

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the June 13, 2006 Meeting**

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

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

**Staff/Others:** Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Shawn Murray, Fire Chief; Sean Sullivan, Director of Community Development; Tom Sommers, Town Engineer; Dan Hudson from CLD; Doug Robinson, HLN

4. **PUBLIC INPUT** -- There was no response when Chairman Maddox asked if anyone in the audience wanted to address the Board at this time.
5. **NOMINATIONS & APPOINTMENTS**

**Solid Waste Study Committee** (four members, two terms to expire 12/31/07 and two to expire 12/31/08)

**Ted Luszey, 13 Cathedral Lane** wasn't present, but he was still a member of SWSCOM when it was disbanded.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to waive the Board's normal procedures and appoint Ted Luszey to SWSCOM, with a term to expire 12/31/08, carried 5-0.

6. **CONSENT ITEMS**

Selectman Jasper removed Item B-2.

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

**A. Assessing Items**

- 1) Abatement, New England Power Co, Map 100/Lot 5, w/recommendation to deny
- 2) Yield Tax Warrant & Certifications of Yield Tax Assessed (Map 112/001-000 Lu-Jo Realty, LLC; Map 112/Lot 003-000 Ben-Lu, LLC; Map 186/Lot 019-900 Howarth, Brian) w/recommendation to sign.
- 3) Current Use Lien Release, Wason Heights Subdiv, Map 217/Lot 3, 3-1--3-16, w/recommendation to approve.

**B. Licenses & Permits**

- 1) Outdoor Gathering Permit for Old Home Days, August 18-20, 2006 at the Hills House on Rte. 102
- 2) **Hawker-Peddler Permit for Paula Tate-Jean for a hot dog cart at West Rd & Rt. 102 (Ducharme Sand & Gravel)**  
Selectman Jasper apologized for not calling in today with his concern, but it seemed that there was an issue in the past about this same type of thing, whether or not it needed a site plan. The Blushing Rose at True Value was grandfathered. Selectman Nadeau said there was a coffee trailer in that same location, but they had to move. Selectman Jasper didn't want to hold this up because it had been signed off on by staff, but he had a concern that they weren't being consistent in their interpretation. There used to be a coffee shop on the old Meadows site that caused a lot of controversy, but the Town ended up taking the parcel, and made the coffee shop go away. Those issues ought to be looked at in conjunction with how this request is handled. Mr. Malizia said every year, someone comes in to get a permit to sell Christmas trees at the Hudson Mall and another gentleman, who drives a hot dog truck around, comes in for a permit. Selectman Jasper said that's a little different because that's not a fixed location. He'd like Sean or Priscilla to see what the issue was and how it was resolved. In the meantime, he would move to approve this, without conditions, but he'd like this looked at so they are dealing with this type of issue consistently. Selectman MacLean seconded the motion.

Selectman MacLean asked what, exactly, was the issue. Selectman Jasper said normally, when they have something that is static on a site of a commercial nature, you need to have a site plan approval. Selectman MacLean said this would be temporary. Selectman Jasper said there still are traffic concerns and issues during the period of time that it's in operation, even though it is only two and a half months. He was a little surprised at the recommendations, based on how things were done in the past. Chairman Maddox planned to vote against this, based mostly on the reasons Selectman Jasper stated. He didn't know where this would be located, and this was a dangerous intersection, and it will be there four to five hours a day through August. He didn't think there were enough facts to make a safe decision.

Vote: Motion failed, 2-3. Selectmen Jasper and MacLean were in favor.

Chairman Maddox recommended asking Sean Sullivan to give the Board some sort of diagram to show where the cart is going to be parked. The paperwork just says, "on the corner." It would be nice to know if

there is a safe egress and those types of issues, if they are going to issue a permit for a truck to sit there for five hours a day. He needed more information than just saying to put a food vehicle on the corner. Selectman Massey said that's why he voted against it, too. He wanted to see a plan in terms of where it would be because that's a heavily traveled intersection and there is construction going on there now. He supported them coming back with more information.

Ms. Tate-Peters, 335 Abbott Farms Lane, who was in the audience, identified herself, saying she received permission from Mr. Ducharme to put her hot dog cart at any spot on his property and asked if the Board had a preferred spot. Chairman Maddox needed to see a diagram, showing where cars would pull off, so it would be a safe intersection with her vehicle being there four, five hours a day. She asked if she had to come back to another meeting. Chairman Maddox said yes. She could tell the Board now where she'd like to put it, or an alternate site was Greeley Park on Greeley Street. Chairman Maddox said she needed to give the Board some indication of how she was going to do that. He didn't think there was any parking there. Ms. Tate-Peters said there is a playground and a parking lot. Selectman Jasper said that belongs to the Baptist Church. Ms. Tate-Peters said she'd bring a diagram of the Ducharme's property. Chairman Maddox said something that shows it would be safe for cars to pull off the side of the road and back into traffic—those type of issues.

**C. Acceptance of Minutes**

- 1) Minutes of the Selectmen's Meeting of April 11, 2006
- 2) Minutes of the Selectmen's Meeting of May 23, 2006

**D. Calendar**

June 14 Flag Day  
June 14 6:00 School Board in BOS Meeting Room  
June 14 7:00 Planning Board in CD Meeting Room  
June 15 7:30 Budget Committee in BOS Meeting Room  
June 15 7:00 ZBA in CD Meeting Room  
June 19 6:30 School Board in BOS Meeting Room  
June 20 7:00 Cable Committee in BOS Meeting Room  
June 21 5:00 Water Utility Committee in BOS Meeting Room  
June 21 7:00 Library Trustees in BOS Meeting Room  
June 21 7:00 Seniors in CD Meeting Room  
June 22 1:00 Trustees of the Trust Funds in BOS Meeting Room  
June 22 7:00 Open Space Meeting in BOS Meeting Room  
June 22 7:30 ZBA in CD Meeting Room  
June 26 7:00 Older Persons Advisory Council in CD Meeting Room  
June 27 7:00 Board of Selectmen in BOS Meeting Room  
June 28 7:00 Planning Board in CD Meeting Room

**7. OLD BUSINESS**

**A. Vote taken following Nonpublic Session on May 23, 2006:**

On May 23, 2006, following Nonpublic Session, a motion was made by Selectman MacLean, seconded by Selectman Nadeau, to hire Matthew Malloy, Jeffrey Lamothe and Shelagh Sosnowski as Call Firefighters within the Suppression Division of the Hudson Fire Department, effective June 1, 2006 at an hourly rate of \$7.50 that carried 5-0.

