

HUDSON, NH BOARD OF SELECTMEN
Minutes of the May 23, 2006 Meeting

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

3. **ATTENDANCE**

Selectmen: Rick Maddox, Shawn Jasper, Ken Massey, Kathleen MacLean and Ben Nadeau.

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Kathy Carpentier, Finance Director; Fire Chief Shawn Murray; Road Agent Kevin Burns; Jim Michaud, Assessor; Mike O'Keefe, Cable Utility Chairman; Marty Kennedy, VHB; Kristine Jones, Girl Scouts; Karen Atherton and Steven Grande, N & A candidates; Doug Robinson, HLN

4. **PUBLIC INPUT**

There was no response when Chairman Maddox asked if anyone wanted to address the Board on any issue at this time.

5. **NOMINATIONS & APPOINTMENTS**

A. **Building Board of Appeals** (1 member, term to expire 12/31/08)

Steven Grande, 33 Riviera Road, said he worked for Harvey Industries, so he was in the building trades. He wanted to serve on the ZBA but, since there were no vacancies, he applied for this position.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to waive the Board's normal procedure and appoint Steven Grande to the Building Board of Appeals, term to expire 12/31/08, carried 5-0.

B. **Recreation Committee** (1 member, term to expire 12/31/07)

Karen Atherton, 53 Sullivan Road, said she has never attended a committee meeting, but she has spoken to Recreation Director Dave Yates and she is prepared to commit to putting in the time and effort in support of this committee.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to waive the Board's normal procedure and appoint Karen Atherton to the Recreation Committee, term to expire 12/31/07, carried 5-0.

6. **CONSENT ITEMS**

Selectman Jasper removed Item B-2 and Selectman MacLean removed Item D-2 for separate consideration.

Motion to accept the consent items, A, B-1, C, D-1 and E, as noted or appropriate, carried 5-0.

A. **Assessing Items**

- 1) Yield Tax Warrant and Certification of Yield Tax Assessed, Map/Lot 193/012-002; 216/014-000; 105/017-000; 192/017-000; 217/003-000, w/recommendation to sign.
- 2) Current Use Lien Release, 63 Lawrence Road, w/recommendation to approve.
- 3) Current Use Lien Release, Map 156/Lot 5-2, Sparkling River Condo Site, w/recommendation to approve.

B. **Water/Sewer Items**

- 1) Sewer Utility Abatement Applications, Ref. No. @-06-07 (S-UTL-06-17, 15 Sycamore St, #1233, \$161.91; S-UTL-06-19, 36 Sutherland Dr, #5581, \$46.43; S-UTL-06-20, 154 Webster St, #2221, \$23.93; S-UTL-06-21, 164 Webster St, #3955, \$21) with a recommendation to approve.

2) **Request for abatement due to dirty water, 54 Bear Path Lane, w/recommendation to deny.**

Selectman Jasper asked what the cause of this dirty water was. Selectman Massey explained the rationale of the Water Utility Committee in denying the request. Town Administrator Malizia explained that the dirty water occurred when the Ducharme well came back on line; a lot of sediment was stirred up, which caused the problem for most of the residences in the north end, especially those closest to the well. Pennichuck and the Town Engineer worked as quickly as possible to rectify the problem.

Motion by Selectman Jasper, seconded by Selectman MacLean, to deny the request carried 5-0.

C. **Licenses & Permits**

- 1) Request by the Hudson Senior Center Council on Aging to hold a fund-raising cookout at SAM's Club on Saturday & Sunday, June 17 & 18 to raise funds for the new Senior Center
- 2) Outdoor Gathering Permit by Alvirne HS's Friends of Music for a Chili Festival on Sunday, June 4, 2006 on the grounds of the Hills House on Rte. 102, from 11:00 am – 4:00 pm

D. Acceptance of Minutes

- 1) Minutes of the Board of Selectmen's Workshop of May 2, 2006
- 2) **Minutes of the Board of Selectmen's Meeting of May 9, 2006**

Selectman MacLean said she wasn't at this meeting, nor did she watch it on television.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to accept the Minutes carried 4-0. Selectman MacLean abstained.

E. Calendar

May 24 7:00 Planning Board in CD Meeting Room
May 25 1:00 Trustees of the Trust Funds in BOS Meeting Room
May 25 7:00 Open Space Committee in BOS Meeting Room
May 25 7:30 ZBA in CD Meeting Room
May 29 Memorial Day Holiday—Town Hall closed
June 04 11:00 – 4:00 Chili Festival @ Alvirne
June 05 6:30 School Board in BOS Meeting Room
June 06 7:00 Board of Selectmen's Workshop in BOS Meeting Room
June 07 9:00 a.m. Highway Safety Committee in CD Meeting Room
June 07 7:00 Planning Board Workshop in CD Meeting Room
June 08 5:30 Sewer Utility Committee in BOS Meeting Room
June 08 6:30 Recreation Committee @ Rec Center
June 08 7:30 ZBA in CD Meeting Room
June 12 7:00 Conservation Commission in BOS Meeting Room
June 13 7:00 Board of Selectmen in BOS Meeting Room
June 14 Flag Day
June 14 7:00 Planning Board in CD Meeting Room
June 15 7:30 Budget Committee in BOS Meeting Room
June 15 7:00 Democratic Committee 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 22 7:00 Open Space Meeting in BOS Meeting Room
June 22 7:30 ZBA 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. Votes taken following Nonpublic Session on May 9, 2006

Chairman Maddox read the following votes into the record:

- 1) Motion by Selectman Nadeau, seconded by Selectman Massey, to seal the Nonpublic Session Minutes of May 9, 2006 carried 4-0.
- 2) Motion by Selectman Jasper, seconded by Selectman Nadeau, to hire three part-time Telecommunication Technicians in the Police Department, effective May 14, 2006, at \$14.87 per hour, in accordance with Police Union Local 3657: Sheri Macpherson, Peter Chesnulevich & Jared Weisenborn, carried 4-0.
- 3) Motion by Selectman Nadeau, seconded by Selectman Jasper, to hire Michele Borovich as a full-time Telecommunication Technician in the Police Department, effective May 14, 2006, at \$14.87 per hour, in accordance with Police Union Local 3657, carried 4-0.

B. Cable Utility Items

1) Expansion of HCTV Production Equipment to Community Development Meeting Room

Mike O'Keefe, Chairman of the Cable Committee, said there has been discussion for a number of years on equipping the meeting room on the other side of the building so they can record and cable cast the meetings held in that room, primarily the Planning and Zoning Boards. The committee estimates it would cost about \$22,000 and they are in favor of the project. There is no more room in the closet they have now for any more equipment. The only logical place was the small conference room, which is what they propose.

Selectman Jasper said this has been needed for some time. The last time the price came in at \$65,000 so this is a reasonable price. The current control room is disgraceful, and it is expanding out into the lunch room. The small conference room is used for a lot of things, all of which will have to find a new home because this project needs to be done. It is important, particularly as they move forward with Green Meadow so people can see the Planning Board in action on this and get as much information out there are possible.

