman Jasper said the Library Trustees would be coming to the Board with a site on 102, near Alvirne, which will go before the voters in March. If it's not approved, they could go forward with plans to put it at Library Park in the spring. Ms. McGrath said that might work, provided that she is still around. Chairman Maddox said Suellen could carry on. Ms. McGrath emphasized that this was not something that the Seabury family has promoted or participated in at all, except when Ms. McGrath asked Suellen to accompany her in picking out something the family would approve of; that is the extent of their involvement. This is solely her idea and she didn't want anyone to get the impression that the Seabury family has done anything to further this cause. Her concern is that the library might not come to fruition in her lifetime. Selectman Jasper thought the fountain at the library would be seen by a lot more people, and more people would know that it was in memory of Ann. It might just be worth the wait.

Ms. McGrath suggested that the Board could contact the Public Works Department to see what it would take to install something of that size, whether it's at the park or the library. She will get in touch with one of the Library Trustees to see what size lot they are planning to put the library on, if they get approval, and if something like this would fit into that scheme, and then she will come back to the Board at either the next meeting, or a subsequent meeting, and go forward from there. Selectman Jasper thought that made sense. Chairman Maddox said OK. Ms. McGrath asked if the Board was in agreement with the size of the fountain so she could go forward with purchasing something of that size. Chairman Maddox didn't think the Board wanted to give her an answer tonight. They needed to do more than just look at a photo tonight. Selectman Massey said the measurement was 6'8" high, and the diameter was almost 5'. Before they make a final decision, the Board would want to see some kind of a mockup, to see how it would fit, aesthetically-speaking, at Library Park. He agreed with Ms. McGrath's suggestion. His first preference was the new library, but would support putting it at Library Park, if the warrant article doesn't pass in March.

Selectman MacLean thought the library was going to need every spare inch of space for their facility, possible expansion and parking. Selectman Massey emphasized the visual experience of seeing the fountain when walking toward the library. Chairman Maddox said at this point, they were projecting beyond their scope. Ms. McGrath wanted to know what kind of mockup Selectman Massey was talking about, and how he would suggest she'd go about getting one. Selectman Massey said using a stepladder would give a visual indication of the size, height and width-wise. Ms. McGrath asked if that was something the Board would have the Public Works Department take care of. Selectman Massey said yes.

Chairman Maddox asked if anyone else in the audience wished to address the Board at this time. No one responded.

5. **CONSENT ITEMS**

Selectman Massey removed B-2; Selectman MacLean removed C, 2 & 3 for separate consideration.

Motion by Selectman MacLean, seconded by Selectman Nadeau, to accept Consent Items A, B-1, C-1 & D, as noted or appropriate, carried 5-0.

A. **Water/Sewer Items**

Revisions to the Sewer Utility's Policies & Procedures, Sections III-L, M & O, as recommended by the Sewer Utility Committee.

B. **Licenses & Permits**

1) Outdoor Gathering Permit for Harvest Fest on October 7, 2006 at the Hills House on Route 102, sponsored by Hudson Historical Society, as recommended for approval by appropriate Town staff.

2) **Hawker-Peddler Permit by Paula Tate-Jean to operate a hot dog cart at various sites in Hudson, recommended for approval by the Police Department and Community Development Department.**

Selectman Massey said he contacted the Community Development Director and the Town does allow for itinerant peddlers, such as the ice cream trucks and food wagons, both of which have the same common denominator—they move, never in one place, and not physically, permanently parked anywhere. Mr. Sullivan drafted some additional stipulations, which was before them.

Motion by Selectman Massey, seconded by Selectman Nadeau, to approve the hawker-peddler permit for Paula Tate-Jean to operate a hot dog cart at various sites in Hudson, recommended for approval by the Police Department and the Community Development Department, subject to the following stipulations: 1) no overnight parking shall be allowed at any location; 2) the hot dog cart shall remain attached to the motor vehicle pulling the cart at all times; 3) the hot dog cart shall not be allowed for more than two hours at any location; and 4) the hot dog cart shall not be permanently at any location at any time.

Selectman Jasper thought the 4th stipulation was redundant, so the maker of the motion and the seconder removed it. Chairman Maddox wasn't going to vote for this because he didn't think it meets the intent of the Town's regulations. He hoped that, as a result of all of this, a new procedure would be developed by the Community Development Department so neither the applicant nor the Board needs to go through this exercise again. A simple 1-2-3 procedure turned into a long, drawn out dance. Selectman Jasper said he'd vote for this because it wasn't any different from someone going around Town with an ice cream truck or a lunch truck. Maybe they ought to look at what they are doing, overall. With the others that have been approved in Town, they should allow this one, with the added stipulations. Selectman Massey said, so there is no ambiguity, #1 does not apply; the vehicle is able to be parked at the owner's residence. The stipulations were only for the locations that would be construed as being set up for business.

Vote: Motion carried 4-1. Chairman Maddox was opposed.

3. **Night Paving Permit by Brox**

Chairman Maddox said this came in earlier today. He recognized Dana Thompson from Brox, who apologized for the short notice, saying they usually do this way ahead of time. Some night work needs to be done in Nashua, which usually the Dracut plant handles, but they are having some maintenance work done, so the Hudson plant hopes to be able to do it. Only three trucks will be used, instead of the four requested on the permit. They will make about a dozen truck loads between 8:00 p.m. Friday night until 4:30 a.m. Saturday morning. Chairman Maddox asked that the letter, notifying residents of this, be distributed on Wednesday in order to give them as much notice as possible. This is short notice to the Board, but Brox Industries came through for the Town during the flood situation on short notice, so they could do the same in return. That's why he took this up now, instead of under Other Business, later in the meeting. Selectman Massey said this wasn't the first request from Brox of this nature and since he has been on the Board, it has been well managed by Brox. Mr. Thompson agreed to get the notices out tomorrow.

Motion to approve by Selectman Jasper, seconded by Selectman Massey, carried 5-0.

C. **Acceptance of Minutes**

1) Minutes of the Board of Selectmen's Meeting of June 27, 2006

2) **Minutes of the Board of Selectmen's Meeting of July 11, 2006**

Selectman MacLean was absent from the meeting, so she didn't want to vote on these Minutes. Also, the Minutes state that she was on vacation, but she was actually on a pilgrimage, which is slightly different because it's a journey for religious purposes. It wasn't like she was out sunning herself. She was praying for everyone, and especially for the Town.

Motion to approve the Minutes of July 11, 2006, by Selectman Massey, seconded by Selectman Nadeau, carried 4-0. Selectman MacLean abstained.

3) **Minutes of the Board of Selectmen's Meeting of July 18, 2006**

Selectman MacLean said she wasn't present at this meeting, but she did see it on cable TV and, in reading the Minutes, they accurately reflect what was said.

Motion by Selectman Massey, seconded by Selectman MacLean, to approve the Minutes of July 18, 2006, carried 5-0.

D. **Calendar**

July 26 7:00 Planning Board in CD Meeting Room
July 27 2:30 Trustees of the Trust Funds in BOS Meeting Room
July 27 6:30 School Board in BOS Meeting Room
July 27 7:30 ZBA in CD Meeting Room
Aug 01 7:00 Board of Selectmen in BOS Meeting Room
Aug 2 9:00 a.m. Highway Safety Committee in CD Meeting Room
Aug 2 7:00 Planning Board Workshop in CD Meeting Room
Aug 2 7:00 Benson's Committee in BOS Meeting Room
Aug 4 3:00 Swearing-in Ceremony at Police Department
Aug 7 6:30 School Board in BOS Meeting Room
Aug 8 6:30 Deliberative Session of Special Town Meeting at Library Street School
Aug 8 7:00 Board of Selectmen in BOS Meeting Room
Aug 9 7:00 Planning Board in CD Meeting Room
Aug 10 5:30 Sewer Utility Committee in BOS Meeting Room
Aug 10 6:30 Recreation Committee @ Rec Center
Aug 10 7:30 Zoning Board of Adjustment in CD Meeting Room
Aug 14 7:00 Conservation Commission in BOS Meeting Room
Aug 15 7:00 Cable Utility Committee in BOS Meeting Room
Aug 16 5:00 Water Utility Committee in BOS Meeting Room
Aug 16 7:00 Library Trustees in BOS Meeting Room
Aug 17 7:30 Budget Committee in BOS Meeting Room
Aug 18 – 20 Hudson Old Home Days at Hills House on Route 102
Aug 21 6:30 School Board in BOS Meeting Room
Aug 22 7:00 Board of Selectmen in BOS Meeting Room
Aug 23 7:00 Planning Board in CD Meeting Room
Aug 24 7:00 Open Space Committee in BOS Meeting Room
Aug 24 7:30 Zoning Board of Adjustment in CD Meeting Room
Aug 28 1:00 – 7:00 Blood Drive at Hudson Community Center
Aug 30 7:00 Seniors in BOS Meeting Room

6. **OLD BUSINESS**

CDBG Application Hearing, Ottarnic Pond Cooperative

Chairman Maddox said they have the Community Development Block Grant project application for the Ottarnic Pond Cooperative's sewer and water infrastructure improvements before them. (Informational packets were available.) In October 2004, the Board adopted the Town's Housing and Community Development Plan, the Residential and Anti-displacement Plan and Relocation Assistance Plan, during the Ottarnic Pond Cooperative Feasibility Study project. As part of the process, the Board now needs to hold three consecutive public hearings on the grant application, the Housing Plan and the Anti-displacement Plan. Donna Lane, CDBG Grant Writer, was present to answer any questions.