**Phone Poll relative to the VHB Consultant**

Chairman Maddox said, for the record, there was a phone poll taken, subsequent to the May 23 meeting in regards to the expenditure of \$600 to send the VHB consultant to the scoping meeting on the 25<sup>th</sup>, and that vote was affirmed by Selectmen Nadeau, Jasper and Maddox. Selectman Massey said, for the record, he had three caller ID's that day, but no voice mails, so he did not participate in that decision. Chairman Maddox apologized for that.

**B. Pennichuck Operations and Maintenance Meter Interface Units**

Town Administrator Steve Malizia said last July, the Town and Pennichuck entered into a contract for operations and maintenance. As part of that agreement, there is an option that the Town may exercise within the first year to have Pennichuck install radio interface units for the meter reading. This is the technology that is currently being utilized by Pennichuck and other utilities, like the gas and electric companies, that allows for the reading of the Town's meters in a more efficient and timely fashion. There is a transmitter and receiver component where a vehicle drives down the road and reads all the meters. To do the whole Town would take about a week, compared to the three to four weeks it takes now. This would give better real time water data, i.e., what customers are actually using so they can look at real data, as opposed to things that take three or four weeks to read, which should lead to efficiencies in meter reading and water usage and identifying any problems. The contract says the Town shall exercise this option within a year of signing said agreement, which the Town signed last July 12. That's why this is before the Board tonight. There are two ways to pay for this. One option is to pay for it over a 10-year period. Pennichuck will install the meters posthaste and the Town will pay over the next 10 years a fee of approximately \$27,500 per year. A second option is to do it over a 20-year amortization schedule, which is a good deal because it's \$5,100 a year. If the Town does not renew with Pennichuck and bails out after 10 years, they would pay a buyout figure of \$235,000. However, if the Town stays with Pennichuck and renews beyond the 10 years, they are getting the whole program for \$103,000 which is a pretty significant savings over a 10-year amortization period. He analyzed it, with input from the Town Engineer, and is recommending the 20-

year plan. This isn't cutting-edge technology; it has been in place and leads to more efficiencies down the road. Quite possibly, the Town could read their own meters by putting something in a DPW truck, and save money off the contract. However, right now, the option is for Pennichuck to read the meters. By going with the 20-year plan, they would save \$171,610 over the 10-year plan. Even if the Town chooses not to renew after 10 years, it's only \$287,000 which is about \$12,000 difference between the two and that amount, over the next 10 years, is really small potatoes, considering the upside of the savings realized.

Selectman Massey echoed the Town Administrator's comments, with some additional thoughts. When they negotiated the original contracts with Pennichuck, this was a major item and because they weren't certain it was the way to go, they did get them to put it in as an option, with a one year exercise. Some things to consider, as the Town Administrator has indicated, this is not new technology. Pennichuck is using it now in Nashua. It is so good, they can literally drive down Street A and be picking up not only the readings from Street A, but Street B, so there is a significant economies of scale in terms of how long it takes to do this. The second thing is that they talked with them at the time and he had indicated they (the Town) was going to be using Munismart software and they (the Town) now understands that, on the basis of conversations with them (Pennichuck), that the Town's Munismart water utility billing system is compatible with this system. One of the first steps that would have to happen is the Town would have to sit down with Pennichuck, if the Board approves this option, and work out a plan for implementation, which would include the steps required to get the billing application to be able to communicate with it, and then the construction schedule, to go through the Town over some period of time. It was (the Town's) anticipation that it would take about a year to completely change out all of the existing mechanical meters with the radio read. The first step would be to sit down with Pennichuck and develop an implementation plan. He thinks Option B is the best option for the Town.

Selectman Jasper said this looks like a remarkably good contract, which gets remarkably better, if his assumptions are correct. Pennichuck's contract calls for only changes based on the CPI in the Boston area for each year--no increase based on the customer base. If the Town goes this way for 20 years, it is remarkable because he expects the Town to grow considerably. To lock in for the 20 years, with no accounting for the base, is a good deal in and of itself.

Selectman Massey said they've already approved that part of the contract. They are talking about exercising the option on the meter interface unit. Selectman Jasper said Selectman Massey was totally missing his point. This option gives the Town another 10 years with the same terms. They already have locked in for five; this gives them the lock-in for 20 years. Mr. Malizia said that was correct, unless the Board chooses to do something else. Selectman Jasper said what is unclear is what happens if the company terminates the contract. It appears that if any substantial portion of the assets of Pennichuck was taken by eminent domain or sold, and the company determines it cannot continue to fulfil its obligations, the Town has no further obligation to pay for the meters—but that point needs to be clarified. That could be a problem if Nashua successfully takes over Pennichuck and comes to the conclusion they can no longer be a stand alone management unit. How that would affect the Town is the only question he has. It appears the Town wouldn't have any obligation, but if they do, the Board needs to know that because that could be very expensive and could happen very quickly. Mr. Malizia asked if he meant obligation to Nashua, Pennichuck or to someone else. Selectman Jasper said 11.2.3 says if "they" determine they can no longer provide us their service, the contract will be null and void. Selectman Jasper wanted to know what "their" interpretation of that is. If they can't provide the service, does the Town suddenly own them \$200,000—or whatever the number are—for the meters. Mr. Malizia said he could ask.

Selectman Jasper said the Board needs to have that answer before they approve this. If the Board decides to terminate the contract, they will owe the money. If the Town fails to fulfill any of their material obligations under the agreement, that needs to be spelled out. If they terminate the contract because the Town is not fulfilling their material obligations, it would seem that the Town would then owe them the money. Those things need to be clearly spelled out to begin with—what happens in the event of termination. Mr. Malizia said "they" may not know. Selectman Jasper said "they" need to come to an agreement before this is done; they have enough time. They need the answers to those questions.

Chairman Maddox thought this agreement was with Pennichuck Water Service Corp., which is their service arm. It's not with the water utility. That is not in threat of being taken over. Selectman Jasper said but they have included language that says if any substantial portion of the assets of Pennichuck Water Works, Inc., is taken by eminent domain or sold to any governmental unit in settlement of any ongoing or threatened eminent domain proceeding and the company determines that it cannot continue to fulfill its obligations under this agreement on a commercially reasonable basis, it's terminated by the company. He wants to be clear. Otherwise, they may end up in litigation, and that's true of the whole Chapter 11. The Board needs to be clear on the obligations, if the contract is terminated. He didn't think it is going to be, but didn't want to make assumptions. Section 11 needs to be clarified, if the contract is terminated.

Selectman Massey said that was a reasonable request and could be handled with a Memorandum of Understanding that would be an addendum to the contract. This was something they never talked about, but it is an important point and the Board should know what their financial obligations is, if "they" exercise the options, especially under 11.2.3, which is their inability to provide the services. He thinks it would be wise to get an agreement with Pennichuck on that.

Mr. Malizia said the Town was in the same boat a few years ago; the Town had to honor all of the obligations when they took over Consumers. He would look to Pennichuck to do the same thing. Selectman Jasper said it was a different situation. Nashua is looking to take over their assets, but leave with such a shell corporation, they are unable to do it anymore. Mr. Malizia didn't know how the PUC was going to rule on the whole matter. Selectman Jasper said it needs

to be made clear, nonetheless. If “they” terminate for those reasons, the Town should get to keep the meters. Chairman Maddox said for a prorated amount, with an up-front understanding of what that would be.

Motion by Selectman Massey, seconded by Selectman Nadeau, to defer this item until June 27 to get an understanding between Pennichuck and the Town as to the buyout provisions under Section 11.

Selectman Massey said before they vote on this, he wanted to mention that the Town has instructed their attorney, because they are intervenors in the case before the PUC, to make it very clear to the PUC that, whatever happens between Nashua and Pennichuck, the Town needs to have their support and operations and maintenance contracts taken care of, and they have been filing that type of information with the PUC.

Chairman Maddox asked what, “Installation of radio meter interface units on all existing meter installations,” meant. Mr. Malizia said they have meters out there right now that the Town pays for. Chairman Maddox asked if the Town would pay for that radio interface on any new one, installed. Mr. Malizia said as they will pay for any meter, also. They pay for the meter now. This is actually just a wire and a small transmitter that is built into it.

Vote: Motion carried 5-0.

C. **Library & Central and Chase & Central Streets Intersection Improvements**

Sean Sullivan, Director of Community Development, Tom Sommers, Town Engineer, and Dan Hudson from CLD were recognized. Mr. Sullivan said the Town has been meeting with CLD for about a year, attempting to finalize a design for this area, as the need has been identified for intersection improvements, adding Selectman Massey has worked diligently with Community Development on the design plan. In September 2005, Mr. Sullivan came before the Board to get direction relative to this project. CLD worked on those plans and came up with some projected costs. They are looking at installing a signal at Library and Central Streets, with drainage improvements, construction of sidewalks, a pedestrian cross signal and associated improvements, with minor widening.

(Start Tape 1-B)

The cost of the project is paid by impact fees that the Planning Board has collected. The Route 111 Corridor Account will be used to fund the improvements and has been exclusively used to fund the design of the improvements to the intersections. If the Board approves the project, they would like to have the Central and Library project bid at the end of this month, which will be received in mid-to-late July. They will meet with the Board at the end of July and award the contract in early August and complete construction before winter 2006. Realistically, they can't control who will bid and what the dollars will be as construction costs have escalated substantially. Right now, based on CLD's estimate to complete the project, he suggested that there are monies in the Route 111 Account to signalize Library and Central Street intersection and the associated improvements. There would not be enough money left to do anything at Chase and Central Street. The third component is Library Park intersection, and that dollar value is \$81,000. CLD has suggested using resources within government to offset some of that cost. He turned the meeting over to Dan Hudson from CLD for the technical presentation, with additional comments by Mr. Sommers.

Following the technical presentation, Mr. Sullivan said the Town was successful with the C-MAQ grant of \$120,000 from the federal government, channeled through the state. Those dollars will not be available until 2010-2011, which may help with Chase and Central, as opposed to Library and Central, which can be funded locally.

Selectman Nadeau referred to Chase and Central and asked if that could just be striped for a turning lane because there have been accidents there. Mr. Hudson said there wasn't enough room. They would need 3' which would push the sidewalk over, removing the retaining wall. It's a little too tight. Mr. Sommers said people don't use their indicators, and you can't always trust someone when they do. That delays people from taking that left. By moving the island out, and by putting in another lane, then you are able to know that person is turning. That's the reason for that improvement. Because of the cost implications, they haven't talked with the owner about moving that raised sidewalk back. Selectman Nadeau asked about getting rid of the sidewalk. Mr. Sommers thought the sidewalk should stay. The Town would have to rebuild the retaining wall and replace some trees because of an approximate 5' taking. There are a couple minor improvements at the other intersection, and they have approached those homeowners, who are agreeable. They would put in a loop in one homeowner's driveway for his tenants to get in and out. They are also putting in crosswalks in with push-button crossings because there is a lot of pedestrian traffic in that area.

Selectman MacLean said she does not like signals, but this plan is clear and concise and she will support it.

Selectman Jasper said the Town could have bought the house at the corner of Chase and Ferry for \$40,000 about 13 years ago, but didn't because the Board of Selectmen was not prepared and it was defeated at Town Meeting. He has a concern with tractor-trailers turning at Library and Central Street, which is an awfully tight corner. Someone driving a 40' box trailer would be up and over the sidewalk, if he was off a little bit. It would make sense to move the sidewalk back a few more feet. Mr. Sommers said they could do that or they could slope the center island, so it won't be hurt if the wheels go over it. They could look at, adding that Selectman Jasper's suggestion was very good. Mr. Hudson agreed there wasn't a lot of extra room. Mr. Sommers said they don't want to open up the throat too much because they want people to slow down. Selectman Jasper said there are a number of things they could do, even if they raised it a little bit, and then went in five feet, and then put in the sidewalk. Mr. Sommers said that detail could absolutely be worked in. There is plenty of right of way there. Selectman Jasper said it's better to be safe than sorry.

Chairman Maddox said at Central and Library, they were proposing only one lane going southbound; no left turn lane. Mr. Hudson said it's not a heavy maneuver and with the angle of Library Street, that's a tight turn there and they don't want to promote a left turn. Chairman Maddox said it's difficult to do today, but with a light there, it might be easier. Mr. Hudson said they get more improvement if they add the west bound right turn lane on Central. During the time they did the counts, one person turned left in the am and eight in the pm peak, so it's not a heavy maneuver. Selectman MacLean said you almost have to make a "U-ie" there, which she did today. Coming across the bridge, she was rerouted because of the accident and had to make a left turn on to Library from Central, trying to get to Town Hall.

Mr. Hudson said this signal will also have preemption capability for emergency vehicles, to make it easier to access Central Street from Library Street.

Chairman Maddox asked why the dollar amounts were almost the same for two projects—Library and Chase and Library and Central. Mr. Hudson said there is a lot of pavement work and sidewalks, and on the property on the corner, they have to rebuild a retaining wall. The traffic signal is around \$125,000 so if that is deducted, the cost for the two projects are almost equivalent for the pavement and sidewalks. The split between the two projects is Gillis Street, which is almost 50-50. Chairman Maddox asked if there was any way to move the Chase Street over to the west, and not go into the retaining wall and incurring those kinds of costs. Mr. Hudson explained his answer from the diagram. Chairman Maddox asked if a divider would be put on Ferry and Library Streets. Mr. Hudson said no, it was painted.

Selectman Massey said he met with the Town Engineer yesterday, and if you look at the project steps, the likely outcome is not that they would be able to review and approve a bid on July 25, since the bids would only be coming in that Thursday, and there wouldn't be enough time to review them, so the more likely event is they would review and approve the bids on August 9, which would still put them in the same original schedule of awarding the project in August and doing the construction in time for the fall completion. That's the only change in the next steps.

Chairman Maddox asked if there was any benefit in going out to bid as one, two and three to see what those prices would be. Mr. Hudson said they could, but to go out to bid, they'd have to put together a set of contract documents, describing all the work. Chairman Maddox thought those were going to go on the shelf. Mr. Hudson said they have plans, then they have another set of documents which are actually the construction contract, so the contractor knows what the agreement is that they are bidding on. In order to do that, you need to have worked through all of the issues.

(Start 2-A)

Motion by Selectman Massey, seconded by Selectman MacLean, to authorize the Community Development Director to prepare the bid specs and submit for bid the Library and Central Street project.

Selectman Massey can't say how many times he gets asked why the light isn't there, so this is something that needs to be done. Of all three projects, this is the critical one. Chairman Maddox concurred.

Vote: Motion carried 5-0.

Motion by Selectman Massey, seconded by Selectman Jasper, to request the Highway Department look at the plans for Library and Ferry Street to determine what it would cost to do it.

Selectman Jasper said Kevin would need to know that there are some funds available to do the project, if he is to do it. Selectman Massey said there are some funds, but not enough to do it. Selectman MacLean wasn't sure what it meant to shelve the projects. Selectman Massey said that meant bids specs wouldn't be prepared for them. Selectman MacLean thought they could shelve it and still give it to Kevin to let him look at it. Chairman Maddox said that was a different project; there are three separate projects. Selectman MacLean thought they were doing one and getting the plans and designs for the other two. Chairman Maddox said not quite. Selectman Massey said if this motion passes, they will take the design documents that CLD has put together and ask Kevin to determine whether or not he has the budget and resources to do it. On this particular project, if they do it, it actually complements the Library and Central Street project because it provides for the left turn lanes coming off of Library on to Ferry and coming westbound on Ferry on to Library, so it will make some additional safety concerns taken care of, so they work together. Chairman Maddox said that was why this project was expanded originally, to look at the bigger picture. If you got cars that want to go down Library, but if a car is stopped in order to turn left on Ferry, that will get all backed up. The projects go hand in hand and, hopefully, Kevin can make this happen at somewhere near the same time.

Vote: Motion carried 5-0.

Motion by Selectman Massey, seconded by Selectman MacLean, to authorize the Community Development Department to take the Chase and Central Street project, complete the design documents, and file them for future action.

Chairman Maddox said this would be a CIP submittal, to start looking at getting that into some timeframe.

Vote: Motion carried 5-0.

**D. CLD Design Contract, Central & Library and Central & Chase Streets**

Sean Sullivan, Director of Community Development and Tom Sommers, Town Engineer, was recognized. Mr. Sullivan said this request was to extend the design portion of the contract to July 15, with all of the other terms and conditions remaining unchanged, with a completion date of December 31, 2006 as previously amended.

*Motion by Selectman Massey, seconded by Selectman MacLean, to endorse the extension of the proposed design portion of the aforementioned contract to July 15, 2006 and the construction management until 12/31/06, with a cost not to exceed \$7,500, carried 5-0.*

Selectman Massey thanked Town staff and CLD for their work over the past year to bring this project to this point.

**E. Contract with CLD Engineering for Bridge/Large Culvert Inspections**

Tom Sommers, Town Engineer, said he'd speak to this item, since it was his idea and he put it together. There are two parts to this. One is to ask the senior CLD bridge engineer to come out and look at three, four bridges and to do a report on them, given the last flooding that occurred, and this needs to be done during low flow time. This is to look for conditions that might not be seen right now, that they ought to know about, and he has several bridges in mind. The second part of this is he has two interns on board who can do bridge inspections, also, in a more general way. The Town needs to be keeping a bridge inspection/large culvert inspection file on hand. The interns need to be trained so they will know what they should be looking at. He has the funds in his consulting budget to pay for this, and this price is very fair.

Selectman Massey said this is a well planned out effort and, long term, it can only benefit the Town, that they put all of the bridges on a planned inspection schedule. Chairman Maddox said if there were any deficiencies traceable back to the recent flooding, maybe the Town is still eligible for some kind of funding. He thought this was a prudent effort for low dollars to assess many of the structures that were under a severe amount of stress during the last flood. Kudos to the engineering staff for moving this forward.

*Motion by Selectman Nadeau, seconded by Selectman MacLean, to enter into a contract with CLD Engineer in the amount of \$3,300 from 5585-225 (the Engineering budget) for the purpose of inspecting Town bridges and preparing and presenting a bridge inspection training seminar to Town Engineering staff, carried 5-0.*

A recess was declared at 8:15 p.m. The meeting reconvened at 8:20 p.m.

**8. NEW BUSINESS**

**A. 5 Dell Drive—Sewer Extension**

Tom Sommers, Staff Liaison to the Sewer Utility Committee, said the people who owned 5 Dell Drive asked for a sewer extension up Dell Drive to tie in. After being reviewed by the Sewer Utility Committee and the Board of Selectmen, it was approved. However, he always wondered how they were going to be able to afford it, knowing that it was going to be a very expensive project to do. After looking at their numbers, they came back and asked if they could be allowed to have a private connection, through the adjacent lot (these people are related) which already has sewer, to the same lot. After looking at this and talking about it with the Sewer Utility Committee, he was recommending that this request be approved, subject to several conditions, which is the sewer district be modified to remove 14 Alvirne Drive from the district. That lot would have been included because now it would have been within 100' yet these other people had put in a recent septic and had no intention of connecting, anyway. They weren't opposed to it, but they didn't want to have any strings attached to them, and that was agreed to at the time, but now they can take that away, and should be taken away under this. An easement for the private sewer would be prepared by the proponent for the lot that's being done through the lot through which they want the sewer. The lot that's being done for is 138-65; the lot through which the easement would be is 138-53 and that easement would allow the permanent right to construct and maintain said private connection within the confines of the easement. That would be their job to prepare that and to submit that. That wording would have to be approved by him (Mr. Sommers) and legal counsel and that would go with the deed for the lots. They would have to show that that had been filed, as part of the deeds. This should all be done before the issuance of a building permit for 138-65. He feels this is fair and equitable, it protects the Town's interests, it fits within the sewer use ordinance and, therefore, he recommends it.

Chairman Maddox asked if there were no residents currently at 138-65. Mr. Sommers said that was correct. Selectman Jasper said it seemed to him that the sewer easement should be within what would appear to be the rear setback, so it never becomes an issue if somebody wants to put an addition on their house, or something else. Mr. Sommers said it would be in the side setback of lot 138-53. There is no easement where the new lot is. Selectman Jasper didn't want it to become a problem for a future owner and there is no reason not to locate it within the setback. He asked Mr. Sommers to make sure that happens. Mr. Sommers agreed.

*Motion by Selectman Massey, seconded by Selectman Nadeau, to revisit the approval of 7/27/04 to include only lot 138-65 (5 Dell Drive) in the sewer district and that connection be allowed to lot 138-65, as requested by the applicant and recommended by the Sewer Utility Committee, with the following stipulations: the sewer district be modified to remove 14 Alvirne Drive from the sewer district; an easement for the private sewer be prepared by the proponent for lot 138-53 and that the wording for said easement grant the property lot 138-65 (5 Dell Drive) the permanent right to*

construct and maintain said private service connection within the confines of the easement; connection not be allowed until said easement is approved by the Town attorney and recorded at the Registry of Deeds and the Town Engineer is so notified; and this is all done before issuance of a building permit, carried 5-0.

**B. Request for Water Service Connection—6 Stuart Street**

Tom Sommers, Staff Liaison to the Sewer Utility Committee, said this request was in addition to others that have come up on one or two occasions. It became obvious to him that they have situations, even though there is a temporary moratorium in the south end, where somebody's well has either gone dry, or isn't a good quality, and it's an existing house, nothing to do with expansion, and they really need to get on water. One individual house doesn't use that much of the water; it's the continual use of it. That type of situation was never provided for in the moratorium, which was an oversight. He strongly recommended that the Board have a public hearing and to change the ordinance in order to allow for the ability to grant an exemption of this fairly strict guideline. They are not promoting any new development or even allowing people to subdivide their lot. It's got to be an existing lot with an existing dwelling on it. It's really for health-safety protection.

Selectman Massey said this was recommended unanimously by the Water Utility Committee. The key is that it is for an existing home on an existing lot of record. You wouldn't be able to subdivide an existing lot and have the second lot be able to do this, under this requirement. It's for existing homes who are having problems, not for any future. Selectman Jasper noticed the letter they received was dated March 29, 2006 and here it is June, while some poor person has a water quantity issue that's taken this long. Mr. Sommers doubted they have a water quantity water right now. Selectman Jasper hoped that, in the future, they could deal with this things more expeditiously. Mr. Sommers said it was his fault because, quite frankly, he didn't know what to do with it. He finally brought it to the Water Utility Committee. The reason the requestor isn't screaming is because of all the rain.

Motion by Selectman Jasper, seconded by Selectman Massey, to send to a public hearing a proposed change to Town Code Chapter 274-11, Temporary Water Connection Moratorium, South Hudson, to allow for connection for existing homes on existing lots of record who are experiencing water quality and quantity issues with their wells without requiring a system hydraulic analysis, carried 5-0.

Chairman Maddox noted that Item D in the moratorium indicated that the Town Engineer was to report to the Board every 90 days the progress towards the construction of the new water storage tank, to which Mr. Sommers replied he probably failed at that, too. Attorneys always add things like that.

**C. Souhegan Mutual Aid Response Team**

Fire Chief Shawn Murray said the Souhegan Mutual Aid Response Team provide hazardous material support in response to the Town of Hudson, and they have been doing so since 2001. This team covers 22 cities and towns in Southern NH and the funding comes from an annual assessment, which is based on property valuation and population. Hudson pays an annual fee of \$3,063 which pays for response equipment and training in support of hazardous material emergencies. This year, like they did last year, in lieu of paying the annual assessment fee, the SMART organization is allowing the purchase of gas and air monitoring meters and they are waiving the annual assessment to those departments that upgrade their gas and air monitoring equipment. The new meters are compatible with the SMART team meters.

(Start Tape 2-B)

Chief Murray was seeking approval to purchase two MSA Orion gas meters at a cost of \$3,286. Funds would come from the FY06 budget 5710-217 Association Dues, which pays the annual assessment for the SMART team. The annual fee is \$3,063. The difference will be made up from the HazMat budget because there is an amount for the maintenance of the current meters. Selectman Nadeau asked how many meters the department currently has, and if these two others are really needed. Chief Murray said they already have two, and these are needed, as the goal is to put one on each first out engine.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to authorize the Fire Chief to purchase two Orion gas meters at a cost of \$1,643 each from 5710-217 Association Dues, in lieu of payment of annual assessment to the Souhegan Mutual Aid Response Team, as detailed in a memo from the Fire Chief dated May 17, 2005, carried 5-0.

**D. Fire Department Station Location and Facilities Study**

Chairman Maddox said they were hoping to encumber this year's money for that study, but they won't be able to get the RFP out in time to turn that around, so this item will "go away" until the workshop with the Fire Department.

**E. Public Hearing on the acceptance of a donation of \$17,000 from the Economic Development Account of the Sovereign Bank at Alvirne HS to the Town of Hudson**

Chairman Maddox opened the public hearing at 8:39 p.m. and asked if anyone in the audience wished to speak on this.

Leo Bernard, 3 Bungalow Avenue, asked where the money was going to go; what the donation was for. Chairman Maddox said it was going to go into the General Fund. It's money left over from the first Economic Development Conference that was held 12 years ago, that had been sitting at Alvirne. It was "found" when the State said it was an inactive account, so Webb Palmer turned those monies back to the Town. There being no further speakers, Chairman Maddox closed the hearing at 8:41 p.m.

Selectman MacLean said the Economic Development Conference took place while she was out of Town. Although it was successful by all accounts, it did get overshadowed by the major flooding of the week. She, personally, as a citizen, and as a Selectman, wanted to thank all the people who put so much work into this event—former Selectman Bill Cole and his HEDCorp committee, the Hudson Chamber of Commerce and the Town employees, who also contributed. This contribution of \$17,000 was an unexpected benefit, but nonetheless, it certainly is something that the taxpayers can be very happy about, so she thanked everyone very much.

Selectman Jasper said this money was being referred to as being found. For the record, he's known it was there for years and years. Webb had come to him a long time ago and said that the money was there; nobody wanted to take it, so he was leaving it in the safe at Alvirne until somebody wanted to do something with it. It was not exactly lost. He was wondering if they were doing the right thing now. They just had an economic conference, so there seems to be some interest. He'd like to see them postpone doing anything with the money until such time that they can research this a little bit more through the attorneys and see if they can use this for the purpose for which it was intended. Some of this money was donated by BAE and other entities. He also thinks the Town contributed \$10,000, but he was unsure of that. He does know that there was a lot of effort to get this seed money to do something, then things fell apart. He had a good conversation at the Business After Hours with the Chamber president last Thursday in Pelham and the \$17,000, when it comes to the average taxpayer, is probably about a penny on their tax bill—maybe a little more, but not a heck of a lot. He didn't know what happened to HEDCorp. Webb ended up with the money because he was the treasurer and his name is on the book, but it's been sitting there for years. They should think this through a little bit more to see what they can do with it to actually fulfill its intended purpose.

Mr. Malizia clarified that the \$17,000 being accepted will go into a donation account and will not lapse into the General Fund. That's why they are doing it this way. Otherwise, it will go into the General Fund. Selectman MacLean said she received a call from someone, after the tax bills went out, who was disputing their bill because of one penny, so they will be very happy to see the \$17,000. Selectman Jasper said she apparently wasn't listening--the money won't be going into the General Fund now. Selectman MacLean said it all adds up. Chairman Maddox clarified that the \$17,000 would go into a donation account. In the future, they can decide if it goes to HEDCorp or paying some of the expenses from the recent conference, or whatever needs to be done. Selectman Jasper asked if it was exactly \$17,000, saying that sounded very odd. Mr. Malizia said that was his understanding.

Selectman Nadeau asked if they could get rid of that account at any time. Mr. Malizia said the Board could vote to liquidate that account and put the money into the General Fund. Selectman Massey said they could, in March, have a warrant article to create a capital reserve fund for such items, making the Board of Selectmen the agents to expend, and therefore, preserve for posterity, the exact use of the money. A future board wouldn't be able to use it for some other purpose. He recommended creating a capital reserve fund that would move the money from the donation account. But he didn't know if that would work, legally, but he figured there was some way they could do it. Mr. Malizia said when they raise and appropriate, they could identify where the monies come from, if they so chose.

*Motion by Selectman Massey, seconded by Selectman Nadeau, to accept the donation of \$17,000 from the Economic Development account from Sovereign Bank at Alvirne High School and it be deposited in the Hudson Economic Development Donation Account carried 5-0.*

- F. **Acceptance of a donation of a 30' fiberglass flagpole, valued at \$1,535, from the Hudson VFW to replace the deteriorated pole at the intersection of Central Street and Kimball Hill Road**  
*Motion by Selectman MacLean, seconded by Selectman Nadeau, to accept the donation, with thanks and appreciation, carried 5-0.*

Chairman Maddox said that intersection was on the list of those being improved, so he didn't know if this was being put in a place that would have to be moved later. Selectman Jasper said they are going to put it in the same place it is now that has a nice stone wall all around it. The flagpole is just being replaced.

Selectman Massey said most people have the flags that hang from their homes that get twisted up. If anyone is interested, he can point them to a 360° swivel mount, so the flag never gets "wrapped around the axle."

- G. **Acceptance of a \$300 donation from the Hudson Nottingham West Lions Club to the Police Department's Community Policing Account**  
*Motion by Selectman MacLean, seconded by Selectman Nadeau, to accept the donation, with thanks and appreciation, carried 5-0.*

- H. **Acceptance of a \$2,500 donation from Wal-Mart to the Police Dept's Community Policing Fund**  
*Motion by Selectman MacLean, seconded by Selectman Massey, to accept the donation, with thanks and appreciation, carried 3-2.* Selectmen Maddox and Nadeau voted in the opposition.

Selectman Jasper asked at what amount a public hearing needed to be held. Mr. Malizia said \$5,000.

- I. **Annual Town Auction**



Town Administrator Steve Malizia said the predominance of the items are from the Police Department, so it makes sense to have it there. This is the third year they'd done the auction at this time of the year, just about the time that school gets out. It seems to be a popular time to look at a bicycle, or whatnot. Attendance has been pretty reasonable. If the Board approves the list, it will be posted on the web and will be available at Town Hall.

Selectman Jasper said on the Fire Department items, he is betting they really don't have two one-half commercial wall fans. He bets they have two whole fans that are one-half horsepower. Mr. Malizia said he'd double check it, saying he often thinks faster than he can type.

*Motion by Selectman MacLean, seconded by Selectman Nadeau, to hold the annual Town surplus property auction on June 24, 2006 at the Hudson Police Station, starting at 9:30 a.m. and to approve the list of surplus property attached to the memo from the Town Administrator, dated June 6, 2006, entitled Town of Hudson, Town Auction List, carried 5-0.*

**J. Workshop Meeting Schedule**

Chairman Maddox noted that the Board has been holding their workshop meetings on the first Tuesday of the month. However, in July, the first Tuesday is the 4<sup>th</sup>, a holiday, it was moved to the 3<sup>rd</sup>, but he thought that breaking up a long weekend to come back for a meeting was not right. He preferred to hold it on the 18<sup>th</sup>, but there was some discussion, so he put it on the agenda.

*Motion by Selectman Jasper, seconded by Selectman Nadeau, to hold the workshop on July 18.*

Selectman MacLean said if they meet on the 18<sup>th</sup> without her, her heart will be broken. The worst part is she won't be here on the 11<sup>th</sup>, either. She planned her schedule around the workshop schedule. She will be missing two meetings in a row, and that is very bad—and she is very sorry. Selectman Jasper said in no way are they doing it on the 3<sup>rd</sup>. Selectman Massey asked if the 3<sup>rd</sup> was a posted holiday for the Town employees. Mr. Malizia said the holiday is on Tuesday, the 4<sup>th</sup>. He planned to be here, but he may be the only one! Chairman Maddox didn't want to have to bring staff in for that meeting, with the 4<sup>th</sup> of July the next day. Selectman Nadeau won't be here on the 3<sup>rd</sup>. Selectman Massey said the 18<sup>th</sup> was fine for him. Selectman MacLean said if the concern is not bring staff back in, they could always discuss other things, such as community grants, the Code Book, etc. It is also her understanding that the Police Chief could make it on the 3<sup>rd</sup>, but not on the 18<sup>th</sup>. Chairman Maddox believed the consensus was 4-1, so the Board would struggle along without her on the 18<sup>th</sup>.

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

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

**A. Ken Massey** said he had nothing tonight.

**B. Ben Nadeau** said everyone who went to comedy night last Saturday said they had a great time. The Rec Department did a great job.

Selectman Nadeau asked if the money had been sent to the Seniors to pay for their insurance for meeting at the VFW during the summer. Mr. Malizia said the check was cut and mailed to the house of Seniors' Treasurer, Gary Dearborn.

**C. Kathleen MacLean** said the Minutes from the meeting in question that they discussed at their last meeting, in fact, clarify that the Chair was not directed by the Board to make a phone call to the developer, so she admits that her memory did not serve her well. The record did show that the motion called for the developer to be contacted and that the Chair took on that responsibility when he said, on the record, "tomorrow he will ask the Community Development Director to contact the applicant," and by all accounts, he did do that. Selectmen Jasper and Nadeau were asked to change their votes, she understands now, under the premise that, although they tried, the developer could not be reached and although that clarifies some of the confusion from last week's discourse, it still doesn't change the corer issue of her circumstance. She made her comments last week because she felt the phone call she received was inappropriate. She was asked to change her vote, not based on the premise of the developer not being able to be reached, but on the premise that VHB was offended and wanted to back out. She kept saying just call the developer, and she was repeatedly told that Hudson shouldn't beg, and that just didn't sit right to her. In conclusion, her wish is to chalk this phone polling episode to a well-meaning Chairman, who demonstrated, in this instance, in her opinion, at the very worst, an error in judgement, and perhaps at the very least, impatience. She, too, may have demonstrated a lack of good judgement by publicly complaining. In her mind, she felt it her obligation to inform the citizens of Hudson about this phone call, her vote and why it happened. They are public people and she thought, right or wrong, that it should be made public. She thinks they are ready to move on, so after tonight's meeting, she moves for a group hug. (There was no second.)

Selectman MacLean asked if the Chairman was going to address the NHDOT meetings. Chairman Maddox said he was going to try.

**D. Shawn Jasper** said he wanted to clarify that when the Chairman contacted him, he made it clear that the developer could not be contacted and that's the reason for the phone poll, so he was very confused by her (Selectman MacLean's) conversation because that wasn't the conversation he had. That was the reason he changed his vote, realizing that he

had not thought things through, which he always tries to do because, as long as he has been in public service, he has learned that there are always unintended consequences, and this one came back and bit him. Since he was the maker of the motion, and had really pushed it, and the Chairman was opposed to it all along, he (Selectman Jasper) is sorry for the heat that he (Chairman Maddox) has had to take over attempting to correct the mistake that he (Selectman Jasper) made by making the motion that he did. He never liked phone polls, but he understands that, at times, they are necessary and should be avoided at all costs. He also knows that the Chairman did intend, as he did tonight, to make them public tonight. Last week was a workshop, not a time when they do normal business. They probably need to think about that when things are done that need to be announced; they should do that at the workshop so the rumor mill doesn't start to churn, as it so often does, leading to more hate and discontent.

As reported by the Road Agent, Selectman Jasper said the street sweeping is 95% complete and will be finished this week. He is assuming his house has been left for the very last one in Town. Continuing, Selectman Jasper said the Road Agent attended a FEMA briefing and filed a request for public assistance last Friday, on behalf of the Town, and they are completing the required paperwork and will submit a claim within a few weeks. The Holly Lane water main is complete and they are installing the house services this week. They hope to have the complete paving work and landscaping done within the next couple of weeks. The rain this month slowed things down. The permanent repairs are complete at Pelham Road and Bush Hill Road from flood damage. Jess Forrence and the Road Agent inspected the Lowell Road bridge from underneath last week and it looks fine. They are busily catching up on washouts and looking forward to paving work in July. This year, they will be renting a tractor with a boom mower, instead of hiring one with a driver. They are hopeful they will be able to do much more work for the same price, using a Town operator. After this rain, brush will be a problem.

(Start Tape 3-A)

Selectman Jasper will fill in for Selectman MacLean on the Budget Committee, however brief it may be.

Selectman Massey asked for a clarification on the Holly Lane house services. They are just putting in the stub to the property line. Selectman Jasper said yes, the homeowner is responsible for going beyond that.

- E. **Rick Maddox** asked if it was the Board's wish that if anything happens after the fourth Tuesday that they wait until the second Tuesday of the following month, or if they wanted to take it up at a workshop meeting. Selectman Jasper said any announcements, such as things that were done in Nonpublic Session, or emergency business, such as phone polls, be made the next time the Board meets, whether it is a workshop meeting or a regular meeting. Chairman Maddox said it's up to the Board, but he didn't want to have to draw business items into the workshop meetings. Selectman Nadeau thought there could be an separate item called "Announcements." Chairman Maddox asked if the consensus was to put an item on the agenda for workshops called "Announcements," which would reflect anything that happened between meetings. Selectman Massey said if there was any need to have those types of actions happen that it should happen at the next available meeting of the Selectmen. Chairman Maddox said that would be the policy.

Chairman Maddox stated that a memorial service for retired Call Firefighter and Building Inspector Richard Millard will be held on Sunday, June 25 at noon at the Alvirne Chapel.

The Citizen Police Academy's graduation was held on May 31. Congratulations to those graduates.

Nashua Subaru and Wal-Mart are sponsoring a child safety check on Saturday, June 17 from 10:00 to 2:00 at the Subaru dealership on Lowell Road. Police officers and others will inspect and, if necessary, reinstall the child's safety seat. According to the Highway Safety Council, approximately 90% of all child safety seats are improperly installed, or do not meet standards. This service is being provided free of charge.

There was a request from a citizen to look into public meetings and how they are going to do that in regards to Green Meadow. He asked the Community Development Director to get a list of the DOT's standards for setting up meetings, how they announced them and made them available to the public. Mr. Malizia said he received a copy late this afternoon. Chairman Malizia said he'd hand it out and then they could discuss it at their next meeting, rather than trying to go through it this evening.

Selectman MacLean said she went to the K-9 trials, but she didn't hear the results. Chairman Maddox said he went, too, but does not know what the results are, so he will check on it. Mr. Malizia said Chief Gendron would be at the Board's meeting on June 27 for the award presentation, which would be a good time for him to bring up the K-9 trials.

Chairman Maddox said, in response to some newspaper articles in the past week, democracy isn't always pretty, but televising their meetings is a good thing. People get to see how decisions are made. Sometimes, they get passionate about an issue or a position, but that doesn't mean they're not all going in the same direction, which is the benefit of Hudson. So to all those who want to make something out of what was going on, as Chair, sometimes he takes stuff he may not like, and the Selectmen do the same thing. All in all, they want to go to the same place. As interesting as it is to watch, that's what government is. It's a privilege to serve the people of Hudson and they all want to do a good job—and sometimes, they get a little passionate.

On Memorial Day, he had the honor and humbling experience of speaking at the ceremony at Library Park. He thanked all of them for being there. He was impressed that all of the Selectmen made time in their schedule to be there, and he thanked them. Selectman MacLean interjected that the Chairman spoke eloquently. Chairman Maddox said he was going to try it again. For all of the faults that one might find in this form of government—and some found some last week—it's the model for the year, and this model could not be preserved without the men and women in uniform who have given of themselves unselfishly in defending these liberties. As he spoke at the Memorial Day ceremonies, he wanted to state again that they could never repay them for what they have done, for freedom has a high cost. But they shouldn't take for granted the freedom they paid for, and continue to pay for, with their service and, all too frequently, with their lives. Just such a sacrifice was made by Sgt. Daniel Gionet, serving a second tour in Iraq. He reenlisted to become a medic to help people, a credit to his family, his community and his country.

*He asked for a motion, that the Town Administrator contact his counterpart in Pelham and offer any and all assistance that the Town of Hudson can provide to Pelham, as this young man will be buried on Friday. Selectman Jasper so moved, seconded by Selectman Nadeau.*

Selectman Massey asked for an interpretation of "any and all." Chairman Maddox said mostly police and fire; maybe some highway, with traffic barricades. Things of that nature so their people would be able to go to that funeral. Coverage of stations and assisting with traffic; those types of things. This was a neighbor's citizen that made the ultimate sacrifice. They need to do more than make a moving speech. They need to help their neighbor. Selectman Jasper said it needs to be left as broad as possible, because there may be something that Pelham could use from the Town that isn't included in the areas stated. Whatever the Town can provide Pelham with, as determined by the Town Administrator, should be allowed.

*Vote: Motion carried 5-0.*

**10. NONPUBLIC SESSION**

Motion by Selectman MacLean, seconded by Selectman Massey, to enter Nonpublic Session under 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee; (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; (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled. The items are Recreation Department hirings; tax deeding issues; nonunion Salary increases; and a personnel issue was challenged by Selectman Jasper, who said the only thing they should be going into nonpublic session was for the grievance issue. Selectman Massey withdrew his second and there was no other, so the motion failed.

**A. Recreation Department Hires**

*Motion by Selectman Massey, seconded by Selectman Nadeau, to hire the following substitute counselors for the Recreation Department's 2006 Summer Staff—Timothy O'Donoghue and Richard Charette at \$9.25 per hour and as a counselor in training, Conor Reeves at \$6.50 per hour, as recommended by the Recreation Director, carried 5-0.*

**B. Tax Deeding Issues**

1) *Mr. Malizia said there are four properties being proposed. The property on 20 Brenton Avenue is in bankruptcy and it is recommended that the Board send a letter to the Tax Collector, asking her not to deed that property until the bankruptcy is complete, as they did last year. Selectman Jasper so moved, seconded by Selectman Massey carried 5-0.*

2) Mr. Malizia said properties located at Gambia Street and 10R Hazelwood Road are unimproved land. The Building Inspector did a physical inspection. Both of the properties have wetlands on them. Gambia is several lots, but under one owner. It's up to the Board to direct the Tax Collector to either take the properties or not.

*Motion by Selectman Jasper, seconded by Selectman Massey, that the Town Clerk be directed to tax deed the property at 10R Hazelwood and the three properties at Gambia, carried 5-0.*

3) Mr. Malizia said this is an improved property with a home on it. The Tax Collector is trying to work with the owners, but she cannot guarantee that the taxes will be paid by the appropriate date. They are waiting for some sort of settlement to come in. This is someone's residence; they are living there. Selectman Jasper said it has long been the policy of the Town of Hudson not to take property where someone was living in it, unless there was absolutely no other choice.

Motion by Selectman Jasper, seconded by Selectman Massey, to direct the Tax Collector to make every reasonable attempt to work out a payment schedule with the property owner to avoid the taking of the Timothy Lane property, with a report back from the Tax Collector with the results of her negotiation by the Board's meeting in July 25, 2006.

Selectman MacLean asked for an explanation of what it meant to tax deed a property. Mr. Malizia said the Town owns it. Selectman MacLean asked if it was different from a lien. Selectman Jasper said there is a tax lien already on the property. You can, essentially, borrow money from a town for two years; you can always stay two years behind, but the interest rate moves up to 18%. The property would always be under lien, but not under threat of being taken. Selectman Nadeau asked if they could put a time on this. Selectman Jasper said they've always had two years. They usually let the Tax Collector work something out, but it has to be a payment that doesn't get them further and further behind. The Tax Collector is the expert at doing this, but outside of her scope to do this, so the Board is giving her authorization to do so. Mr. Malizia said she has worked with them, and will continue to work with them, but the time they get to the audit in August, if the auditors don't see any progress, they will ask her about it, so it will probably get kicked back to the Board.

Vote: Motion carried 5-0.

**C. Non-union Salary Increases**

Motion by Selectman Jasper, seconded by Selectman MacLean, to award a 3.5% salary increase to the nine non-union employees and to adjust the salaries as follows: Police Chief to \$85,258; Town Administrator to \$84,348; Fire Chief to \$80,487; Community Development Director to \$79,714; Road Agent to \$78,296; Finance Director to \$71,933; Police Prosecutor to \$66,095; Executive Assistant to \$47,873; and Recreation Director to \$45,434, effective July 1, 2006 and as approved by the voters on March 14, 2006 carried 5-0.

**Nonpublic Session**

Motion by Selectman Jasper, seconded by Selectman Massey, to enter Nonpublic Session under 91-A:3 II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:35 pm, ending the televised portion of the meeting. Any votes taken after the Board re-enters open session will be on the next agenda. Nonpublic Session was terminated at 9:41 pm.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to seal the Nonpublic Session minutes carried 5-0.

**11. ADJOURNMENT**

Motion by Selectman Jasper, seconded by Selectman MacLean, to adjourn at 9:42 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