Chairman Maddox asked if the plan was to dismantle the current control room, or if there were going to be two separate control rooms. Mike said they explored three possible options. 1) Cram all the equipment in the current room, which was not feasible. 2) Maintain the current control room for the Selectmen's meeting room and have a separate control room for the Community Development meeting room. 3) Relocate everything from the current control room to the small conference room, putting everything in one area. The committee's recommendation was the second option so two meetings could be done at one time, which will happen. They also plan to eventually put a video editing system in the small conference room, which they don't have room for currently. Chairman Maddox asked if that was all part of the \$22,000. Mike said no, the editing system was a separate purchase which the committee approved and will work its way through the purchasing process. Chairman Maddox asked if anyone talked to the Community Development Director, who has some file cabinets in the small conference room. Mr. Malizia said no, but space was tight in the whole building for everybody. Chairman Maddox said that was his concern; the small meeting room was used for Community Development functions, as well as being ringed with file cabinets. They should find a way of taking care of that need before they move forward with a motion. Mike said for a number of months, they could co-exist with the file cabinets, working around them. They'd have to put a lock on the door, but Community Development could have access to it, as well. He just didn't think it could be a meeting room any longer. Mr. Malizia said the files were more of a concern. Meetings could be shifted around to the Fire Station, a Library meeting room, etc.

Selectman Massey commended the Cable Utility Committee. When he thinks back where they were last May, they were involved in "Stürm und Drang." When he looks at what has happened since they reformulated and reconstituted the committee, and all of the positive things that have happened, he thinks it is a credit to Mike and his committee and Selectman MacLean. He thanked them for everything they've done to show what could be done, if enough effort from a lot of different people was put into it. He thanked Mike, the committee and Selectman MacLean.

Selectman Jasper asked how he was planning to handle the manpower issue, if there were two control rooms. Mike said they have a group of high school students who come in to record the meetings, and he didn't think it would be difficult to expand that group. When they first put it together, they wanted to keep it to only five or six people because, at that point, they were doing only five or six meetings a month. In his discussions with the high school, it sounds like there is a lot of interest in doing the work. He feels comfortable they could expand their present group.

Chairman Maddox asked if any consideration was given to moving out of the "closet" altogether and putting all of the controls into one room. They could then use the closet for storage. Mike said that was one of the scenarios the committee considered, which would add about \$3,000 to the project to move everything. He asked Mike to look at that as part of the quote, because he would be coming back to the Board with the final bid. Mike said if the Board decided to move ahead with this project, he'd get firm bid quotes from three vendors, which have already been in to look at it. He thought he could get the bids in for the next meeting.

Selectman MacLean asked if everything was located in one control room, if two meetings could be recorded simultaneously. Mike said the equipment would still be somewhat independent, but two people would have to sit in the same room and one of them would have to wear headphones. There is a slight disadvantage to that, which is why the committee recommended keeping the current control room and equipping the small conference room.

Selectman Jasper said for the small amount of storage the current control room would provide, it would be worthwhile to keep it as is. There is interaction between the cable people and the Board, whether it is changing tapes or mikes not working. Having a separation may be a disadvantage and the home viewers may see gaps in the meetings if they are not close by. Mike said it could be broken into two projects at different times. The relocation can be done in the future, if it is decided that it really is an issue and that closet space is really needed; but it is fairly small.

Motion by Selectman MacLean, seconded by Selectman Jasper, to authorize the Cable Utility Committee to move forward with the plan to equip the Community Development Meeting Room with cameras and microphones, and to use the Small Conference Room as a second control room, and to solicit bids for said project, carried 5-0.

(Start Tape 1-B)

2) **Meeting Room Use for Producing Public Access Programming and Request Form**

Cable Utility Chairman Mike O'Keefe said there has been discussion about providing resources for people in the community to produce programming for HCTV and they are starting to see some interest from the public to do that. Since there is no public access center yet to do that, they feel it would be advantageous to be able to utilize the BOS and Community Development meeting rooms for producing such programming. The committee has put together a request form for people to use who want to reserve the room, and some of the associated requirements. The form was adapted from the Police Department's form when people want to use the Ann Seabury Community Room. The policy states that an authorized camera operator needs to be present

because of the equipment in that room. They aren't comfortable just letting the general public use it on their own, and that's why there is language to that effect in his memo and on the request form. They tried to keep it simple, not complicated, with pages of rules and requirements. They are comfortable dealing with it on a case by case basis, since each request would have to be approved by someone from HCTV, and the booking of the room would be done through the Selectmen's Office.

Selectman Jasper thought the Board should approve this. He assumed there was some criteria and guidelines as to what type of programming is approved. Mike said there are policies and procedures that specifies to some extent the programming allowing, but under the First Amendment, they cannot control the content of the programming. It's a broadly held concept that public access should be opened to any programming. What the committee is concerned about is the judicious use of the meeting room(s). They don't want people coming in doing cooking shows or animal husbandry demonstrations. That's where the committee would get involved in determining appropriate use of the room. They can't get into dictating the content of the programming they produce. Chairman Maddox intersected that the Board has already gone down this path; they spent a lot of time on this subject a year ago. Selectman Jasper assumed they were following the same type of rules and guidelines that go for television, in terms of language and content. Things have certainly got a lot more liberal in what's allowed on TV; he is shocked at what he sees. Mike said they don't have to follow the same rules as licensed television stations. They have a requirement that if programming of an adult nature is produced, it has to air after 11 p.m. and before 6 p.m. They do not have prior restraint on the material; they do not screen the material before it airs, and this is true of all public access. If something airs, and there is a complaint from the public, then they can intervene and make a judgement, whether it's appropriate. They can't broadcast obscene or material like that, which is definitely restricted. Adult content, language and things like that, are not restricted. They are just restricted as to when they can air on the system. Selectman Jasper said if the programming isn't screened, isn't that creating a problem, just taking somebody's word for the content? Mike said they are signing a form, attesting to the content—a producer liability indemnification agreement, which indemnifies the Town and committee. It is saying the producer is responsible for the content. The committee doesn't prescreen material, which is a common practice. Selectman Jasper said that wouldn't really apply here because the committee would be taping it, so they'd know exactly what was going on.

Selectman Massey said there should be some procedures that are adhered to. The first one is that the programming should only be shown on the public access channel, not on either the education or government channel. The second is that there should be, at the beginning of the program, a disclaimer that this does not necessarily represent the views of either the Town or the school. He is particularly cognizant of the fact that, when it gets cablecast, the seal and the flag are going to be there. The third requirement is that he didn't believe any adult programming content should be programmed in the Selectmen's meeting room. However, if they can't get around the First Amendment rights, then it should only be allowed at the same time that the actual programming is seen on the television. If they can't show adult content until after 11:00 p.m., then the taping of those programs should not be allowed to happen before 11:00 p.m. because, if they allow it to happen sometime before that, and someone happens to come by for a legitimate reason, and adult content is being programming, that is not going to be an appropriate thing to talk about. He will only support this if it can only be shown on Channel 20, the public access channel, or if they ultimately wind up with other providers of broadband services, that it only be on the public access channel of each of those broadband providers, there has to be a disclaimer at the beginning and, in his mind, any adult programming type content should not be allowed to be taped prior to 11:00 p.m. Those are the three stipulations that should be there because he is especially cognizant that when they program, that seal is there. Any time the front of the room is shown, that seal is there, unless they take it off, and that would be another option. Or cover it.

Mike said the committee had discussions to that effect because it is a concern that people, when producing programming, that it not necessarily be tied to the Selectmen's meeting room; it's just a production room. Selectman Massey said whether it is covered or taken out, it is the same thing. He wondered if they should be requiring a security deposit, since there is a disclaimer that says they will be responsible for any damages or costs associated with repairing and/or cleaning. He wondered if a deposit was required for anyone using the Community Center. Mr. Malizia said they are charged a fee, and that's what the fee is for. Selectman Massey said the motion should include his three stipulations.

Selectman Nadeau asked if the filming could be done in the back of the room, as opposed to the front of it. Mike said they could set up anywhere the four cameras can reach, but he didn't have a problem specifying that the Town seal and flags have to be removed, prior to any production, or cover them, if that would alleviate any concerns. He'd rather go that route than specifying they have to record only in one direction. Chairman Maddox said when the camera pans to him, people are used to seeing what they see at a Selectmen's meeting. He didn't want to have nude cooking on the same table, in the same room, with the same seal because that would give the perception that this was a Town-sponsored item. There needs to be some way to cover things so it no longer looks like the Selectmen's meeting room.

Selectman MacLean said the stipulation that the programming be shown only on Channel 20 probably isn't a big issue, either, but she was sure there would be some programming that had to do with government—

candidate interview type things. However, she questioned the 11:00 p.m. taping thing. She didn't know how that would work. She couldn't see people coming in to do adult programming. She didn't think that would be an issue. She knows they want to protect themselves and the Town, but thought they should just wait to see how things work out. They have to fill out a request form, so they have to say what they are taping. The rule of no tape before 11:00 p.m. seems unreasonable. She didn't think people would be doing that sort of thing at all. Selectman Massey said there would always be one.

Selectman Jasper agreed with Selectman MacLean, but the committee didn't have to do any of the taping, if they didn't want to. It is a service they provide at will, so they can look at it and determine if it's something they might not want to tape. The programmer can be told they have to go tape it somewhere else, and then they can bring the tape in. They should start off by letting the Cable Committee use their good judgement and, hopefully, they won't be producing things they would find to be offensive in this public building. If they do, then the Selectmen can put the reins on them. They have some people on the Cable Utility with fairly level heads; they understand they don't have to do any of this, it's something they are doing as a public service. His understanding all along was that Channel 20 was for public access and they weren't going to be showing non-governmental things or non-educational things on the other channels. Mike said that was correct. The government channel is for material produced by Town government; likewise with the school channel. When Jean Serino did the interview with Selectman Jasper and Senator D'Allesandro, that went on the public channel, not on the government channel, even though the entire program was government-related. It was independently produced by a member of the public, so he has no issue with saying it goes on Channel 20.

Chairman Maddox said his concern is with the volunteer operators that cannot be scheduled; they have to pay. How is that going to work? If he comes in and says he wants to produce a program in this space, Mike will say what? It's free, unless you can't find people to work free, then you got to pay? Mike said the premise was they didn't want to institute a required fee of everybody, because that goes against free and open access of public TV. Keeping that in mind, they did want to have an authorized person present, at least until they get the program underway, and they would provide a list of those people, which would include Cable Committee members and the high school students who are trained to work the equipment. It would become the burden of the user to locate one of those people who may be interested in coming in to do it for free. If that's not an option, they can decide to try to hire someone. The goal is to put the burden on the end user to come up with that person, rather than have a set fee up front. If there is a user who starts to produce programming on a regular basis and is in here two times a month on a regular basis, maybe that person becomes an authorized operator and wouldn't have to hire someone, or have another operator here. At least, in the initial phases of this program, they'd prefer to have someone here with them. Chairman Maddox said they are going to say it's free, up until that person can't find somebody to do it for free, and then there is a charge. How is that going to be regulated? He's of the mindset to charge them \$10. He's sure that has been considered, but he couldn't see it in the memo. Mike said they believed there are enough people committed to producing programming on the Cable Committee that probably most of the time, they are going to find someone who is willing to come in and do it, which is the way he hoped it would work. Maybe a high school student would come in and work like they do for the Selectmen's meeting, and then they would get paid for that.

Selectman Jasper said that was where he was running into a problem because someone was going to have to have a key to Town Hall. He didn't want to see a situation where somebody, who none of them know, comes in and is doing a program twice a month, gives him a key and the equipment. No. If they are going to have public programming done in the Selectmen's room, they have to have an authorized person present, whether it's an operator authorized by the Cable Committee or not, it's got to be somebody in control of the Cable Committee to have access to the equipment and building. Otherwise, they might find out there was a raging party going on in the meeting room, and there's no equipment left. He didn't think that was acceptable at all.

Selectman MacLean said maybe the camera operator can be paid through the Cable Utility budget and not by the user. That way, it's still free to the user. Mike said they hadn't considered that option, but in the early phases when there probably wouldn't be a lot of use of the room, it probably wouldn't impact their budget that much. If for some reason it goes crazy and there's lots of programming, it might impact the budget. They could always explore that option. Chairman Maddox said they could always ask for a contribution from the people producing. He also felt that someone should be present. How many times can you ask someone to do something for free? He is afraid this will turn into a logistical nightmare. They might be better off paying an operator to be present, as long as it is reasonable. It might be difficult to do all of the volunteering that is necessary. Get people trained in operating a camera and setting up, and that would get paid out of the Cable budget. They could see where that goes because that seems to make more sense.

Selectman Jasper said they should leave that type of detail up to the Cable Committee because they may have people willing to come in and record; it's fun and they enjoy doing it, particularly if it's high school. He didn't think the Board needs to specify whether it's paid or not. The Board needs to specify that there will be someone authorized by the Cable Utility present—a certified camera operator. Selectman MacLean agreed, saying there would be a certified camera operator present, paid or not, according to the policy.

Selectman Massey said this was turning into a Pandora's Box. The fact that the room has to be opened to anyone and everyone and the content cannot be controlled by the Town leads him to believe that using a public facility for any and all comers, because of the opportunities that it presents, he cannot support this. They would open the building up and, depending on who the certified operator is, would they want to make sure those people have, if they are not part of the normal operating group of folks they know, a criminal background check, for example? Would they want the Cable Consultant present? So many questions are being raised by what could happen that he'd like to see a much more definitive set of guidelines before he'd be willing to vote for this.

Selectman Jasper didn't disagree. He thought the guidelines ought to be clearer and a bit more stringent, but he thought they cleared up the fact that the building isn't opened to everybody and anybody for anything, that because they are using a public building, they can set some controls, including no adult programming. That ought to be part of it; you can bring the tape in, but produce it someplace else. No, we're not going to allow a cooking show here. They already said that. No animal shows. The Cable Committee will look at the form and decide if something is or isn't appropriate. Five midgets on unicycles in this room is not appropriate. They have already decided all of that. However, he (Selectman Massey) was on base about people who were pre-approved, and that's something the Board might want to take a look at. They don't want this to be an ever-expanding list because he's a little concerned that suddenly, there's a group of high school kids who want to come here to produce a program and they've got friends who are certified camera operators, and all you've got down here is a group of high school kids for a whole Saturday afternoon. That's not the best thing for them to be doing. Maybe an adult does need to be present, and that is a matter of scheduling. If no one is available, they will have to produce the show someplace else. Where they are now, which is a case by case basis for approval, is a little too extreme in the other direction. This needs a little more work in terms of what is going to be allowed and what the controls are going to be before he is ready to vote on it.

Selectman MacLean echoed what Selectman Jasper said, in response to Selectman Massey's "anybody or anything," statement. It is definitely not that. It has to be approved and there are certain guidelines—eligible people, etc. It's definitely not a free-for-all. Even if it was a bunch of high school kids that had a camera operator, they still have to fill out a request form. The HCTV rep would see that it was all kids, and know that an adult would need to be present, and it would not be approved. The bases are already covered.

Selectman Massey said one last thing; he wasn't assuming anything. He was assuming that if they didn't have published guidelines before they implement this policy, then they do have the problem of prior censorship being turned on them. Because it is a public building, and it is managed and under the ownership of the Town, the Board has the right to set reasonable guidelines for the building's use and, on that basis, once there was a set of published guidelines of the type of content that would be approved...

(Start Tape 2-A)

...the thing that says, "eligible groups and members of the public," if you read the charter and the discussions and the form they have to fill out, as long as they certify that their content isn't of certain type, they are free to put it on at any time of the day that the time is available, and if they certify it's adult content, then they have to put it on between the hours of 11 p.m. and 6 a.m. He thinks they are all in agreement, that as long as there is a set of published guidelines as to what constitutes authorization to use the room, and they were ahead of time before they implement the policy, he would have no problems at that point. He would support it, at that point.

Selectman MacLean was confused by what he meant by content or type of programming. If they say no food, no animals and no fire that's different than saying they can't talk about "this." Selectman Massey said it would be perfectly legitimate to say any and all public policy debate is appropriate. Selectman MacLean asked if he wanted the form to include no food, no animals, no fire, no nudity. Selectman Massey said no, not the form. There would be a set of policy guidelines that the content schedulers would look at and say yep, that's item five on the permitted uses, and if it's not on the permitted uses, then they don't get it approved.

Chairman Maddox said they were getting pretty far afield. This wasn't ready for a vote until the Cable Utility Committee comes back with a more detailed setup. From his perspective, he thinks they are worrying unnecessarily, but that's what the Planning Board said when they said let's have elderly housing, but their good intentions were overwhelmed by someone with another agenda. However, it's better to go through it now, rather than after the fact. At the very least, they need to outline how the room will be camouflaged, how they will deal with someone coming in with a request. All of the questions raised are good questions that have to be worked into the policy to tighten it up. They can't anticipate every possible answer, but there needs to be some guidelines so that if there is a problem, they know where they are going.

Selectman MacLean said the request form was based on the Police Department's form that they use for the Ann Seabury Room. If someone wants to use the room, and the Chief doesn't think that's appropriate, he denies the usage. She had asked him if that was in writing somewhere of who can go in there and what type of events can occur, and he said no. He just approves it or does not approve it, based on his own judgement. Chairman Maddox pointed out that the Police Department is a manned site, 24-7, by police officers, which is a little different than Town Hall. Selectman Massey said they didn't want to lose sight of the goal that they

are all after, that with the monies they have been setting aside in the capital reserve fund, at some point in time there will be a Hudson Cable Television facility, and all public or private things would be capable of being done there. The reason they are trying to do it in this room right now is because there is no facility, other than this room and, ultimately, the Community Development room. The goal is not that this is where they are going to wind up at; the goal is the money that is being put away in the capital reserve fund to create that facility. Chairman Maddox said it is still going to be a Town facility, whether it is combined with the library, or a free-standing building, so the guidelines will be good, whether it's this room, or wherever.

Selectman Jasper said the guidelines were important. At the Police Department, it's the Chief making the decision. Whereas, the Selectmen have stepped back and somebody else, who is accountable to the Board, is going to make a decision, and the Board may not like it. If there are no guidelines in place, then there is going to be a lot of finger-pointing and a lot of "I thought." What the Board wants, primarily, is situations where people can come in and do interviews, talk, maybe do a demonstration on quilts or antiques. Things that don't involve perishables. The don't want people coming in to do three-act plays or things like that. Those people need to find other facilities for things like that. This can be broken down to a very narrow scope of things that can be done here and it will save a lot of grief for a lot of people.

Chairman Maddox said it was the Board's consensus to not vote on this and send it back to the Cable Committee. Relative to the form, he'd change "Selectmen's Meeting Room" to "meeting rooms at Town Hall." Also, the form needs to have a line after "Approved" or "Not Approved," so that person can sign. If it's not approved, the reason why needs to be included. Selectman Jasper said this should be a two-step approval—first, the HCTV representative, and then the Town Administrator, who should look at it because it is a use within this building. He is the one who should say yea or nay. Mr. Malizia said as long as there are guidelines because those are going to make a difference. He has to know what the Board thinks is or is not appropriate.

3) **Renewal of HCTV Facilitator Contract**

Cable Committee Chairman Mike O'Keefe said the current contract with the facilitator expires at the end of the fiscal year. Last year, it was implemented mid-fiscal year, so they didn't get a full year out of it. The Committee unanimously recommended renewing the contract with the current Facilitator for another year, and an increase in the rate of pay to \$22 an hour, effective November 1, 2006.

Selectman Jasper said this person is relative new and he was agreeable to the rate when he was hired. He would support a 5% increase, but not a 10% increase. He also wondered if the increase was included in the budget. Mike said this wasn't a major impact to their budget. Selectman Massey said there was \$38,000 set aside in the budget that starts July 1, 2006 for contract services. Selectman MacLean said the \$20 amount was based on the number of hours the Facilitator would be putting in, but he is very efficient and puts in many fewer hours than anticipated.

Selectman Jasper said, although he would not support \$22 an hour, he thinks Mr. McIntosh is doing an outstanding job and he's very pleased with what is going on with Hudson Cable Television. Selectman Massey said when the Board set the salary at \$20 last year, it was a compromise amongst a whole lot of things. Given what they've gotten out of this, they are getting far more for the money today than they ever did and the increase is justified in this case. Chairman Maddox agreed with Selectman Jasper that a 10% increase was not warranted on a percentage basis, but if you look at the dollars expended per month, it is nowhere near where it could be. They would be rewarding a person who is doing the job in a much more timely fashion. It was unfortunate they put it in as a percentage increase. The actual dollars are a lot less.

Motion by Selectman MacLean, seconded by Selectman Massey, to renew the contract with the current HCTV Facilitator, James McIntosh, effective July 1, 2006 through June 30, 2007, at a rate of \$20 through October 31, 2006 and at \$22 per hour from November 1, 2006 through June 30, 2007 carried 4-1. Selectman Jasper voted in the negative.

Motion by Selectman Jasper, seconded by Selectman Nadeau, for a recess at 8:15 p.m. carried. Meeting resumed at 8:20 p.m.

C. **Green Meadow--Scope of Project**

Marty Kennedy of VHB was recognized. Town Administrator Steve Malizia said at the Board's last meeting, it asked Mr. Kennedy to prepare something, with the goal of looking at applicant investigation. That was the key item the Board was interested in. Mr. Kennedy agreed to attend tonight, in case the Board had any questions with what he has proposed for initial actions on the Green Meadow project.

Chairman Maddox asked why, with the meeting with the project applicant, he was just limiting to the scope and methodology for the required traffic impact. Why limit it to just traffic and not economic and all the other issues? Mr. Kennedy said there was a previous scoping meeting with the DOT, specifically on traffic. The project applicant has put together a memo, submitted to the DOT, specifically on traffic. In that memo, they were proposing their methodology,

certain assumptions they were going to include in the traffic study, so for that reason, they need to have this meeting specifically on traffic. There will be a need for additional meetings on various issues throughout, but for now, it's important to have this meeting because they are moving ahead with the traffic issues. Chairman Maddox asked if the economics wouldn't certainly drive some of the traffic. Mr. Kennedy said they have an economic expert on the team who is going to provide and put together an evaluation, based on whatever is submitted to the Town for a project build out, and tell the Town what the economic impact of the project is. That's their proposal. You can't do that until the applicant tells them what they are proposing. Chairman Maddox said it would cover the same thing, to discuss the scope and methodology. Doesn't that have different impacts, based on how it is presented? Mr. Kennedy said when you talk about methodology for the traffic study, they are doing the traffic study and VHB is okaying what they are proposing as what specifically is going to be in the study, what needs to be included, how they are going to do it, etc. As far as the economic impact, once they know what the project is, VHB's economic expert is going to do his own analysis.

Selectman Jasper said with the traffic, they are doing their traffic study on an assumed volume of traffic. Mr. Kennedy said he would find out at the meeting on Thursday, but he didn't know how specific they are going to be on the build program. In order to do the traffic study, though, they need to assume some type of build program. Selectman Jasper said the economic analysis can follow fairly shortly after that. Mr. Kennedy said yes, and then his question to them at that point would be how approximate the plans are. Selectman Jasper said traffic reviews are usually done through the Planning Board. This is not something the Board of Selectmen would normally do. He wondered how closely they were working with the Planning Board. From his experience, this type of review would be paid for by the applicant, not by the Town. He wondered if they were jumping the gun. Is the Town going to be paying for something that an applicant would have to pay for through the planning process. He also wondered if the Selectmen might be stepping on the toes of the Planning Board by doing this traffic analysis.

Chairman Maddox said they were looking for VHB to look ahead. The Planning Board will be responsible for looking at the traffic studies in their normal course of action, through CLD, then tying in with VHB, which will be paid for by the applicant. What the Selectmen are looking at is trying to set up the parameters, by which that is going to be looked at. When he went to the scoping meeting at the DOT in Concord, if you don't start out with the right premise, you aren't going to get a good answer. It's important to expend a few dollars here to be able to find out the parameters. This project is so large, the formulas don't go past 1.5 million sq. ft. At the time, they were trying to say they would take a hybrid of this and move this, discussing the various formulas traffic consultants use. The Town needs to have someone there who speaks that language and understands what they are trying to say so the Town starts off with a firm foundation of what the parameters need to be. The ITE manual says traffic for 1.5 million sq. ft. is X, and this project may very well be 2.5 million sq. ft. It's off the charts. How do you decide where to put this gargantuan project on their ITE chart? This project is different from a mall, which may also impact that, so they need people there who understand that from the get-go, set that as the parameter, so when it comes to the Planning Board, when those traffic studies come through, that has already been determined. The Town won't have to extrapolate data from something they weren't quite looking for.

Mr. Kennedy said the cost for attending the first meeting was relatively small, but the Town has every right for that cost to be assigned to the developer because whether they are before the Planning Board or not, they are preparing a traffic impact study and they want this meeting to lay out what they have to include. Just as any project comes before the Planning Board in a town, as soon as that first meeting happens, the applicant would be expected to pay for those. Selectman Nadeau asked if the applicant could be billed for this, down the road. Chairman Maddox said they were getting ahead of themselves. They need to have a plan in place first, but anything the Town is doing to review the project that's put before them, yes.

Selectman Massey said, referring to the meeting scheduled for this Thursday, he was disappointed that it has been scheduled, to spend money on behalf of the Town, even though the Board has not approved any expenditure yet. Personally, he finds it offensive that the Board of Selectmen is in the position of almost de facto approving a project, simply because it has been scheduled. He, personally, didn't believe they had any authority to schedule a meeting until the Board approved the expenditure of the funds. Having said that, he surely hoped that it was just him, but thought he just heard circular logic. They can't do an economic study because they don't know what they are going to do, but they are going to comment on their traffic study, and their traffic study is based on what they are going to do. He asked the Chairman to tell him where he was off base. If they can't do an economic study because they don't know what they are going to do, but they are going to comment on their traffic study, which is absolutely based on what they are going to do. Chairman Maddox asked who scheduled the meeting for the 25th. Selectman Massey said the memo came from Mr. Sullivan, "so you tell me who scheduled it." Mr. Malizia thought it was scheduled by NH DOT. The Town can either attend or not attend; it's their choice. Selectman Massey said the memo said, "VHB will be attending that meeting." Chairman Maddox said that's what they were discussing this evening. Selectman Massey said it was premature for any discussion about VHB being present at a meeting on the Town's behalf. Chairman Maddox said point taken. Selectman Massey said he'd like an answer to the other question. If they can't do an economic impact study because they don't have a plan, how can they comment on a traffic study today that's based on a set of premises.

Mr. Kennedy said the difference is they are not doing a traffic study. The purpose of the meeting is to review and listen to what the applicant is proposing on how they are going to do methodology. For example, one of the issues is going to be how they determine the trip assignment. How much traffic is going to come from the north, the east, etc. There is a

certain procedure for doing that. They are going to present that in a memorandum. Once all of that has been signed off on by VHB and the Town, then they would proceed to do the traffic impact study. He didn't know if the applicant was going to submit their traffic impact study in a month, or six months from now, or a year from now, and he didn't know how many times the proposed build out program is going to change in that timeframe. Selectman Massey asked Mr. Kennedy where they would get the assumptions for seasonal adjustments, what they would be based on. Where would they get the assumptions for growth rates? Where would they get the assumptions for trip generation? Where would they get the assumptions for pass-by trips, averted trips, trip distribution, multi-use trips, etc., etc., if it's not going to be based upon their 4-million sq. ft. ultimate build-out plan? Mr. Kennedy said, of that list he just went through, the one item that would be based on the build-out of the program would be the trip generation. How many trips it is going to generate. All of the others, historical rates, etc., that isn't needed. But, in order for them to do their traffic study, they are going to have to assume a certain build-out program—how much retail space, etc. Selectman Massey said if they assume a build-out program, why couldn't an economic impact study be done before a traffic study? Mr. Malizia said they haven't given it to them yet. Selectman Massey said they haven't given them 'this,' either. That's his whole point. They have not formally given anything. Chairman Maddox said but they are starting to give the State something.

Selectman Jasper thought VHB was going to look at the methodology they were going to be using to do the traffic study. What they are doing is laying out all the criteria that they are going to put in place, once they do their traffic study—here are all the components we are going to be using for our traffic study—and VHB is going to be looking at all of that to determine whether or not it is an accepted methodology for coming up with the traffic study. He didn't see anything that says anything about a traffic study specific to the site. He sees review proposed methodology, and that is totally appropriate and needs to take place. You can't get an economic study out of the information here. In terms of meeting with the project applicant, he looks at the letter from Sean Sullivan, and it says, "please advise if this proposal is acceptable." He heard that the applicant has scheduled a meeting with the State; the Town hasn't, but the Town is merely tagging along. Tonight, although the words in the VHB memo should have been a little different, i.e., seek authorization to meet with the project applicant, that's what the Board was doing now—giving them authorization to do that and, in fact, the Town didn't schedule the meeting. It was scheduled by the developer and the Town just wants to make sure they are at the table. Chairman Maddox said the meeting on the 25th was not scheduled when the Board met at their last meeting. It is something that came up afterwards. This is before them tonight to decide if this is something they want to go forward with. They weren't jumping the gun; it was just a matter of timing and scheduling.

(Start Tape 2-B)

The State agreed to a certain date and now the Town is trying to stay ahead of that. He kind of understood where he was coming from. It's not economics—it's the type of clientele they will be looking at, where the money is going to be coming from that is going to drive some of this, also. If they put in high-end stores, will traffic be coming from Amherst and Hollis, as opposed to Nashua. He asked if that was what he was trying to pull out of the study, as opposed to an up-front, economic review. He asked if that was the information Selectman Massey was looking for. Selectman Massey said the economic impact would say that it would generate X jobs; it would require the following infrastructure changes; it would require the following police, fire and safety and highway impacts; it would say it would have this kind of impact on the quality of life of the average citizen in Hudson; it would say that the amount of new business that it could generate from satellite, for instance, a Daniel Webster build-out, because once you build this, other people will come; that's what he means by an economic impact. What is the full impact to the Town of a development of this size? It's more than a traffic study. Chairman Maddox agreed—but not at this time.

Mr. Kennedy said their initial proposal was to do a full economic impact study, but they can't do that study until they know what the specific plan is. That could happen next week. They could walk in with a plan, then VHB would jump right on it and start the economic study. If they were to assume something—their best guess—and do that study, the Town would be wasting their money because they'd probably have to do it over again.

Selectman Massey said he wanted to go down this road one more time, then he had two other comments. On this particular aspect, he understands they want to do the methodology, but the methodology for a 10-person store traffic impact is going to be totally different than the methodology for a 100,000-person store coming. In order to come up with the methodology, they've already said that they don't have the data because they've never done a project of this magnitude at the State, so they are going to have to have numbers that support the type that they are doing, and those numbers are going to be this project. If they can give the numbers for this project, they could then tell what the economic impact is. That's his only point, and he isn't going to belabor it any more. He asked what the goal was of the meeting on the 25th. It just says VHB is going to attend the meeting. What's the goal?

Mr. Kennedy said it was two-fold. The applicant is going to present what they are proposing would be their methodology for the study. VHB will take that information and then get back to them with their thoughts. Do they agree? Does VHB think they have to do something different than what they are proposing? It's basically listening to the applicant's proposed methodology for the traffic study. Selectman Massey asked who becomes the referee, if there is a difference of opinion. If their expert says this is the correct methodology; the other expert says no, it's this methodology, who is the referee to say the methodology used is either theirs, ours or a compromise? Mr. Kennedy said VHB does this quite a bit,—for years—reviewing these types of things for towns. In all that time, they never had a circumstance where they haven't told the project applicant's engineer how it has to be done and it wasn't done. They went and did it. That's how it is done. Basically, the applicant is proposing something but, if they are told no, it has to be done a different way, that's how it will be done. Selectman Massey asked if they do it that way, if the Town is bound by the results because it was the Town's instructions. The Town says this is the methodology you are going to

use, and they go use the methodology, and they come back with a certain set of numbers, isn't the Town bound to approve those numbers, since the Town provided the methodology? Mr. Kennedy they would have to do correctly whatever analysis has to be done. At that time, VHB will do a full review of the traffic study, making sure the calculations are right, etc., and then with that result, everyone will know—in this case—what the traffic impact is. At that point, it's not a matter of right or wrong. If it's done right, the Planning Board will have the information to make a decision on the site.

Chairman Maddox said the answer to Selectman Massey's question is the Planning Board, who will ultimately look at what that information is, based on input from all sides, as they do regularly. Almost always, there are two traffic engineers, telling the Board two different things and they take from both. He didn't see that as a big concern, but one to be cognizant of. He asked what Selectman Massey's other item was.

Selectman Massey said he had two more. What is the goal of the meeting that follows that, the two weeks following the May 25th meeting? Mr. Kennedy said Sean Sullivan suggested, and he agreed, that after the meeting on the 25th, they need to get together to coordinate with the DOT that whatever they told the applicant what needs to be in the traffic study—and the applicant has already had a scoping meeting with the DOT and, presumably, the DOT has signed off on what's going to be included in the study—and if the Town is telling them something different, they are going to have to let DOT know. Selectman Massey asked if the report VHB was going to be providing was VHB's recommendations to the Board of Selectmen as to what it would require the developer to use in the form of methodology when they do their traffic study. Mr. Kennedy said methodology, as well as assumptions they would be using, as in the trip assignment, pass-by trips, all of that type of thing. Selectman Massey asked the purpose of the meeting subsequent to the one with DOT. Mr. Kennedy said that was the answer he just gave, which is what he thought Selectman Massey was talking about. Selectman Massey said no, the first meeting was going to happen on Thursday. The Town, the developer and VHB are going to meet to discuss the methodology. Mr. Kennedy said that's the meeting the developer is going to present their proposed methodology. He, basically, is going to listen and then will get back to them after that meeting. Selectman Massey said then VHB is going to prepare a report to the Town, with VHB's recommendation for the methodology that should be used, and the assumptions upon which that methodology is being exercised. Mr. Kennedy said that was correct. Selectman Massey said then the meeting with the NH DOT, if the methodology is different than what they originally discussed but, if nothing else, it would be there because of the need to close the loop with the DOT as to the Town's involvement in the traffic. Mr. Kennedy said yes, he thought that was a fair statement.

Selectman Massey said the last thing he was still struggling with was something that Selectman Jasper said on many occasions—he said it during the budget hearings when they were reviewing whether to spend this money, and he said it at the last meeting on May 9—and he's been struggling with it ever since. When he saw this, except for the last item, which is the project investigations, he couldn't understand why they wouldn't be asking the applicant to pay for this because it's a traffic study. He knows that the traffic study is what is actually going to be done at the front end, it's still part of the traffic study. He was struggling really hard to understand why the Town wouldn't require the applicant to pay for this. He didn't think it was sufficient for anyone to say we'll do it now, and when the actual plan comes before the Board, they'll tell the applicant, through the Planning Board, you have to pay for something we did on our own. That's his dilemma at the moment.

Selectman Jasper agreed. He thinks the developer is jumping ahead of the normal process here. Normally, these things would happen as the application is coming along. He didn't think it would be unreasonable for the Town, before they go any further, to tell the applicant the Town expects them to reimburse the cost for the things related to the traffic study, and see what their response is. If they say no, then the Town will say they will contact the DOT and say this is premature and the applicant isn't cooperating. He didn't think the taxpayer should be spending any money to do any of this. He agreed they need to do it, but the applicant needs to pay for it. They need to agree to that up front. That was his original concern, that the Town would be doing things the applicant would ordinarily pay for. This is small potatoes, but the applicant ought to agree to pay for the traffic-related study costs. Selectman Nadeau agreed the applicant should pay for the cost of the traffic studies, but they should still go ahead with this proposal. The applicant can reimburse the Town, at the proper time. Selectman Jasper said they need that agreement up front, or else it isn't likely to happen.

Chairman Maddox said most projects of any size go to the DOT for curb cuts and various things that have to be done on a State road that the Town never really gets involved with. Because of the magnitude of this project, the Board of Selectmen decided to try to stay ahead of that. Do they wait until the applicant drops the plan on the counter in Community Development, and then say you're paying, and we want you to do X? He'd like to stay in front of that by expending some dollars. As soon as there is a plan on the table, this can be charged to that, or to try to get an agreement in advance. He didn't think they wanted to say they weren't going to spend this money because the developer isn't going to fund it and not be at the front end of this. He understands the concerns, but it's not a lot of money. It's less than \$5,000 to be at the front end, rather than trying to play catch-up. He'll talk to the Community Development Director tomorrow to see if he can contact the developer to get an agreement to fund this. If they are saying, at the beginning, they don't want to spend a dime, what will they end up with?

Selectman MacLean said the applicant investigation is very important. She'd like to go ahead with that. What is curious about the traffic impact study, they are basing it on their Plan A, which no one has seen, so the Board knows that when Plan A gets dropped in front of the Planning Board, it's no longer going to be Plan A; it will probably be Q, R or V. It won't be Plan A. They either need to get the agreement first, or wait until there is a plan, and then go with that.

Selectman Jasper said his understanding of methodology is not so much that it has to do with the details of any proposal. When a proposal comes forward that gives the square footage, they will be doing the traffic study based on this type of assumption for these types of uses, which will be expandable, according to the square footage, or some other variable. Mr. Kennedy said typically, when doing a traffic study, you have some type of a scoping meeting. That's what this is. A scoping meeting is, when the applicant is ready, before they do their traffic study, come in and sit down with the town or, in the case of a State road, the State, and ask what needs to be included. At that time, they have a pretty good idea of what the project is, but they may not be telling everybody what it is going to be. They will talk at this meeting of a range—1-1/2 million or 2 million, whatever it may be—and then they will go and do their traffic study. It may take a month, six months or a year to do the traffic study. Within that time, things may change. The project may change, so they will then go back and make changes to the traffic study. The major element for the methodology they are talking about—distribution, etc.—there is not a big difference between whether it's 1-1/2 million or 2 million square feet. Obviously, there are differences with respect to how many trips it is going to generate, but they are going to have to figure that out when they talk about the methodology. Although this is a bigger project, it's not any different than any other traffic study. You come in first, sit down and have a scoping meeting, and then the applicant goes away, does their study and then, at some point, they come into the Planning Board and present their study. If the applicant is called and told they need X dollars to get underway, they would send a check over, because they want this meeting. They want to know what has to be included in the traffic study because, if they don't have this meeting, they can't start their study, or they are going to have to guess, and then it's going to come in—it's no different than a typical study; it's just bigger. That's the complication here. Selectman Jasper said the short answer is the methodology is not based on Plan A, B or C. Mr. Kennedy said 90% of it is not.

Chairman Maddox said it's based on the type, so they are going to have to give up some of that, whether it's big box retailers as opposed to specialty shops. If it's a destination center, the pass-by trips change, as opposed to the destination numbers. They can't be shortsighted on the dollars because they are short dollars. This is a big project that will impact the Town for years to come. He didn't think there would be a problem getting the money, but he didn't think they should be saying they don't want to spend any money at the get-go. Selectman Jasper said that's not what they were saying. As Mr. Kennedy said, they really can't go any place until they have an agreement on the methodology that's going to be used, which is the normal situation and, normally, that's paid by the developer. Most projects are a bit smaller, so this comes up a little differently. If the Board approves paying for this, the applicant will just ask why they should pay for it. However, if the Board says they are ready to go, the Board of Selectmen has approved one, two and three, and we need to know that you are going to fund steps one, two and three and, if you do, then off we go. Step four is something the Town pays for, the project investigation. If they say no, what are they going to do? The big thing with DOT is they need that interchange on Sagamore Road and DOT will not approve that unless it becomes 'ours.' DOT cannot approve a private interchange on that road. If they want to get this moving, for a little over \$3,500 for steps one, two and three, they will pony up. He would only vote in favor of approving this if that was part of the motion.

Chairman Maddox said the cost of step four looks low to him, for the amount of work to be done. He was looking for a lot of information, such as the economic impact—police, fire, schools. Mr. Kennedy said they were going to do a full economic impact assessment later on. What this is, is they are going to be contacting towns where they were in and he will be getting the opinions of the Planning Director, or people who were involved in the project and, basically, the questions are going to be when they came in with a project and made various promises, did they keep them? Did they do what they said? What were the impacts that were identified up front? How have they been? It won't be a detailed evaluation. It will be input from the parties involved. If the Board wants more calculations, let him know because that would cost more. Selectman Jasper had the same thought when he looked at the cost of #4. He was looking for hard documents from the files they can have in front of them, not just opinions. He'd rather compare the hard facts, at least initially. A substantial amount of resources should be put into making this case. He wants to see if, when the people said something, their word was as good as gold—or, you really don't know what you're talking about. Changes are, the people they ask in a community now aren't the people that were there when the project went in. People might just give opinions based on what they heard from someone else. He'd rather look at the record, and that's going to take some digging. He really wants to do this one right. This is going to be critical to where they're at in the long run. Chairman Maddox concurred, knowing they said tax revenue would be X million, and it's only 2/3rds of that, will color some of their choices when it comes to seeing where they are going to go. They said there'd be no impact to the police force, yet they had to hire four police officers since it was built. Some of that can be background in the town itself, but how much is attributable to the facility. Selectman Jasper said with these types of development, it will be pretty easy. They said the Town could expect only one or two calls for service a day in there, and then you go to the Chief of Police and he says oh, we're in there 15 times a day. It may not have to be how many police did you have to hire? How many calls for service were there? Police. Fire. How much time do your inspectors spend in there? Those type of things.

Mr. Kennedy suggested he make the initial call and if they are hearing everything was fine, maybe they don't have to go further, but if they hear that there were some issues, maybe a more detailed evaluation can be done of those particular locations. It's difficult to get a handle on this until they start talking to people. Chairman Maddox wanted to see some sort of numbers to say, during their Planning Board presentations, or to the Town itself, that they proposed X amount of tax costs—impacts—police, fire and highway, and school, and say the year before they were built, and the year after they were built. Something of that nature. Something to give them a flavor for whether the numbers they presented actually came true. If it was stated that traffic would increase by 12% and it was actually more than 20%, they have to extrapolate what that goes to.

Selectman Massey said these are one of those things they absolutely have to get right because this isn't something the applicant is going to volunteer, and certainly not something, even if they did, they would do it with the Town's interest at hand. He suggested that Chairman Maddox draft a set of questions the Board needs to have addressed, circulate it to the Board for comments or additional questions that should be included, because the Board should be directing the consultant on what they are looking for. The only way they are going to get what they want is if the consultant is directed with a set of things they want. He suggested Chairman Maddox draft the outline of the set of questions and/or issues that they would want to see, and they would be along the lines of the things that the Chairman and Selectman Jasper just spoke about, and then they review it at the next meeting, either on June 6 or June 13, depending on timing and, at that point, commit the funds.

Selectman Jasper agreed, but thought there were some things they could get started with—they still got to make contact and find out who the people are. He didn't want to stop them from doing things in the interim, but they can expand on this. Selectman Massey said that would work for him if it was a question, for example, one of the places they should go to is Campton, CT. It's not as big as this one, but has a lot of the same kind of traffic issues and the same type of town. The first step is to find out who they are going to meet and set the time to go down there. By then, they would have the questionnaire and it could even be forwarded to the people ahead of time.

Chairman Maddox said his personal opinion is they need to do the work. Tomorrow, he will ask the Community Development Director to contact the applicant and see if they will fund the first three, but they still need to do them, no matter what.

Motion by Selectman Jasper, seconded by Selectman MacLean, to approve the first three items on the scope of work, subject to an agreement with the developer to fund the items at a cost not to exceed the estimates.

Selectman Massey said he'd vote against this because he is still firmly on the opinion that if you can estimate growth rates, seasonal adjustments, trip generation, etc., etc., you know the scope of your project and, therefore, they could do an economic impact study. The most important issue to the Town is the impact study which is more than a traffic study. Chairman Maddox said he'd be voting against it, too, because it is short-sighted on the part of the Town to not spend some money when they need to. He hoped they could get it funded, but if they don't, they need to be pro-active. Selectman Jasper understood where the Chairman was coming from, but thinks he is missing the boat because nothing can happen until these things happen. The developer needs to make them happen and they understand these are traditionally costs that they pay for. Chairman Maddox asked, then, what his concern was in funding this, knowing they would get it back. Selectman Jasper said you never get money back from somebody if you don't have an agreement. They might, out of the goodness of their heart, but he'd have to question why. They could just say no. Chairman Maddox said it's small change in the total package. Selectman Nadeau agreed with Selectman Jasper. This was something they talked about during the budget. He is in favor of having this done, if the applicant pays for it.

Roll call vote carried 3-2. In favor were Selectmen Jasper, MacLean and Nadeau. Selectmen Maddox and Massey voted in opposition.

Motion by Selectman Jasper, seconded by Selectman Massey, to approve Item 4, Project Applicant Investigation, at an estimated cost of \$1,500 with the understanding this scope of work will be expanded, based on questions developed by the Board.

Chairman Maddox said he was going to vote against this, as well. He couldn't understand why they were rushing into this. If the applicant doesn't approve the money, this is going nowhere, so they might as well wait until they have a plan, carrying their logic through to the final conclusion.

(Tape 3-A)

Roll call vote carried 4-1. Selectman Maddox voted in opposition.

Chairman Maddox said these were the strangest marching orders he's heard in a long time. Selectman Massey asked if they were going for the sixth or the 13th. Chairman Maddox said the 13th. Selectman Massey asked if the Chairman would circulate a scope of work, and the Board members would add to it, which would form the basis of the actual, final project, which could increase the amount of this particular project. Chairman Maddox agreed and asked the Town Administrator to ask the Community Development Director to contact them tomorrow because the meeting was on Thursday. Mr. Malizia said he would. Selectman Massey said the Chairman was supposed to carry out the will of the Board. Chairman Maddox said then it won't get done because he does have another job. He can't be hunting down developers. Although he may go to the meeting because it sounds like it might be interesting. Selectman Massey said he'd love to go, but he can't. They weren't given much of a heads up notice. He just found out about it today.

D. Code Enforcement Tracking Document

Chairman Maddox said in their packets, they had the latest iteration of the code enforcement spreadsheet, which is not what he was expecting. He thought they were going to see some policies and procedures for both code enforcement and certificates of occupancy, but it was only going to be a draft copy for them to look at. He assumes they will see that for the workshop on June 6.

Selectman Jasper said he was a little confused on some of the items. First of all, he assumed that all of the blacked out areas were yes's. What confused him, for example, was 06-60 on 4/25. The complaint was reported by staff and the site visit was 4/26. Then there were four more below that, reported by staff, with no site visits. Three of them were building without a permit, then the resolution indicated a permit was picked up. He didn't know if that meant an application was picked up, or actually received a permit. It sounds like a permit was simply picked up, which he can do any day. There is a big difference between an application being picked up and a permit being issued. Why did some of them have site visits and some of them didn't? Chairman Maddox said the dates don't line up, either. They did the land use letter before they had a complaint, unless that's just a typo. They had talked about getting a procedure, how this was going to be done, not this same regurgitated spreadsheet. He guesses they will see something at the workshop.

Selectman Jasper said what really concerns him was the wetlands, which should always be a concern, from 4/24 it's a violation, and yet no phone call, no meeting, no land use letter, no nothing. They noted it, but have done nothing. The whole thing continues to bring up more questions than provide answers. Has the Board received any follow up sheets from the last two months, where there were all kinds of actions going on, but no follow-through. