

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the July 11, 2006 Meeting**

1. **CALL TO ORDER** by Chairman Richard J. Maddox at 7:00 p.m. in the Selectmen's Meeting Room at Hudson Town Hall.
2. **PLEDGE OF ALLEGIANCE** led by Selectman Kenneth J. Massey.
3. **ATTENDANCE**

**Selectmen:** Richard Maddox, Shawn Jasper, Kenneth Massey and Benjamin Nadeau. Kathleen MacLean was on a pilgrimage.

**Staff/Others:** Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Jess Forrence, Highway Department Supervisor; Russ Thibeault, Applied Economic Research; Arlene Creeden; Doug Robinson, HLN

4. **PUBLIC INPUT** (There was none.)
5. **NOMINATIONS & APPOINTMENTS** (There were none.)
6. **CONSENT ITEMS**

*Motion by Selectman Massey, seconded by Selectman Jasper, to receive consent items A & B, as appropriate, carried 5-0.*

**A. Licenses & Permits**

- 1) Petition & License for one replacement pole on Old Derry Road (281/162), License Petition #4AAFME
- 2) Request to collect monies at SAM's Club for fundraising for Nashua Elks Crusaders Youth Football League

**B. Calendar**

- 7/12 9:00 a.m. Joint Loss Prevention Meeting in CD Meeting Room
- 7/12 7:00 Planning Board in CD Meeting Room
- 7/13 5:30 Sewer Utility Committee in BOS Meeting Room
- 7/13 6:30 Recreation Committee @ Rec Center
- 7/13 7:30 ZBA in CD Meeting Room
- 7/17 7:00 Conservation Commission in BOS Meeting Room
- 7/18 7:00 Board of Selectmen Workshop in BOS Meeting Room
- 7/18 7:00 Cable Utility Committee in CD Meeting Room
- 7/19 5:00 Water Utility Committee in BOS Meeting Room
- 7/19 7:00 Library Trustees in BOS Meeting Room
- 7/19 7:00 Senior Citizens in CD Meeting Room
- 7/20 7:00 Democratic Committee in CD Meeting Room
- 7/24 6:30 School board in BOS Meeting Room
- 7/24 6:30 Older Persons Advisory Council in CD Meeting Room
- 7/25 7:00 Board of Selectmen in BOS Meeting Room
- 7/26 7:00 Planning Board in CD Meeting Room
- 7/27 2:30 Trustees of the Trust Funds in BOS Meeting Room
- 7/27 6:30 School Board in BOS Meeting Room
- 7/27 7:30 ZBA in CD Meeting Room
- 7/27 7:00 Open Space Committee (room to be decided)

7. **OLD BUSINESS**

**A. Votes taken after Nonpublic Session on June 27, 2006**

- 1) Motion by Selectman MacLean, seconded by Selectman Massey, to accept the recommendation of the Chief of Police, in accordance with Article XXVII, Merit Awards, of the Hudson Police, Fire, and Town Supervisors' Association's collective bargaining agreement, and award \$500 to Lisa Nute and \$500 to Dorothy Carey for exceptional performance of duty carried 5-0.
- 2) A phone poll was conducted to seal the Nonpublic Session Minutes of June 27, 2006, which carried 5-0.

**B. Hawker-Peddler request for Hot Dog Cart at Ducharme Sand & Gravel**

Chairman Maddox noted that on June 27, the Board deferred this to tonight. The Community Development Department looked at the site plan and there isn't anything on there for said hot dog stand. Thus, it does not meet the requirements of the Hudson Town Code. The applicant was made aware of that from the Community Development Director.

**C. Economic Scoping Discussion w/VHB**

Russ Thibeault from Applied Economic Research, the sub-consultant that VHB identified in their Scope of Services, was recognized. He said he grew up in Manchester, went to UNH and then to the University of North Carolina, where he majored in Regional Planning and Economic Analysis, looking at the economics of an area. He spent four years working with a national firm from Washington, DC, that did economic consulting to local governments and developers

and then, in 1976, moved back to NH and established his firm, Applied Economic Research. Their clients include municipalities, state government, most of the larger financial institutions in the state, developers, etc. They might work on the economic aspects of a master plan for a municipality, economic development strategies, affordable housing studies, etc. Over the last two years, a great deal of their work lately has been economic impact studies. Many municipalities share the concern that Hudson has about the economic impact of new development—on revenues, costs, in terms of employment, of bringing new people into the municipalities, etc. Annually, they do an economic impact analysis for the Pease Development Authority, for an example—the Pease Trade Port. That, like the Town's proposal, is a large scale, mixed use project. They performed a dozen or more economic impact studies of new commercial development in a variety of settings in NH, including when the Wal-Mart was proposed in Hudson. His firm did some work on the impact on abutting residential properties. Very often, they work directly for planning boards. They reviewed the economic impact analysis for the Mall at Rockingham Park, 1.25 million sq. ft., which is the largest retail project in the State. Right now, he is spending at least half of his time on economic impact studies. It's an area of intense concern by municipalities. He prefers to work for the municipality than for the developer, which will be the case in Hudson, although it doesn't affect the scope of work he does, or the findings. It helps, though, with the credibility. All of the impact studies they've done have been accepted. When subjected to peer review, they have been, at most, minor tweaking. He has developed a methodology to cut through all of the complexities of the impact of new development on a municipality, and there are a lot of interrelationships that exist. He thinks he does a good job in explaining what he has done, how he has done it, why he reached the conclusions he did, and really tries to avoid judgement in doing the studies and, instead, rely on a factual analysis. The proposal that appears to be introduced in Hudson is significant, by far the most significant development the Town has experienced. It's going to have a perceptible impact on the Town's services and how they are provided, on the revenue stream realized to pay for those services, and will pretty much put Hudson on the map in terms of one of the largest—if not the largest—mixed use developments in the State. All of the impact studies he has done have been paid for by the developer. Whenever possible, he tries to have his contract be with the municipality, but all of them have been paid for by the developer. There may be some exceptions, but none that he can recall. That's the way most of the studies are done, as part of the application process, but that doesn't have to be the case. Sean (Sullivan) also indicated to him that the Board had some interest in seeing if a small part of the study can be done in order to give the Town a heads up on what the impact might turn out to be, but he recommended against that. For a study like this, the early parts of the analysis that are crucial are understanding the development, interviewing the Town department heads, understanding the way that services are delivered in the community today, and then fitting the development on top of that. It's very hard to take a shortcut through that process. As with any study, probably 2/3rds of the work gives 3/4ers of the answer. There is a lot of learning that happens on the front end of the study, but doing 20% of the work is like designing 20% of a building. It's probably better to do nothing because you'll probably get bad insight, rather than good insight, in a sketchy way. Ultimately, they want to know what the answer is, and it takes some real digging to get to that. He opened the floor to questions on how a study evolves or if he can provide any guidance on the decisions the Board is trying to reach regarding measuring the economic impact of the proposal.

Selectman Jasper was glad to hear that developers pay for this because it was what he feels should happen here, but the Town is trying to stay ahead of the curve, so maybe the Board needs to have a discussion with the developer. Normally, this happens through the Planning Board process and part of what they would require, and the developer pays for it. Even though they might be outside of the box a little bit, he thinks they can come to the same agreement with the developer. He is concerned, at this point, of going forward until there is a plan before the Planning Board. Tonight, for instance, they are going to be voting to have a special town meeting to vote on a zoning change, which may impact what their plans are. He asked if the Board was being a little premature if they start this without having a plan, or if that wasn't a significant factor in the analysis. Mr. Thibeault believed, in all cases, a plan had been submitted when they started the study. Selectman Jasper asked if he recommended having a plan before they start the study. Mr. Thibeault wasn't sure what he would recommend to Hudson. He didn't know the whole depth of considerations and the whole drift of the application, through the Town, and where it sits now. They've always done the studies after a plan has been submitted. Selectman Jasper said maybe the Board needs to have a discussion with the developer and maybe they need to have some discussion with Mr. Thibeault and Town staff, to figure out if it's a good idea to wait to see that plan before they go ahead. They all know it's critical; it has got to happen; they need to do it, but he also thinks the Town is not in a crisis mode on this because, normally, this is part of the application process, and the Planning Board would not be approving the plan until the economic study was completed, anyhow. He thinks it behooves all of them to move that along, to put them in a better frame of mind as they are dealing with things. However, he thinks it would be a mistake to go forward tonight because there are those two questions. Mr. Thibeault said, in reflection, he recalls one instance in a community where a rezoning was required for the development, so he did the impact analysis before a plan had been submitted because a plan couldn't be submitted until the rezoning was approved. As it turned out, the economic impact analysis showed mixed results. The Town Meeting did not approve the rezoning; no plan was ever submitted, yet they did a full economic impact analysis. On occasion, but rarely is a study like this commissioned before the plan is submitted. Selectman Jasper asked when Rockingham Park was done. Mr. Thibeault said that was late in the process, probably one or two meetings before final approval.

Chairman Maddox asked how accurate his projections were for Rockingham Park. Mr. Thibeault said they reviewed the analysis that was done by the developer's consultant, under direct contract to the Planning Board, in that case. They did recommend some tweaking of the analysis and it has turned out pretty much the way that it was anticipated. One of the things that is difficult about doing one of the studies, then going back to see if you got it right, is that once a development is in place, its traffic kind of messes up with everything else—the police calls mess up with everything

else. In Tilton, NH at Exit 20--1.5 million sq. ft., they did the original impact analysis and then they analyzed that original study about 10 years later, as a case study. They ended up concluding it was a positive impact on the municipality and its tax rate. Interestingly, when he did the original analysis, one of the questions was what the impact was going to be on other retailers in the community, so he inventoried them and categorized them by the degree of competition that he felt Wal-Mart represented. He felt there were about a half dozen stores that would be severely impacted, to the point of closure. He felt that downtown Tilton, which was very weak at the time, would be hurt by the activity at Exit 20. In fact, only one store of the six closed, and it was an Ames store, which closed because the chain went bankrupt and the local merchants and Town representatives that they interviewed 10 years later, felt that downtown was stronger—and it is apparent. You can see it driving through. In that case, they were probably more negative than proved to be the case. On a lot of their residential impact studies, they go back and look at actual school generation, after the fact. He tries to be conservative in these studies on purpose. He tends to estimate revenues lower than they might be. He tends to estimate costs higher than they might be. There is always a range. The reason for that is, if he was sitting on the Planning Board, he wouldn't want to know the best case, or the worst case—something in between, shaded more towards the conservative side. When they've gone back and looked at the impact studies they've done after the fact, that's proven to be the case. The costs tend to be lower than he estimated; the revenues are higher and the impact on the existing retailers less severe than he had forecast.

Selectman Massey asked what level of detail Mr. Thibeault required in order to do an independent level of research in order to come up with the impact. This particular development has made representations and conceptual designs about a two or three phase effort, with the first phase being a 1.3 (million sq. ft) lifestyle type center, and the other 3 million (sq. ft.), a combination of housing, hotel, office space, etc. From all of the indications to date, it's unlikely that they are going to have anything more than a detailed plan for phase one. Mr. Thibeault said they need to know the square footage and unit counts they are proposing. "1.3 million sq. ft. life style center" is actually enough detail for their analysis. They'd like to know as much as possible about the types of occupancy within the retail center. For example, if it's a movie theater, a 12-screen cinema, which is frequent in these life style centers. If it is four or five big box retailers. They'd like to know as much as possible about the likely mix of occupancy because that affects the likely assessed valuation and the service load it is going to place on police and fire. He builds a statistical model of the Town's services. The cost of providing service, and a statistical model of the proposed development, so they can change the square footages as the plan matures. Relatively few plans get approved exactly the way they were initially proposed. They might be fewer residential units; there might be a bigger hotel; there might be more office space or more retail space, so he builds the model, specific to Hudson, in a way that lets him modify the analysis, as the development proposal matures.

Selectman Massey said, hypothetically speaking, Phase 1 is a two to three year project, and Phase 2 and 3 to Phase X is in another 15 years, but very little details, other than general ideas. He asked Mr. Thibeault, if he does an economic impact report that only has specificity on Phase 1 and generalities on Phases 2 through X, what was the value is the growth estimates on the subsequent phases, in terms of the report. Mr. Thibeault said there were two ways to deal with the issue of phasing, and probably neither of them is perfect. One is to say, "What if all of this existed today in Hudson? What would we have to do differently? What would the impact be?" That is a snapshot way of capturing the impact of the entire proposal. The other way is to extend the analysis of revenue and expenses over the phasing of the development itself. You might have a 10-year model. In this instance, he would do both. Everything isn't all here today; it's not going to be. It's going to be spread out over time, and lay that out over a period of time, in accordance with the phasing the developer indicates is likely to occur.

Selectman Massey said what he was hearing was Mr. Thibeault could do an economic impact statement, if he had a general idea of what Phase 1 is, but to have really good data that the Town could rely on for its impact on all of the subsequent services, the specificity is what is critical. Mr. Thibeault said knowing what the developer is proposing. Selectman Massey said if you are going to put in a one screen movie theater, it's going to have a different economic impact than if they are talking about a mega-plex. Mr. Thibeault said yes. If you had a million sq. ft., and a large component of it are restaurants and movie theaters, which can be the case in a life style center, that would be different than the Mall at Rockingham Park, which has fewer of those things and more traditional retailing. Selectman Massey said, the bottom line is they would be far better off, if they were going to have this done, to have a concrete plan with specifics about Phase 1 sitting in front of them. Mr. Thibeault said the more specific they can be about the development, and what it is, the more reliable the study's results are. Selectman Massey asked if the document would give some indication as to the anticipation growth and the retail/commercial and industrial base of the Town and, as a consequence, the impact on police, fire, highways, schools, etc. Mr. Thibeault said absolutely; that's the meat of the analysis.

Selectman Massey said a development of this type was bound to have some impact on the existing businesses in Town, and potential future businesses. He asked if Mr. Thibeault would be addressing both of those. Mr. Thibeault said yes, that was part of his scope of work and it's two-dimensional. A complex of this size is going to create spin-off development, induced development. It's all about wallets and it's going to attract a lot of wallets and credit cards. Other retailers like to piggyback and try to get a piece of those wallets that will be in Hudson that are now, probably, in south Nashua. Selectman Massey said Daniel Webster Highway was a classic example. Mr. Thibeault said that was the secondary impact of a development. The other aspect is the impact on existing retailers, and that impact is thought to be negative. In the work he has done, and they've done a goodly amount of case studies, going into a community—what was it like before, what is it like now, what retailers moved out, what retailers moved in—the larger impact is that

introducing a large amount of new commercial space in a community, the secondary impact of drawing in more retailers after the fact, is larger than the impact of losing retailers that were there before the fact.

Selectman Massey said currently, the Planning Board assesses certain fees to the developers, based on formulas that VHB has developed, and they get reviewed once a year and indexed, primarily, for inflation, but there may be other fees that need to be done that are not part of the formula. Right now, it's just the corridor impacts, the library and voluntary contributions for recreation. His anticipation is that, because of the indirect impacts, need to re-look at some of those fees and, potentially, look at additional fees. Would this study allow VHB, the contract for the Town for doing the fees for the Planning Board, be able to extrapolate from that?

(Start Tape 1-B)

Mr. Thibeault didn't want to answer for VHB, but it sounds like he would speculate that the answer is they could do that, if asked by the Town. He also didn't want to represent himself as an attorney because they are getting into a legal area that is a hot topic in New Hampshire, right now. Those impact fees are a safe harbor, and Hudson has been administering those fees for some time, now. Moving outside of that safe harbor of measured impact, you need to think of the legal dimensions—and he's not an attorney—and you need to think of the technical dimensions of it. One of the big impacts of a proposal like this is traffic and it becomes a matter of negotiation. The answer to Selectman Massey's question is that he supposes it is worth looking at, but he didn't know what the outcome is.

Chairman Maddox asked if the Board could look at the Rockingham Park study document. Mr. Thibeault said he'd get a copy to Sean (Sullivan). Chairman Maddox said even though it might be a few years old, it would give them a feel for what was actually going to be provided. Mr. Thibeault said there may be others that were more appropriate. Chairman Maddox said they were just trying to get their arms around what was being proposed because this is a development that hasn't been seen in much of the region. He asked Mr. Thibeault to provide a copy of whatever he feels is appropriate, he'd appreciate it. Mr. Thibeault agreed, saying he'd get it to Sean. Chairman Maddox thanked Mr. Thibeault for clearing up a lot of the questions they had.

Selectman Massey said since he was the one who requested they look at this, and agreed that it would be worthwhile to have Mr. Thibeault come here this week, he thinks, on the basis of what he heard tonight, and he'd already been thinking about it before he came here, he (Mr. Thibeault) solidified, in his own mind, that it would be worthwhile to wait until there is an actual plan before the Planning Board before they do this work. The basis of the information Mr. Thibeault provided tonight was the issue between specificity versus generality. Mr. Thibeault said if he clarified more issues than he created, he considers the night a success.

**D. Town of Hudson v. Monahan-Fortin Properties, II**

Town Administrator Steve Malizia said they were going to be in Superior Court on July 17 at 1:30 p.m. for the hearing on the taking of the property known as Groves Farm, for the water storage tank in the south end. Attorney Buckley will be representing the Town and he has asked that a Selectman or Selectmen would attend, which looks better in court. He and Town Engineer Tom Sommers will be going as staff. Selectman Jasper thought, at the very least, Selectman Massey should go, but the previous Board of Selectmen took the vote before he and Selectman Nadeau were elected. Mr. Malizia said they weren't looking for testimony, but a show of support from Town officials. Selectman Massey planned to attend. Chairman Maddox said he moved some things around so he could attend, too.

**E. Special Town Meeting Warrant**

Town Administrator Steve Malizia said the Board wanted to advance a zoning amendment to a warrant for the purpose of changing the housing for older persons article in the zoning ordinance. The Planning Board has held a hearing and forwarded a revised housing for older persons article and, as such, Atty. Buckley has recommended that the Selectmen find a proper occasion to call a special town meeting to vote on this special amendment and the first session of Town Meeting be held on August 8, in conjunction with a Selectmen's meeting, probably at 6:30, with a second session, the voting session, to be held in conjunction with the State primary on September 12. If the Board is agreeable to that, the Chairman has a motion to advance the changes to the older persons housing.

Selectman Jasper said the first session is what everyone knows as the deliberative session, so they would probably want to hold the meeting at the Community Center, just in case the extra room is needed. Selectman Massey concurred. Selectman Jasper said there is nothing worse than getting 50 more people than this room would hold and have everybody upset. If 10 people show up over there, so be it, but it's better to be safe than sorry, in this case. At this point, they really ought to let people know what they are talking about, and probably the Chairman is in the best position to explain the details of the proposal.

Chairman Maddox said the first consideration was to find out if the Community Center was available on that night and, if they have the ability to broadcast into the Community Development room, they might want to keep the location at Town Hall—unless Selectman Jasper expects more than 100 people. When the public hearing was held by the Planning Board, no one attended. Selectman Jasper said there will be people who will show up regardless, because it is a special town meeting. He thinks they will be much better off to go to the Community Center, even though chances are there won't be 25 people there. He's seen the confusion that has resulted, and he'd rather not take the chance of going through that. Mr. Malizia didn't know if the space was available, but the Recreation Department uses it every day for

the Summer Program and everything would have to be broken down and moved around, and that includes the fencing in the parking lot.

Selectman Massey said another option was to use Library Street School, and then reconvene at Town Hall for the regular meeting. Selectman Jasper said that would be fine, but he didn't know what that setup was over there. At the Community Center, they can broadcast live. There probably won't be a lot of people; if they could set up for 100 people, without a great deal of work, the Community Center would be the best location. Mr. Malizia said part of the parking lot is blocked off, so they would have to take down all of the fencing. They would have to move the pool tables and basketball hoops. Somebody has to do all of that for it to be done physically, and there is probably a short time from the end of the Rec day to meeting time. Selectman Jasper said then Library Street School would be the better option. Chairman Maddox said the Library Street School might not be available.

Motion by Selectman Jasper, seconded by Selectman Massey, to request the School Department to allow the Board of Selectmen to use Library Street School for the Special Town Meeting and, if that is not available, then they plan on holding the deliberative session at Town Hall, utilizing the two meeting rooms, carried 4-0.

Chairman Maddox said the reason for this is that older persons housing is a fast-growing commodity in Hudson, with well over 300 approved units, as of now, that are in various stages of being constructed, with many more coming. The Town saw an issue with developments that were unsustainable as senior housing—four and five unit developments, developments out to the edges of Town, where they don't have the core services of sewer, water, police and fire readily available, so they tried to bring those back into the core of the Town, back into the zones that had sewer and water, making them have to be a certain size, all to get more control over these being put up everywhere in little small lots and difficult to maintain in the future. It was a collaborative between different agencies to try to pull this together. If anyone wanted more information, they could contact the Town Planner, or come to the deliberative session.

Motion by Selectman Massey, seconded by Selectman Nadeau, that, pursuant to NH RSA 39:1, the Selectmen find that there is a proper occasion to call a special town meeting to vote on certain zoning amendments proposed by the Planning Board, and the first session of that Town Meeting will be held on August 8, 2006 at 6:30 p.m. and the second, or voting session, will be held in conjunction with the State Primary on September 12, 2006, carried 4-0.

Selectman Jasper said another thing that has to be coordinated, that makes Library Street a better option, is check-in for registered voters. It will be very difficult to check voters in through the corridor at Town Hall, particularly if they have to use two rooms. Chairman Maddox said the logistics will be worked out in the next two weeks.

**F. Pennichuck Operations & Maintenance Meter Interface Units**

Town Administrator Steve Malizia said the Board had a copy of a letter he received from Steve Densberger, who is still working out the details of the meter interface unit option, which was extended until August 14. The language is pretty much done; it's a question of getting the buy-out schedule from Pennichuck, which has to go through their board. If the Town was to terminate early, there is a cost associated with that, so he is working on that piece. Once he (Mr. Malizia) has all of the pieces, he plans to run it by the Attorney to make sure nothing was missed, and it will be on the Board's agenda before August 14.

**G. Hiring of Police Officers**

Following a brief discussion in which Selectmen Jasper objected to Chairman Maddox's request for a motion to hire two police officers, saying that the vote was already taken at the Board's previous meeting during nonpublic session, so a motion tonight wasn't necessary, that the vote should just be announced. Chairman Maddox disagreed, saying that the nonpublic minutes had been sealed, but finally acquiesced and announced that during Nonpublic Session on June 27, 2006 the Board of Selectmen authorized the hiring of two full-time police officers, effective July 9, 2006 by a vote of 5-0: Alan Marcotte, a certified police officer, at \$20.16/hr, with a sign-up bonus of \$1,000, and Patrick McStravick, at \$19.20/hr, in accordance with Police Union Local 3657, as recommended by the Chief of Police.

**8. NEW BUSINESS**

**A. Bid Recommendation—Portable TV Inspection System**

Jess Forrence, Highway Department Supervisor, said they had budget approval to replace the existing portable TV system, which is about 12 years old. These are cameras used to inspect inside the sewer lines. Selectman Jasper asked what the reason was for the \$20,000 delta between the high and low bid. Mr. Forrence said it had to do with technology. Some were new in the business and had a long way to go.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to award the bid for the portable TV inspection system to the low bidder, CUES, in the amount of \$38,000, as recommended by the Road Agent, carried 4-0.

**B. Road Race Request in conjunction with Old Home Days**

Town Administrator Steve Malizia said the Town received a request from Jennifer Cahill to run a 5k road race in conjunction with Old Home Days, held on Saturday, August 19 at 8:30 starting on Old Derry Road, running up to approximately the old school house, coming back and terminating at the actual Old Home Days grounds. He circulated the request to appropriate department heads and received their input back, which was before them. Traffic and crowd control were a concern. This hasn't been done before, so it's entirely up to the Board if they want to approve it. The Police would work traffic control with some volunteers for a couple of the minor intersections.

Selectman Jasper said his concern was the Road Agent's concern that it could cost up to \$500 to get the horses out there to block off the roads. He thinks the race organizer ought to be able to coordinate to bring that stuff out there, or to bear the cost. The taxpayers should not have to bear a cost to put this race on. Another concern was the phrase, "until the end of the race," which could mean the road could be blocked off for a long time. A lot of people won't be able to get out on Old Derry Road, Circle Drive and Brightside Drive, so all of those people should be notified by a flyer from the event organizers to let the people know what time Old Derry Road will be blocked off because that could be a real problem for some people who were planning on going someplace at 8:45 to be someplace for 9:30 and suddenly, they can't get out of their driveway. That's not acceptable, and the only way to deal with that is by a mailing to those people who will not have the ability to get to Old Derry Road. He also thought that a time limit should be put on the race. If there are going to be watering stations, that makes a big mess because people throw paper cups on the side of the road, so they should make sure the area is policed. Old Derry Road is already one of the dirtiest roads in Town. He walked about a half mile of it today, picking up aluminum cans and plastic bottles and got a bag full, just one side of the road—and didn't even touch the rest of the trash. He didn't have a problem with the race, but he had a concern with those unanswered questions, logistically-speaking. The volunteers need to go to the Highway Garage to pick up the horses and bring them back, or pay for that. Selectman Massey agreed with Selectman Jasper.

Mr. Malizia said Chief Gendron has worked out the concerns the Road Agent originally had. DPW will drop off the traffic cones at the Police Department, who will bring them over by people who are on duty, so Kevin isn't doing any of the work that he thought he would have to do. If there is going to be a water station, the motion could include a stipulation saying that the organizers need to police it themselves; there needs to be a definitive end to the race, i.e., 10:00, and a directive to notify everyone along the race path.

*Motion by Selectman Jasper, seconded by Selectman Massey, to authorize the request of Jennifer Cahill to conduct a 5k road race on August 19, 2006, in conjunction with Old Home Days, and to authorize the closure of Old Derry Road from Route 102 to Putnam Road, starting at 8:30 a.m. until no later than 10:00 a.m., if there are any water stations, all cleanup duties are to be performed by event coordinators and the race coordinators shall notify all residents on Old Derry Road, Circle Drive and Brightside by mail or hand delivery, and subject to the conditions outlined by Police Chief Gendron in his memo of July 3, 2006, carried 4-0.*

(Start Tape 2-A)

**C. Public Hearing/Board Action on Amending Chapter 274-11 of the Hudson Town Code, Temporary Water Connection Moratorium—South Hudson**

Town Administrator Steve Malizia said this was a scheduled public hearing from several meetings ago when the Board voted to do so, adding a sentence to enable the Board to waive their policy.

Chairman Maddox opened the public hearing at 8:01 and asked if anyone in the audience wished to speak on this. There being no response, he closed the hearing.

*Motion by Selectman Massey, seconded by Selectman Jasper, to amend the Town Code to include a new paragraph to Chapter 274-11, Section C, Exemptions to Temporary Moratorium, by adding "3. The Board of Selectmen shall consider requests to allow for connection for existing homes on existing lots of record who are experiencing water quality or quantity issues with their wells without requiring a system hydraulic analysis," carried 4-0.*

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

**Shawn Jasper** said he didn't have anything.

**Ken Massey** said, as liaison to Community Development, he congratulated Bill Oleksak, who has been certified by International Code Council as a residential building inspector, effective June 10, 2006.

**Ben Nadeau** said last night, the Older Persons Advisory Council drew up a survey at their meeting and they will be getting that out by passing them out at the Seniors' meetings on Wednesdays and Thursdays, or they can be picked up at Town Hall. It deals with transportation, various needs, if they are interested in having speakers, etc.

The new Fire Department engine is out of service because some warranty work is being done on it. Relative to the radios, the new console is in, which they are using—both digital and analog. They are programming the portable radios, which they hope will be done by the end of the week.

Everything is going good at the Rec Department for the summer program.

**Rick Maddox** said as the Police liaison, and as his habit has been, he did a ride-along with the Police. As he expected, he saw professional, courteous officers protecting the Town. He learned that there is a new law that became effective this year, that children under 16 needs to wear a helmet when riding a bicycle. The officer did stop one young lady, who was kind of upset when the police car stopped her to ask where her helmet was.

**10. ADJOURNMENT**

Selectmen Jasper and Massey questioned the Chairman's request for a motion to adjourn, believing the Board should vote to go into Nonpublic Session first. Chairman Maddox said the statue they would go in under was considered a non-meeting and, therefore, didn't need a vote. Selectman Jasper wanted to see the statute first. After the Recorder provided it, he was satisfied, saying this was one of the weird changes the Legislature made.

*Motion by Selectman Massey, seconded by Selectman Nadeau, to adjourn at 8:09 p.m., carried 4-0.*

The Board met from 8:09-9:05, pursuant to RSA 91-A:2 I (b).

Recorded and transcribed by Priscilla Boisvert  
Executive Assistant

**HUDSON BOARD OF SELECTMEN**

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Richard J. Maddox, Chairman

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Shawn N. Jasper, Vice-Chairman

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Kathleen R. MacLean, Selectman

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Kenneth J. Massey, Selectman

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Benjamin J. Nadeau, Selectman