1) **Public Hearing #1** Chairman Maddox opened the public hearing at 7:30 p.m. and said Community Development Block Grant funds are available to municipalities for economic development, public facility and housing rehabilitation projects and feasibility studies that primarily benefit low and moderate income persons. Hudson is eligible for up to \$500,000 a year for public facility/housing rehabilitation, up to \$500,000 a year for economic development projects, as well as up to \$500,000 a year in emergency funds. Feasibility Study funds are available for up to \$12,000 per year. The purpose of Community Development Block Grant funding request is for a proposed implementation application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant funds on behalf of the Ottarnic Pond Cooperative. The funds, along with matching funds, will finance infrastructure improvements at the park. The failing septic systems, dead-ended water lines and low water pressure are violations of NH Department of Environmental Services regulations. The majority of the residents of the park are of low and

moderate income. This project conforms with Hudson's Housing and Community Development Plan's goal of encouraging municipal and private water and wastewater system that are safe, sanitary and that meet DES regulations.

He asked if anyone in the audience wished to speak on this item. Ms. Lane said there needs to be three consecutive public hearings. This one is on the specific project they are talking about, which will be closer to \$350,000, half of the amount of the whole project. This is to get the water lines replaced in the park. The park will be taken off private sewer systems and put in lines and attach them to the municipal system. That really needs to happen to make it safe and sanitary because they are surrounded by water out there.

Town Engineer Tom Sommers said the Board's packets contained memos from both the Sewer Utility and Water Utility, making recommendations with respect to this. In both cases, it was a positive recommendation. As the Town Engineer, he was in full support of this and did not believe it was going to be a large impact. The Town would be responsible for the maintenance, but he didn't think that was going to be a big issue. The Town will also have easements in order to obtain access. The pump station going in for the sewer is exactly the same as what they already have in two other places in Town. They work beautifully and are not a large maintenance issue. The water is almost no maintenance, and probably far less than what the Town already deals with out there, from time to time. In both cases, the stipulations are similar, and in both cases, the committees are recommending the Town sponsoring this. They are also looking at the potential for a 20% State grant for the sewer.

(Start Tape 1-B)

The pre-application is due mid-August and he will need the Chairman's signature on that. This is a grant, not a loan, and every little bit helps. Chairman Maddox asked if there were not water hookup fees. Mr. Sommers said they are a pre-existing connective service and there will be a master meter. Chairman Maddox said on the sources, Town water is \$80,000. Ms. Lane said it is actually supposed to be \$90,000. After some back and forth discussion, Mr. Sommers said the \$90,000 total was correct.

There being no further discussion, Chairman Maddox closed the public hearing at 7:38 p.m.

- 2) **Public Hearing #2** Chairman Maddox opened the public hearing on the proposed Housing and Community Development Plan at 7:39 p.m. and asked if anyone in the audience wished to speak on this. Grant writer Donna Lane said the Board adopted a plan in 2004. This is, basically, the same plan, with a couple of modifications that the Town Administrator made. Also, the displacement statement policy was a little more elaborate than it needed to be. This plan is something that comes out of the Master Plan and it outlines the goals of the Town—economic development, housing, public facilities, etc. In order to apply for a CDBG, a Town has to have a Housing and Community Development Plan, and the Town has to be addressing a goal. Hudson's is encouraging municipal and private water and wastewater systems that meet DES regulations. Being no further questions, Chairman Maddox closed the hearing at 7:40 p.m.
- 3) **Public Hearing #3** Chairman Maddox opened the public hearing on the Residential Anti-displacement and Relocation Assistance Plan at 7:41 p.m. Although this project does not involve any displacement or relocation of persons or businesses, if the Town were to undertake a CDBG project which involved displacement or relocation, they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated. He asked if anyone in the audience wished to speak on this issue.

Grant writer Donna Lane said it may seem odd to adopt something that doesn't apply, but it's a requirement. The Town had to do it, even when they were just doing a study. It is project-specific and needs to be adopted every time CDBG funds are asked for. Nobody was going to be displaced, but if a Town accepts CDBG funds, and displaces anyone, they have to follow this act. Chairman Maddox asked if this one has been changed since the last time. Ms. Lane said no.

There being no further comments, Chairman Maddox closed the public hearing at 7:43 p.m.

Motion by Selectman Massey, seconded by Selectman MacLean, to readopt the Town of Hudson Housing and Community Development Plan, carried 5-0.

Motion by Selectman Massey, seconded by Selectman Nadeau, to readopt the Town of Hudson Residential Anti-displacement and Relocation Assistance Plan, carried 5-0.

Motion by Selectman Massey, seconded by Selectman MacLean, to approve the submittal of the CDBG application and to authorize the Chairman of the Board of Selectmen to sign and submit the application.

Selectman Massey said for the listening audience, CDBG stands for Community Development Block Grant, a federally funded program. Ms. Lane added, through HUD.

Chairman Maddox asked if this would go in soon. Ms. Lane said it goes in Monday; that's why she will walk the papers up to him to sign. Chairman Maddox preferred not tying up the meeting to sign paperwork; it would be done later. He asked if the work was going to be done this year. Mr. Sommers said probably not until Spring. Selectman Massey said it would be done next Spring in this year's budget.

Vote: Motion carried 5-0.

Selectman Massey said it suddenly occurred to him—and he's sorry they didn't talk about this at the Water Utility Committee—all the more reason why it argues they need to get the warrant article approved at next year's meeting. Currently, the Capital Reserve Fund, from which this money would be borrowed from, the Town voters are the agents to expend. Chairman Maddox asked if this needs to be put on the ballot. Selectman Massey said the Water Utility was going to recommend putting it on the warrant again, anyway, but it's imperative now that they get the community to change the agent to expend to be the Board of Selectmen. It would be consistent with the other three Capital Reserve Funds that are in the sewer and water utilities. Mr. Sommers said they do have another fund that needs to be looked at because the Selectmen may have the authority to authorize expenditure on that.

Chairman Maddox said they aren't going to start this until March, unless the money has to be in before. Mr. Sommers said this wouldn't start until April. Ms. Lane said they don't need to access the funds; they just need to know by Monday that they can be obligated. Mr. Sommers said there was another fund that could be used. Selectman Massey said the other fund that the Selectmen are the agents to expend is to repair water pumps. Mr. Sommers said no, there was another, separate fund. Chairman Maddox said this needs to be researched before Monday. Selectman Massey agreed. Mr. Sommers said, just to be clear, this affects the \$90,000. The other portion is very clear that the Board can authorize the expenditures. Chairman Maddox said tonight, they did not authorize the expenditures of any funds, or the commitment thereof. Selectman Massey said when the grant is signed, they are committing the funds, so they need to get the answer tomorrow. They can sign the sewer utility, because the Board of Selectmen is the agent to expend. Chairman Maddox said the block grant doesn't differentiate between the two. Selectman Massey said that was true. Mr. Sommers said there are other funds in the Water Utility that are available.

Chairman Maddox said the Selectmen's rep and the Town Engineer need to get together and work out those issues before Monday. Ms. Lane said if it turns out they have to wait until March, they will reorganize the funding to get a loan from Community Loan Fund and then that loan can be taken out in March because they need to have their ducks lined up before Monday. That will be the backup plan, at the moment. Chairman Maddox asked Selectman Massey to work on that. Selectman Massey apologized to the folks from Ottarnic Pond that it just dawned on him tonight that the Selectmen are not the agents to expend the Capital Reserve Fund.

7. NEW BUSINESS

A. Bid Recommendation—Ambulance Replacement

Fire Chief Shawn Murray, Deputy Fire Chief Charlie Chalk of Support Services, and EMS Coordinator Mickey Rudolph were recognized. Chief Murray said Deputy Chalk and EMS Coordinator Rudolph were instrumental in putting this project together by writing up the bid specs, getting them out to the vendors, following through on the project, keeping in line with Town policies. On March 14, 2006 the voters approved the FY 2007 budget, which included Warrant Article 13 for a replacement ambulance, for the sum of \$120,000. The article authorized the withdrawal of \$120,000 ambulance capital reserve fund. Currently, the estimated balance is \$143,875. Four bids were received for a 2007 Ford E-450, Type III ambulance. The bids were opened on Friday, June 30 at 9:00 a.m. by the Town Clerk's Office. After a complete review of all the bids, they are recommending Demers Ambulance of Quebec for a 2006 E-450, Type III, Class 1 emergency medical vehicle. The total cost, including the trade-in of \$8,000 for the 1998 Ford ambulance and the LED lighting package, at a cost of \$110,000 is at \$120,000. Professional Vehicle Corp was the lowest bidder, at \$2,000 less than Demers. The original specs called for a 2007 chassis, but those prices are not out yet, so the bidders were estimating it. They might have to wait until September to get the actual costs for a 2007, and there is no difference with a 2006 chassis. They also got a fleet discount of \$4,600. The other two companies were eliminated because they exceeded the overall cost of the authorized funding. Professional Vehicle Corp did not meet the bid specs for designing its own modular body. They, and Sugarloaf Rescue Vehicles specified cabinets constructed of birch plywood, as opposed to the bid specs of aluminum cabinets for the purpose of weight reduction, durability and decontamination. Sugarloaf did not submit the weight of their constructed vehicles. Sugarloaf and Autotronics delivery dates was above the 120-days they were looking for. The overall quality and design of Demers Ambulance meets the needs of the Hudson Fire Department. The vehicle payload capacity was higher than other bidders; it will hold more weight. The least amount of bid exceptions were on the Demers bid. The electrical system design met the specification and needs of the Hudson Fire Department. Employee satisfaction for quality, durability and operation was a key factor. All bid specs were met and any exceptions or clarifications were fully explained by the bidder.

Selectman Jasper said the Chief said the LED lighting package was \$110,000 it is \$1,100. The actual difference between the recommended bidder and the low bidder is \$1,439. The metal versus the wood is sufficient reason to go with Demers, but the Chief said there were other exceptions, and he wondered what those were—just to give a level of comfort of why they should not be going with the lowest bidder.

Deputy Chalk said the Professional Vehicle AEV Ambulance doesn't have the payload capacity. It is a heavier weight vehicle, coming in at 14,000 GVW, which puts it into the 2,750-2,800 lb. capacity. The Demers comes in at 10,005 lbs., which is 3,200 capacity. Every pound counts in the capacity of what they have to take in. Another thing that concerned him about AEV was they have had some paint issues in the past. Every vendor will say they've resolved every issue, but they've had issues in the past. He also had concerns about the fact that they are an outside body vendor. Someone else is building their body and sending it to them. With that, they get conversion concerns. It is specified for what they do, but they don't really want to go with an outside vendor. He'd rather have one person who builds it and knows it intimately from the ground up and is putting it together. When Demers builds their chassis and puts the

outside skin to the inside frame of the box, they use a welding process, along with a polyurethane sealant to seal and hold it together. AEV holds the outside skin to the body strictly with 3M high bond tape. Some day, that tape flexes enough and breaks away.

Selectman Jasper said all of the bidders used a Ford chassis and asked if this was being spec'd in such a way that Ford is the only qualified chassis vendor. Chief Murray said they typically look for a Ford chassis, but they did consider a Chevy chassis this time, too. Over the years, they've done good with the Ford chassis, but they do consider others. Selectman Jasper hoped so. Probably the best job isn't done when it is narrowed down by going with what they've always had, and there are other good manufacturers out there. He was thinking of Navistar, but he didn't know if they made an ambulance chassis, but they are a reputable manufacturer. Deputy Chalk said the E-450 is the biggest cutaway van style that they are familiar with. When you get into a standard, conventional or a Navistar, which would be in a more conventional type truck. The Chevy has a cutaway van style that they are familiar with. This will be the future of the way they do things and the way ambulances operate here in Town. Probably the next time they go out to bid, they will have to look for some sort of a heavier chassis, just to carry the capacity of things. Chevy is a fairly new vendor to the ambulance market, so the level of comfort is not there. There aren't many Chevy ambulances running around, at the present time. There are some others in a bigger chassis that are really up there—the Navistar and beyond. He won't be here for the next ambulance billing, but when they get to that, they may have to consider going up to a heavier chassis, so that is what the recommendation may be next time, and to go to some vendor outside the Ford. This product works for what they do, and they cut back to gain a little bit more carrying capacity on the Ford chassis; this is good for now.

Chairman Maddox asked if the bid was based on a 2007 chassis. Deputy Chalk said the bid was for a 2007, but Demers submitted a 2006. The other vendors submitted a 2007, but when they were quizzed on that, they said they were guessing, and had jumped up their pricing. They are taking a \$2,000 hit for the emissions standard that they are not going to meet with the 2007. They were trying to get the latest emissions engines and go into that line, but the 2006 and 2007 are not going to be different, so there was no advantage in going to a 2007. In order to level the playing field, they went back to the other vendors to ask what they would do, and every one had a 2006 available. PL Custom AEV said there would be a difference of \$1,500-\$1,000 difference between the two, so they were jumping up their price on a 2007, but pricing would not be available on the 2007 frames until September. Chairman Maddox asked if the Demers price would be less than \$120,000 for a 2006, based on the fact that the quote was for a 2007. Deputy Chalk said Demers bid on the 2006 and stated the 2007 pricing was not available. The price quoted is their price. Chairman Maddox saying that was a little fuzzy, not comparing apples to apples, but they weren't going with the lowest bidder, anyway, so he understood.

Chairman Maddox wondered if it was worth trading the ambulance for only \$8,000. Selectman Jasper said they don't have a choice; Chief Murray agreed. Selectman Jasper said they can go under what is available, but they can't go over it. If they don't trade it in, they can't buy an ambulance. Chairman Maddox said then it can't be used for the Cable or the Police; it has to be traded in. Selectman Jasper said all they are authorized is \$120,000 and it seems pretty clear that the bidder know that's what the Town had available. They really don't have an option; if they are going to buy an ambulance, they have to trade in this vehicle. Selectman Nadeau asked about keeping the ambulance and using it for a fourth ambulance. Selectman Jasper started to respond, but was interrupted by Selectman Nadeau, who said there is money available. Chairman Maddox intervened, advising that in order to speak, Selectmen should go through the Chair. Selectman Jasper said if this was a line item in the budget, they could expend whatever they wanted, within available funds, but under municipal budget law, with a warrant article, you can only spend the money appropriated—and this was a warrant article, and the warrant article specifically stated \$120,000. They cannot spend \$120,001; they can only go up to \$120,000. They do not have an option; they have to use a trade-in to get the price. Selectman Nadeau asked if the \$8,000 could be taken from contingency, instead of trading in the old ambulance. Selectman Jasper said they cannot; by warrant article, they cannot. They would be increasing the amount of the warrant article, and they cannot do that legally, under the municipal budget law. When you have a warrant article, that is the top dollar amount. You cannot take funds from any place else to supplement that warrant article.

Chief Murray said he had already spoken with Selectman Nadeau about this issue. This Board does not want a fourth ambulance. It will cost an additional \$20,000 - \$25,000 to maintain a fourth ambulance. State law says that if you are going to have a fourth/spare ambulance, it has to be licensed.

(Start Tape 2-A)

Chairman Maddox said he wasn't terribly pleased to be trapped this way because he thinks the ambulance could have been used by the Cable Utility or the Police Department—or any number of other uses for that box, even if it isn't used as an ambulance—but they are trapped in this position. Chief Murray said right from the very beginning, he made it clear to the Board that, if there was any way possible, they could keep the ambulance and make it available for some other use. However, in this case, they thought they were going to come pretty close to that \$120,000. In the previous ambulance, when they were allocated \$120,000 they got a \$6,000-\$7,000 trade-in and only ended up spending \$112,000. As he stated in the workshop the other night, this is probably their last opportunity to be able to get an ambulance for only \$120,000. In the future, the request will probably be \$130,000-\$140,000. Unfortunately, in this situation, they had to use the ambulance for a trade-in, towards the purchase price of a new one.

Selectman Massey said, first of all, they were not trapped into spending \$120,000. In March, the voters approved that amount. They got what they asked for. Secondly, he didn't think there was anything fuzzy about the \$1,000 on the

chassis. One bidder bid on a 2006 on the basis of firm prices, and three bidders bid on the 2007, but it was an estimated bid. It turned out to be fortuitous that the bid that the Chief recommends is what was available, not what could be.

Motion by Selectman Jasper, seconded by Selectman Massey, to award the bid for the replacement ambulance to Demers Ambulance in the amount of \$120,000 to be taken from the Ambulance Capital Reserve Fund, as recommended by the Fire Chief and the Finance Director, carried 4-0. Chairman Maddox abstained.

Selectman MacLean said there was another motion that needed to be taken, relative to the Trustees of the Trust Funds. Selectman Massey believed the Trustees would accept the vote to expend the monies, as the enabling document; a motion wasn't required. All they need is a copy of the vote. Ms. Carpentier said she was present for the next two items and there was a little bit of confusion. The Board of Selectmen are the agents to expend, but who is the authorizing body to say please reimburse us? She has two items, asking for reimbursement from the Trustees. She put the second motion on the ambulance item so she wouldn't have to come back again to the Board, after it was purchased, to ask for reimbursement from the Trustees. Selectman Jasper said the motion they already took included withdrawing it from the fund, so that was sufficient. Selectman Massey said the warrant article specified where it was coming from. He didn't think they needed a motion, but if someone thought so, they could go for it.

Motion by Selectman MacLean, seconded by Selectman Nadeau, to authorize the Finance Director to apply for reimbursement from the Ambulance Capital Reserve Fund, as authorized by Warrant Article #13, in the amount not to exceed \$120,000, from the Trustees of the Trust Funds, carried 4-1. Selectman Jasper voted in opposition.

B. Ambulance Billing Rates

Finance Director Kathy Carpentier said her recommendation was to adopt the blended rate, the amount that Medicare will reimburse. They will be reimbursing 40% of the regional rate and 60% of the national rate. It has been the practice of the Town to change ambulance rates every two years; it was done in 2002 and 2004. The increase in rates for the blended Medicare reimbursement is about 12% on each line item. Chairman Maddox asked if that would be the client's specified rates. Ms. Carpentier said that was correct. As indicated in the letter from Comstar, that is the actual Medicare reimbursement. The Board can set any rate they want, but that's all Medicare will reimburse the Town—and that's what the standard practice has been. Selectman Jasper wanted to be clear that the client specified rates on the chart were the blended rates that the Finance Director was talking about. Ms. Carpentier said that was correct. She calculated out the actual 40% of the regional rate and 60% of the national rate. Chief Murray said Medicare consolidated a lot of their charges over the last five years. This is the last year of blended rates. Ms. Carpentier said as of 1/1/06, they are fully phased in. They are bundling their rates now for ALS and BLS.

Chairman Maddox questioned the mileage rate, saying it was back to 4/1/04 and asked if the mileage rate had gone up only \$1 since that time. Ms. Carpentier said she was requesting moving it up about \$1 now, which is about a 12% increase. The last time she was before the Board was 4/1/04. Chairman Maddox said everything else was 2005, except the mileage, which stayed at the 2004 level. Ms. Carpentier said this came from Comstar; she didn't realize they mixed 04 and 05, but the last time she was before the Board for recommended rates was April 1, 2004. The rates are correct, but Hudson did not make any changes in 2005. Chairman Maddox was surprised it was going up only \$1 in two years, based on fuel and everything else they are dealing with today. Ms. Carpentier said she put it up to 12%, the same as everything else that is going up, as the client specified rate. The Board can put it at any number they choose.

Selectman Nadeau asked what would happen if the Board changed the rate to \$10.50 a mile (from the recommended \$9.50). Ms. Carpentier said Medicare would pay only the recommended blended rate, \$9.50. The person who is being hurt is the person who doesn't have insurance. Insurance companies usually only pay the recommended rates, too. Chief Murray said someone who is on a fixed income will be billed for anything above what Medicare or Medicaid doesn't pay. Just by raising the rates, it will bring in revenue, which goes back to the general fund, which helps to offset the cost. Selectman Jasper said even with gas prices, they were talking about \$9.50 a loaded mile; it certainly isn't costing the Town that much in gas. The ambulances are probably getting eight to 10, so it's not costing the Town anywhere near that for fuel. He asked for a projection of how much this would increase the revenues on a yearly basis. Ms. Carpentier said about 12%, as long as the collection rate stays the same. They are estimating \$430,000 for revenue this year (FY-06), without the increase.

Motion by Selectman Nadeau, seconded by Selectman MacLean, to accept the blended Medicare Ambulance Billing Rates, effective August 1, 2006, as recommended by the Finance Director and Fire Chief, carried 5-0.

C. Employees' Earned Time Fund

Finance Director Kathy Carpentier said this was a reimbursement request from the Trustees of the Trust Funds. She filled out the application on behalf of the Board of Selectmen. She was asking to be reimbursed for the expenses in the amount of \$34,929.82. She came to the Board in December/January for the first half of the year. They had a couple of who left employment of the Town and they had the December buyouts. Anybody who is at a maximum of 90 days is automatically paid out of their earned time. There is a Capital Reserve Fund set up for these expenses. In the second half of the year, they made nine payouts of earned time. Two employees were over the maximum carry-over of 90 days and seven in June elected to buy out. Most of the contracts have a buyout of 40 hour increments. One can buy out 40-

80-120 of earned time hours, at one's current rate at 100%. She was requesting reimbursement from the Trust Fund for these expenses.

Selectman Jasper said the Finance Director has done the right thing in bringing this to the Board, but they need to discuss whether they need to do this. The earned time fund is vastly under-funded, and where they are in the process of closing out the books for FY 2006, he recommended that, unless this is going to put any department into the red, that they leave the money in the fund to try to build up the reserves there. Otherwise, they are taking the \$34,000 that will go back into surplus to offset the tax rate, but every year the Board comes in and asks for more money to go back into the fund. This is a pittance in terms of the tax rate, but it's a pretty good amount in the fund. Ms. Carpentier said it was a very tight year, but she would have to see who these people are and what function they are in, but they definitely need the reimbursement right now. Selectman Jasper said he was talking about the bottom line of any one budget. If she didn't have that information now, he'd like to see this deferred until the next meeting so they can see what it actually does, and maybe they only need to reimburse for one or two departments. If this puts the bottom line in, for instance, the Police Department, into the red, then they need to do the reimbursement, but if it doesn't, he'd rather see the money stay in the fund to fund their unfunded liability. Ms. Carpentier said in looking at some of the people, it will definitely push Highway over. She thought that was the purpose of the fund. They are making appropriations each year to fund the balance and are staying around 19% - 20%. Next year, they are making a \$50,000 deposit into it and there are the new contracts with the buyouts. She thought that was the purpose for the fund. Selectman Jasper said she was doing the right thing; that is exactly the purpose. As a matter of fact, the Selectmen requested \$75,000 going into the fund this year, but because of the hit on the tax rate, the Budget Committee knocked that back down on his motion to \$50,000. If the Highway Department needs money to keep it in the black, then they ought to do that, and the difference might be \$25,000 that the Board had requested. From a policy standpoint, they accomplish the mission of funding that. All that this is going to do, if they don't need it to keep somebody in the black, it is just going to cycle back into surplus, which may or may not be used to offset the tax rate. They are better to leave as much as they can in there, but the Finance Director was right in coming to the Board. He was just suggesting a policy, at this time, if they can.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to defer this until August 8, until such time as they have seen the effect on the bottom line of each budget.

Selectman Massey asked if this was encumbered from last year's budget, or if this was this year's budget. If they were not to take the money out of the capital reserve fund, but take it out of the expense item, would it be coming out of this year's expenses? Ms. Carpentier said it has already come out of this year's expenses. Selectman Massey asked if it was 2006 or 2007. Ms. Carpentier said 2006. These people make the request at the beginning of June and before the end of the year, they have to pay them out. Selectman Massey said they are at the very beginning of the fiscal year and they have no idea what they are going to wind up with at the end of this year, and if they take the money out of the operating budget, it comes out of this year's budget. Selectman Jasper disagreed, saying it has already been expended. Ms. Carpentier concurred, saying she either gets reimbursed from the Trustees and she can up the budgets for these departments, or see if they can absorb it without upping their budget. Selectman Massey said rather than get into a long discussion now, he'll go over the numbers with the Finance Director off line. Selectman Jasper said it's very simple; this is money that was expended in 2006, so there is no encumbrance. The only issue is whether they take the \$35,000 and put it into last year, which will become surplus and will leave them with more of an unfunded liability. All he's trying to do is take the opportunity to fund an unfunded liability to some degree, except to the degree that it may push some department into the red, in which case they need to do this, in order to keep the department out of the red for FY2006. Chairman Maddox said they already know that. Selectman Jasper said the Finance Director doesn't have the numbers. Ms. Carpentier said she did have Highway's. Selectman Jasper said they didn't know how much of the \$34,000 is attributable to Highway. They don't have the figures, so there's no sense in trying to figure it out now.

Chairman Maddox clarified that they were looking to only fund the departments which would go into the red, if this was not funded. Selectman Jasper said and only to the degree that it is necessary to keep them in the black. Ms. Carpentier said they are also hoping for grant money for the floods, so they are hoping that will keep them out of the red, too—coupled with this. She is playing a waiting game, but she understood Selectman Jasper's point. Selectman Jasper asked when she has to close the books out. Ms. Carpentier said the auditors will be here August 7 - 18 and they hoped to have a commitment letter by then. They just got a letter saying an appropriate total, but it's not a commitment letter. Selectman Jasper said by the next meeting, she would know anyhow, so it is appropriate to do this at the next meeting. Ms. Carpentier said yes, it was.

Vote: Motion carried 5-0.

D. Sewer Capital Assessment Reserve

Finance Director Kathy Carpentier said this was another request to be reimbursed from the Trust Fund. This is for the Town's share of the capital expenditures done by the City of Nashua. The Sewer Utility Committee budgets about \$150,000 for this line item, but it also budgets \$150,000 revenue. This request is for the actual expenses that happened in 06 in the amount of \$86,487.62. This has been a standard practice and the Board is the agent to expend. Both the revenue and expenses are budgeted. She asked for distribution from the Trust Fund.

Selectman Massey asked why it was the Sewer Capital Assessment Reserve Fund and not the Nashua Wastewater Treatment. Is this Nashua Wastewater Treatment expansion, or something else over in Nashua? Ms. Carpentier said she didn't know the difference; she was simply following standard practice. Selectman Massey said the Sewer Capital Assessment Reserve Fund was for expansion of the Hudson system, as far as he knew. The Nashua Wastewater Capital Reserve Fund was to take care of the expenses for over there. Ms. Carpentier said a copy of the warrant was in the packet, which said, "The Sewer Capital Assessment Reserve Account shall be reserved to fund construction and reconstruction, replacement, expansion or improvement of the system or for any lawful purpose relating to the sewer system." Selectman Massey said the Sewer Utility Committee has probably interpreted that to mean any lawful purpose would, in fact, cover items from Nashua. Ms. Carpentier said, and as she previously stated, this is the way they've been doing it in the past, but if there was something he'd like her to do... Selectman Massey said now that he has read it, that is what the issue is.

Selectman Jasper said he was quite sure the Sewer Committee would be doing it correctly, and this was for the sludge digester, which was a capital improvement over there, and the Town is paying it back. He thinks it would be the same fund, whether they did an expansion or not. He thinks they've been budgeting the \$150,000 from this fund. Selectman Massey thought they were putting \$300,000 into the SCAR Fund and \$150,000 into the Nashua Wastewater Treatment Fund. Ms. Carpentier said there is a budgeted line item of \$150,000. They are putting \$300,000 into the SCAR Fund in 06 and 07.

Motion by Selectman Massey, seconded by Selectman Jasper, that the Board of Selectmen, as Agents to Expend, request the distribution of \$86,487.62 from Sewer Capital Assessment Reserve Fund from the Trustees of the Trust Funds, as requested by the Finance Director, carried 5-0.

E. Information Technology Agenda Item

Finance Director Kathy Carpentier said she was making a recommendation to put out a job for an Information Technology Director, a non-union position that reports to the Town Administrator. The hiring process will take at least two months. They are at a place where they really need to put a stake in the ground and make some decisions of where they want to go in the future. They've made great strides with EagleVue and Consultant Vin Guarino and have been able to expedite replacement of some of the hardware. They've reorganized the servers and she's heard a lot of great things about these guys, but it's time to have a strong leader in this position. In January, February and March, she was trying to come up with organizational charts and job descriptions, but she was left with the feeling that maybe she should be starting from the top. If this position is filled with the right candidate, they can do the plan for the future, working with the school and the library. She has met with the IT liaison, Selectman Massey, and they developed this agenda item together, so she was before the Board to get direction, in case this wasn't the path the Board wanted to go down. Selectman Massey said, in addition, they've also had conversations with Town Administrator Malizia on this, and he is fully supportive of this, as presented by the Finance Director.

Selectman Jasper thought this was the right path to go down, but he'd like to see a complete job description. They need to approve a complete job description, especially since it was something they just went through in this department—and it is still on-going. They need to have the right job description, and what he was seeing before them, the duties, wasn't a job description. He can't vote to post this until such time as they have a complete job description, which covers the duties, so they don't get themselves into a situation, as they were recently in. Ms. Carpentier said if that's the direction the Board is going in, she would hope to come back in the middle of August, with the Town Administrator, with a job description to be approved by the Board. Wordsmithing a job description this evening wasn't something she intended for this evening; it was to get direction from the Board. She tried from the bottom up before. Selectman Jasper said this is where they need to start, yes, but it's inappropriate to post for a job without having a job description. Anyone worth their salt is going to want to see a job description right off the bat. Without that, they can't go any further.

Chairman Maddox thought all KC was looking for tonight was to see which way the wagon was going. She wants to hear where the Board wants to head. Do they want to start with an IT Director, reporting to the Town Administrator, not being in the union—the overall plan. Ms. Carpentier said he was correct.

(Tape 2-B)

Chairman Maddox agreed with this direction. They need to get someone to look at the entire Town, to be the IT Director, if that's the title they use, to be able to pull the other parts together, rather than building from the bottom and hoping the guy at the top agrees with the way they went. Selectman Jasper said that's why it's so important for things to be in the correct verbiage. He and the Chairman interpreted it different ways. When he read, "The purpose of this memo is to make a recommendation to the Board to initiate the posting and hiring process for the Information Technology Department," he thought the Board was being asked tonight to authorize the posting of the position, and asked if that was not correct. It is important to put things in writing clearly because, as in this case, two people read the same thing, but came to two totally different conclusions. Chairman Maddox said Selectman Jasper was correct, but he was saying that's not where they want to be. He didn't want to leave the Finance Director hanging where they want to go, just the method by which they get there. The motion that was given to the Board is the one that the Finance Director would like, and where Selectman Jasper thought it was going, and he didn't disagree, but he thinks they should say that's where they want to go—the IT Liaison, Town Administrator and Finance Director—could all get together and come up with a much more fleshed out package for an employment agency, or whatever they are going to do, as far as

how that recruitment is going to happen. This is where he wants to start—get an IT Director at a certain level, going forward from tonight.

Selectman Jasper said when the first draft comes through, the Finance Director should not expect to necessarily get approval for the position. There may be amendments. He was just asking her in advance not to be frustrated if the Board throws out some ideas and asks her to come back in two weeks. Maybe the Board will approve it, but too often, people come in and think they are going to get what they want right away. There may be some vetting of the job description, which may lead to some changes. Ms. Carpentier asked if a draft copy could be given out. Selectman Jasper said certainly. Ms. Carpentier was concerned that was being done out of the public eye. Selectman Jasper said it takes three of them to make an affirmative decision, but getting something in advance would be helpful. They could all forward Ms. Carpentier their thoughts and she could incorporate what she thinks is appropriate, but they will probably talk about some of those things. Regardless of how it's done, there is no guarantee that something will be approved in two weeks.

Selectman MacLean said the proposed motion stated, “for the new position,” and that throws her off. She thought all new positions had to go to the voters. Selectman Massey said it will be a new position in terms of its responsibility, but it will be filling an authorized slot for the Town, within the salary range that has already been approved. So that this won't be dragged out forever and a day, when three people get together to talk about this type of thing, they will get six different ideas about what should be in it. He suggested forwarding the current job description to the Board members and ask them to sent their comments on what they think—based on what this document is basically outlining as the schematic—should be there. In the meantime, they could be formulating the document, incorporating any and all of the Board's ideas. Selectman Jasper said that was way above his ability, since they were being told this was a new position. He was being asked to take the job description for an old position and reformulate it into a new position. He would be happy to have the Town Administrator and Finance Director write up a draft job description for the new position, and he'd be glad to send his comments on that. If he is sent the old job description for him to write up a new job description, he isn't going to do it. Selectman Massey said it wasn't his intention to take the old one and cut and paste. It was his intention for Selectman Jasper to look at the old one and then consider what tonight's document was considering to be the scope and range of this individual's duties and background, but in no way manner, shape or form was he thinking they were going to take the existing job description and cut and paste on it. Selectman Jasper said only five duties are listed. For him to try to do anything with that—the only two things with any meat was to develop and manage a Town-wide IT plan for personnel and infrastructure and develop and maintain IT training program for all employees. They were looking at reworking something and he didn't know where they wanted to go. He wanted to have the document done, as to where they want to go, because he didn't know where it should go from where it is right now. He was being asked by Selectman Massey to do something he was not qualified at all to do. He is qualified to look at something to see if there is a problem; that's his qualification as a Selectman, not to rewrite job descriptions for an area that is way beyond his area of expertise. He didn't know anything about IT, except what it stands for.

Ms. Carpentier thought it was good practice to have the old job description and new job description—and Chairman Maddox always likes to be able to see the changes. There definitely are some good templates out there, as long as they agree on the title and to whom it is reporting. That would help them develop what type of person this should be. The Board could decide if it should be an IT Manager or IT Specialist, which would be different job descriptions. She was looking for direction and would build on templates that are currently used in the Town, and also give the old one, so they'd know how far they've come in 10 years. Selectman Jasper said that was fine.

Chairman Maddox said those job duties are three meetings a month and supervising people that don't exist. They have to be realistic at the present time, that a lot of the IT Director is going to be hands-on, and none of that is reflected in here. That's a completely different person, in his mind, that is able to say they know how to operate the equipment and deal with server issues, as opposed to I know how to look at the big picture and look to the future. Two different job sets, so he hoped they would also utilize Eaglevue because he was sure they have a lot of experience in looking for people to be able to fill these types of positions. Rather than reinventing the wheel, they are a resource the Town may be able to utilize. In this description, there is no hands on or day to day—it's looking at the very broad big picture. He asked if they were looking to put this on the August 8th agenda. Ms. Carpentier didn't think that would be fair to the Town Administrator, who won't be back from vacation until the 7th, so she thought the 22nd would be a better date.

Chairman Maddox asked if she and Selectman Massey, and possibly Eaglevue, could get the Board both a new job description and the old one. On the 8th, this would give them a first pass, even if Steve hasn't seen much of it. He could give as much input as any one of them. Ms. Carpentier said she was amenable to that; she just wanted to be fair to the Town Administrator. Selectman Massey said given that they are proposing that this position is reporting to the Town Administrator, he'd like his input to the Board before they cast anything in stone, so he'd prefer to wait to the 22nd to bring the first draft. He thinks they can circulate some drafts before them, but in all fairness to the Town Administrator, since they want the job to report to him, that he should have his input before it gets really cast in some permanent form. Chairman Maddox could almost guarantee they would not be making any firm decision on the 8th, but not wishing to delay this any longer, they can move this to the 22nd.

Selectman MacLean supported having it come back on the 8th for that very reason. The more they talk about it, the more they are going to come up with something, and then the Town Administrator will have another two weeks for his input, then maybe they can finally approve it on the 22nd instead of waiting to kick it around on the 22nd. Selectman

Nadeau preferred moving it to the 8th. Selectman Massey thought they should put a little reason into this. The Town Administrator is going to have to buy into this and they don't want to have to buy into something after the fact. They want him to buy into it at the front end and the only way to make sure that happens is that he has input into it before it gets before the Board.

Motion by Selectman Massey, seconded by Selectman Jasper, to defer this until August 22, carried 3-2. Selectmen MacLean and Nadeau were opposed.

F. Clement Road Paving

Chairman Maddox said the Planning Board has been trying to work out a way to get people safely out of the Industrial Park, as there is now going to be an ice skating rink, with the potential of 200 cars a day, so they now need to move a little further on this. Selectman Jasper asked the Finance Director about agency accounts, if they are actually held by the Planning Board. Ms. Carpentier said there are all kinds of agency accounts--three bank accounts that have been set up for the corridor accounts. Selectman Jasper asked who held this agency account, 1050-192. Ms. Carpentier said that was a separate bank account, held for whoever gave them the money. Selectman Jasper started to ask another question, but was interrupted by Selectman Massey who said with most of these accounts, the Planning Board recommends and the Selectmen approve, so does this really have to go to the Planning Board first, or was this particular account a Selectmen's account? Selectman Jasper said if it was a Planning Board account, then the Selectmen requests the Planning Board to release the funds. Selectman Massey said no, it's the other way around. They can request them, but they don't actually release the funds. (Talking over each other.)

Chairman Maddox interrupted, saying he thought he could answer this. Because this is an existing Town road, the Selectmen would be the agents to spend. The Planning Board would give a recommendation. He is doing this backwards, so he takes full responsibility, but the Selectmen meet tonight, then not for two weeks, and the Planning Board meets tomorrow night. Because it is a Town road, he didn't think this would be a big issue. He will get confirmation that the Planning Board agrees with it, but it's not like it's a road that's under the control of the Planning Board. This is an existing Town road. Selectman Jasper said regardless of who holds the money, they need to approve the expenditure of it, but his question is—and he didn't necessarily think the Chairman was doing it backwards—if this is a Planning Board agency account, held under the auspices of the Planning Board, then the motion would be to request the Planning Board to release \$30,000 from agency account for the purpose of reclaiming and repaving Clement Road. It's not semantics; it depends on who is the holder of the account.

Chairman Maddox said this is the issue where the Town sold the land and \$75,000 was put into the general fund, then it was moved back again, so he didn't know if this was an actual Planning Board account. Selectman Jasper said he was on the Board at the time when they did that, and he thinks it probably is a Selectmen's account. He didn't think the Planning Board has a say in it because that \$75,000 was a condition of the purchase and sale. Chairman Maddox said it was put into surplus, then another account was set up, so there is a little fuzziness. Ultimately, the Board of Selectmen are the agents to expend because it is a Town road. Selectman Jasper said maybe, but if it's not the Selectmen's money, then they need to ask for it to be released, and he didn't consider that to be semantics. Chairman Maddox asked the Finance Director to go look that up, to which she agreed.

A recess was declared at 8:50 a.m. and reconvened at 9:03 p.m.

Selectman Jasper said, unfortunately, the Finance Director does not have the answer, but he is satisfied, based on this history she gave him and on his recollection, that the \$75,000 was money that was requested by the Board of Selectmen. She said it ended up in the general fund and was then put into an agency account. There is no reason that money would have been handed over to the Planning Board because the purpose for the money was always to upgrade Clement Road. Therefore, he didn't think there was a role for the Planning Board, but she is going to check on that tomorrow. He was comfortable with the proposed motion. Chairman Maddox wanted to make sure they all knew what they were doing. Selectman Jasper said usually the motion comes first, and then they discuss it. Selectman Massey said the Chairman has the hammer.

Chairman Maddox said that's why he was going to continue with his speech. He took this out of order because of the fact that the Planning Board meets tomorrow. He didn't want to wait any longer because it looks like the ice rink is going to be coming on line at the end of August, first of September, and they are still in the midst of Town-wide paving, so he asked the Road Agent to come up with a price to improve Clement Road from Constitution Drive to Park Avenue, which will probably be the main access and egress from Constitution Drive. As a Town, they need to look at the long-range program of how they are going to get out of that park. But, for right now, at the very least, this will repair a damaged road, a narrow road and give a clean, smooth ride out of the Industrial Park to Park Avenue, which has a traffic light at the end. Many of these people will be coming in from out of Town for events at the ice rink. He probably jumped the gun. He would have liked to ask the Planning Board tomorrow night, and he still will, to make sure they are on board. The thinking was this was a Town road, the Chair sometimes gets a little confused and gets ahead of himself.

Motion by Selectman MacLean, seconded by Selectman Nadeau, to authorize the expenditure of \$30,000 from agency account 1050-192 for the purpose of reclaiming and re-paving Clement Road from Constitution Drive to Park Avenue.

Selectman Jasper said he has a problem with the Chairman going to the Planning Board, if they don't have a role to play in this. This is a Town road. If they find out tomorrow from the Finance Director this is an account held with the Board of Selectmen being the agents to expend, there is nothing to talk to the Planning Board about. He can brief them on this, but that's all. The other question is, since there is \$75,000 there, which was taken as part of the purchase & sales, they never came up with a plan in these many years, and the cost of paving is going up at a much greater rate than the interest they are accruing on the account, might it not be sensible to grind and pave that road all the way from 111 to Industrial, if there is enough money to do that? Chairman Maddox said the short answer is no. He believes it will be in the Town's best interest to look at how they want to come out of that Industrial Park. There have been some discussions about coming out through Wall Street. There is a stub from Constitution that leads to Wall Street. They've had preliminary discussions with the owner of the Industrial Park to look at possibly connecting that through and going to Hudson Park Drive, as the ultimate goal of getting out of Constitution. To do Constitution from 111, there is a hump that needs to be taken out and it will be tough to widen it. It is the recommendation, at this point, that they do not make Clement Road the access point for the Industrial Park; it'd be Park Avenue, even to the point of talking to the Highway Safety Committee and making Clement Road one way, from 111 in, but that's further down the road. This was to get into the Town-wide paving season to get this stretch done to make it more passable--it's presently only 21'—to assist with the plows and getting out of there with school buses, coming in to use the ice rink. Something the Selectmen needs to talk about with the Town Engineer, what they want to do out of that road. There are a number of options being looked at. This is truly a get this done this year because as they open up this facility, it's going to generate a lot of traffic on Clement Road. They will give them a reason to go to Park Avenue with signage and whatever. He didn't think it was time to jump into reclaiming that because, from what he was told by the Town Engineer and Road Agent, that would be a lot of money, including land takings, to make that hump go away and address the curve. At this point, he is just doing a stop-gap.

Selectman Jasper said that was a good answer, and he didn't disagree, but they need to be careful of what the balance can be used for because he believes they specifically took that money for improvements to Clement Road and, therefore, would not be able to use it for another purpose. It still may be, sometime in the very near future, the rest of Clement Road is still going to have to be done, even if it is kept to 21' and made one way. They may have to redo it, and that money is actually decreasing in value every year. If that's the only thing they can use it for, then they should spend it sooner rather than later, while it can accomplish most of what it was intended to do. Chairman Maddox said he believed those monies were to be used for egress from Constitution, but that's something they would find out. He was 87% sure it did not affect Clement Road; it was to get out of the Industrial Park. There is still another \$100,000 that has since been collected from all of the facilities that are going into that area. Selectman Jasper said he was the only one who sat on the Board when that parcel of land was sold. Chairman Maddox cautioned him not to say that, since they are now stuck with not having that land. Selectman Jasper said whether they should or shouldn't have, it's now collecting a lot of taxes. Maybe they should have looked at keeping a little more for the Police Station, but that issue wasn't raised by the Police Department at that time; it was after the fact. He wishes it had been said before the fact, because it is certainly something they could have done. Regardless, they sold it for a set price, and then they negotiated an extra off-site, and his recollection is that it was specifically for Clement Road. He may be wrong, so that needs to be looked at, and he's sure it's in the documentation that is available because that was a very specific transaction.

Selectman Massey said he believes they should do just Constitution Drive to Park for several reasons. The first one is that it was always thought that there wouldn't be left turns off of Constitution on to Clement by the Industrial Park, that they would use the traffic lights, coming off of Park. Secondly, as the Chairman says, there is going to be an awful lot of traffic beginning this fall in that area. The more they can encourage them to go up Park, to come in via the traffic lights, the safe it's going to be. His only question right now is, if they are going to widen it to 24', do they have any issues with right of way, or are they confident they own enough to do the 24'? Chairman Maddox said yes. Selectman Jasper didn't think they owned a square foot out there, but it's an assumed 50' right of way by the Town. They have a 50' right of way on all the Town-accepted streets, and they can do what they will within that 50' right of way. If they go outside of that, there's an issue, but he bet they don't own a square foot out there, except what they own at Constitution. That would be a substantial way from the Police Department, down along, because that fronts right along Clement and there are a lot of wetlands there.

Vote: Motion carried 5-0.

G. Meeting Schedule Calendar

Chairman Maddox said that Budget Committee Chairman has asked the Board to consider changing its meeting schedule from January 1 through December 31 to April 1 through March 31 and that the Board establish a policy to set the Town's deliberative session by early September. Selectman Jasper said this was an excellent point. He always thought it was strange for the old Board to set the calendar for the new Board, because then it has to be updated.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to extend the calendar, based on the current meeting schedule, allowing for holidays, through the end of March, 2007, and establishing the date for the deliberative session for the Town as February 10, 2007.

Selectman Massey said the calendar, from that point forward, should run April 1 to March 31 of every year.

Vote: Motion carried 5-0.

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

Kathleen MacLean said she was happy to be home, and God bless the USA.

(Start Tape 3-A)

Ken Massey said Project #1 of the three-project south end water improvement program, the water system has been tested and is now on. All that is left to do is clean up and do some pavement. The actual digging is done and all of the stub outs to the adjacent properties are in now. The Water Utility Committee will be talking about making it known to these folks that if they want to connect, they will be able to. Of course, they will have to meet the Town's requirement for connection, but he's happy to report that it is up and running. He told Chief Gendron yesterday that he thought that his officers did an outstanding job of keeping the traffic moving fairly smoothly in both directions all during the construction, and they did have an awful lot to contend with. The equipment was coming out into the highway quite frequently, but they did an excellent job of traffic management. Chairman Maddox asked if there was a betterment district for that area. Selectman Massey said no, all they have to do is pay the connection fee. The cost of the water main being put in was being borne by the rate payers, as a whole, as part of the bond issue. If they choose to connect, they will be able to, and pay the connection fee.

On behalf of the Board, he'd like to publicly thank Public Service of NH because it was through their good graces that the Town was allowed to store the pipes for the south end project, all during the summer, on their right of way. Thanks to PSNH. He requested that the Chairman send a letter, thanking them. Chairman Maddox said he'd be glad to, if Selectman Massey provides him with a name and address. Selectman Massey said he'd get that, adding that it made a big difference because they were able to store the pipes there this year and saved some money on the remobilization.

Ben Nadeau said the Hudson Seniors Council on Aging is having a fundraiser at King's Court on Monday, August 28, from 6-9, with a \$25 donation per person. There will be a DJ for dancing and there will be a silent auction and door prizes. If anyone wants tickets, there are names and phone numbers on HCTV, or they can be picked up at the VFW until August 17 on Wednesdays and Thursdays from 9-4, or at the Community Center after that.

Firefighter Al Dube is in Minnesota, near the Canadian border, fighting forest fires with the State of NH Forest Fire crew. Capt. Brewer, who has been on the Fire Department for 27 years, most recently as the Training Captain, is retiring. Selectman Nadeau wished him happiness and luck in his retirement.

The Hillsborough County House of Corrections Community Outreach Program is painting the fire station and, along with the Highway Department, will paint the gazebo and the Community Center.

This Saturday is the Town cleanup at West Road, where people can drop off leaves and stuff like that. Chairman Maddox said the last Saturday of the month. It doesn't open until 8:00. Selectman Nadeau said if you show up at 7:00, you'll wait in line.

Shawn Jasper had some updates on the Highway Department. The center line and fog line painting is completed on all streets, except those scheduled for paving. They have been working on clearing the brush at the Poor Farm Cemetery, at the request of the Cemetery Trustees. That work should have been finished today. Drainage improvements were completed on Gowing and Dumont Roads. Sewer replacement has begun on Belknap Road. The Holly Lane water main extension and paving is 100% complete. The Town-wide paving is scheduled to begin in the first of August. This year, instead of hiring the side mower with an operator to do the brush, they rented only a machine at a flat fee for two weeks and used a Town operator, on overtime. They took advantage of that and got quite a bit done. The Road Agent is recommending the lease-purchase of one of those in the future. Although they got a lot done, it's nowhere near as much as should be done, and the brush is growing in. It's much more efficient than having crews out there, using chain saws, trying to keep up with the brush. Paperwork has been submitted to FEMA for the Mothers' Day weekend flooding and it was approved and are looking to receive a reimbursement of \$74,468.

The Board has a hiring and promotion coming up under Nonpublic, which he didn't see any reason why it can't be done in public session, unless someone has some question or objection to any of those things.

Motion by Selectman Jasper, seconded by Selectman Massey, to refer, once they have it, the sketch of the proposed fountain to the Highway Department and ask for their input as to possible location and installation on Library Park.

Chairman Maddox didn't know there was a fountain there now. People are trying to pay attention to traffic coming from several different directions. This fountain will be much larger and he's afraid they are going to lose what they are really trying to do with this by putting it in the middle of a traffic island. His vote will be to not go along with this, as he did not think it would reflect what they want to do, a memorial to Ann by putting this large, bubbling thing up in front of the 15' high wooden soldiers. It is already an interesting time, trying to make it through the intersection—and that is his perspective. Selectman Jasper said he didn't disagree, but someone wants to do something, and that's where they want to do it. They've tried to steer her towards the library-- and there will be more than 15 sq. ft. available. They are going to have to have a fair amount of green space on that site. It's not going to be all building and pavement. Hopefully, that's where it will end up, but this is what Ms. McGrath would like to do and this is just getting comment, it's not committing anything to anything. That's the very least they can and should do, at this particular time.

Vote: Motion carried. No nays were recorded.

Selectman Jasper said there have been e-mails back and forth and a letter between the Chairman and former Selectman Cole, who headed up the Economic Development thing. As some of them have seen, he was quite disturbed that there was nothing in the Hudson News about it. That took place on Mothers' Day weekend and they are a long way from when it took place. His assumption was when you have an Economic Development Conference like this, there will be something forthcoming, some action items to the Board. Now, at the end of July, there are no action items. The Chairman invited Mr. Cole to come forward to the Board, and he said he'd be glad to come forward in September and would like to bring anybody who had anything to do with it to come in to get accolades, which is fine, except he still doesn't know what happened. Before they have Mr. Cole, or anybody else, in here, the Board needs to have a report beforehand, so they can put some thought into questions because that would be the ideal time to be asking participants, and particularly Mr. Cole, what it is they need to do. They will be moving into the budget season right then, and if there are things that need to happen, they are going to need to jump on those right away. To have him (Mr. Cole) come in to give a verbal report, and have other people give a verbal report, is unfair to the Board. They won't be able to come up with the right questions and to think things through. Before the Chairman schedules that group to come in, he would really like to have a report, which he assumed all along they would be getting, an action report. Otherwise, what is the point of doing this, if everybody just gets together for two days and talks, and everybody goes away, and say thank you very much, you did a wonderful job, we'll do it again next year, it's pointless. He didn't want to make a motion, but he did request that the Chairman schedule this only after the Board has a report of the Economic Development Conference. He said he'd leave it to the other members, whether or not they felt that was a reasonable request.

Selectman MacLean said maybe the flip side should happen, that if they have all these questions prepared for Mr. Cole and the other people, and they don't have a heads up to what the Board is asking, it might be uncomfortable that way, too. She wondered if, maybe, the Board could put together some questions to be submitted to Mr. Cole, so he'd be prepared to answer them that evening. Selectman Jasper said that would be fine, if they get the report, but he didn't know anything about the conference; he wasn't there. In order for him to ask any questions, he needs to have a report, which should have automatically been generated, as a result of this. He didn't have a problem submitting questions, if he has any in advance, but at this point, he is at a loss as to what the purpose has been and where they are going, if they are just going to have people come in to say good job, thank you for doing it.

Chairman Maddox said at the wrap-up of the conference, Mr. Cole stated he would be providing an after-action report, as part of the entire process and he is under the assumption that he (Mr. Cole) was doing that, moving it towards completion. Chairman Maddox will confirm that when he speaks to Mr. Cole, for the second meeting in September, per his request, waiting until after summer when everyone that was involved with this will be back. The Chairman will ask Mr. Cole if the Board can have the report by the first meeting in September so questions can be forwarded to him. He said he would coordinate that action item.

Rick Maddox said they are still moving forward with code enforcement, a never-ending battle. They have a site in the south end of Town that the trailers have crept back in. They have been found and cited and now they want the Town to wait a couple of months until they come up with a revised site plan. He was looking for a consensus from the Board. If you have a violation, you need to remove the violation before you say you'll submit something. This has been ongoing for months; it just seems to be languishing. The Board needs to support code enforcement and move this forward. Something they said would never happen again happened again. You can't come in and ask for forgiveness when you get caught. You need to take the item off the site, come in with a revised site plan and go through the process, not sit there and say if I wait three months, maybe it won't be remembered. He wanted to know if the Board still wanted to continue supporting code enforcement taking care of the items that they find. Selectman Jasper asked what site this was. Chairman Maddox said Wal-Mart.

Selectman Jasper said he sat here a number of years ago when a representative of Wal-Mart came forth and explained the problem, that managers come and go, but this won't happen again because we've instituted procedures where this isn't going to be an issue in the future, but obviously, it is. He thinks the Board does need to support the Code Enforcement Officer because this has been an issue. He is assuming, had they wanted to do that, they could have come in three, four, five, six, seven years ago with a revised site plan to do that. They chose not to do that. It's good to work with people; it's good to work with businesses, but at some point you've got to say this is on-going; we've been working with you. As much as they have been good members of the community, being very supportive of the Police Department, the Fire Department and other organizations, they've just got to say no. They need to live up to their site plan. If you want to make changes, come in and ask the Planning Board. But they are also putting the Planning Board in a situation of putting a gun to their head. If the Board of Selectmen says it has decided not to do anything about that, here's their site plan, it's almost like you better approve this because the Board has let it continue. It is better to do a site plan revision with a clean slate, not with that hammer in place. Chairman Maddox said they are trying to get the Code Enforcement Officer to get out there and do more items that people write about in *Thumbs Up, Thumbs Down*. They need to move this forward and a site that keeps coming back with we'll never do that again, keeps coming in and doing it again. He was looking for a consensus to keep moving forward with the process that's in place.

Selectman MacLean said Selectman Jasper said the Board can't keep on allowing this, but she didn't recall a conversation—ever—unless she missed it, with them talking about any specific code enforcement thing where the Board has to support the Community Development Director. Chairman Maddox said on the spread sheet they have been looking at over and over again, some of those issues have been on there, and some of the questions they've been asking are how come they don't get from that first letter to the second letter for three months. Some of that has to be the Board wants these things followed up on. Selectman MacLean asked who was complaining. Chairman Maddox said there are a number of site plan violations.

Selectman Massey said there isn't anything that can more drastically affect the morale and work environment for the Community Development Department than the Board of Selectmen not supporting them in their actions. He thought that this site was going to

submit a site plan because when they were cited before, that's what they said they were going to do. The other aspect of this is, the people that obey the rules and regulations shouldn't be penalized for being good citizens. When somebody is not living up to their site plan, they need to be brought up—and in this particular case, since this is a recurring thing, it's absolutely imperative that the Board supports the zoning officer on this.

Chairman Maddox confirmed the consensus was he needs to do what needs to be done to move this forward and waiting for some supposed site plan revision, they need to move forward with taking care of the issue.

Summer is screaming by. It's amazing that they are now going to be thinking about budget season. Not more than a month ago, it was election season. As they move forward, he asked the Board members to get together with their department heads to see if there is anything that has happened since the workshops that the Board should know about. One item they need to look at this year is the fuel/electricity budgets that are going to go through the roof and, from the looks, stay there. For the departments that are heavy fuel users, they need to look at how they want to address that. Last year, he tried to put it into the Selectmen's budget, so it wouldn't be spent unless the fuel costs were necessary, but the Budget Committee didn't think that was such a good idea. How do they want to tackle it this year? They need to be ready for the budget cycles. He is trying to make those three nights as pleasant and as short as possible, and that is one of the items that is going to have to be discussed in advance of that. He asked Board members to ask their departments which way they'd like to lean on this.

Selectman Jasper said that was an excellent idea, which leads him to ask if the Chairman was planning to have a workshop so the Board can talk about budget parameters, where they want to go with the next budget, the acceptable tax impact. He thought that would be appropriate soon, and wondered if September would be too late. Chairman Maddox wanted a consensus from the Board as to where they wanted to be. They've been going through the parameters, where they wanted to look for capital improvements, what items they are looking for, but as far as the actual percentage of what they were looking for, maybe it should go on the agenda at the end of August. He didn't think it would take a workshop. Next week, the Police will be in for their workshop—on August 1. They all need to be talking to their departments, with fuel being the big item. He asked for the budget parameters from last year, or the last several years, which they could use for a guideline. Some Selectmen, and Budget Committee members, felt their number was quite high. Selectman Jasper agreed. Chairman Maddox said they would get information to the Board for the second regular meeting in August to talk about those parameters.

9. NONPUBLIC SESSION

Selectman Maddox said he wanted to comment on Selectman Jasper's comment. Although in principal, he might be there, but he (Selectman Massey) was concerned about the down side, and the down side is if they only go into nonpublic if they have an issue, then the mere fact that they go into nonpublic says that there is a problem, and they resolve that by never doing these appointments in public. He would not be in favor of handling them in public for that very reason, that in order to preserve that one time when they may be talking about somebody's performance, etc., that they preserve that individual's personal dignity, etc., and they don't materially hurt anyone else.

Selectman Jasper said he didn't disagree with that, particularly when it comes to the issue of promotion. He really did disagree, though, on the Rec items because that is always perfunctory and he didn't really think they need to worry about that. He can't imagine there will ever be an issue with the Rec Director coming forth on people being soccer director or assistant director. That scale has to tilt sometimes to the public's right to know, and these are easy cases. There is no reason at all to go into nonpublic on those. Full time positions, yeah, and he has probably pushed the envelope too far in trying to have the public know and do the public's business in public because there is that occasion when, the one time they do go in, people are going to say ah-ha, something's going on. He didn't think that was necessary on part-time positions, such as soccer programs. Chairman Maddox said if that was the only item this evening, he would probably go along with that.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to hire the soccer director and assistant soccer director in public session, failed 2-3. Selectmen Jasper and Nadeau voted in the affirmative.

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 (1) has a right to a meeting and (2) 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) Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting, carried 4-1 by roll call vote. Selectman Jasper voted in opposition.

Chairman Maddox stated that Nonpublic Session was being entered into at 9:43 p.m. and this concluded the televised portion of the meeting. Any votes taken after Nonpublic Session would be listed on the Board's next agenda. Nonpublic Session was terminated at 10:25 p.m.

Motion by Selectman MacLean, seconded by Selectman Nadeau, to promote Lt. Jason Lavoie to the rank of Captain in the Hudson Police Department, as recommended by the Chief of Police, carried 5-0.

Motion by Selectman MacLean, seconded by Selectman Jasper, to hire Leslie Desrosiers as the 2006 Soccer Director for the fee of \$1,250 and Ralph Carpentier as Assistant Soccer Director for the fee of \$750 for the 2006 season, effective August 1, 2006, carried 5-0.

10. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman MacLean, to adjourn at 10:30 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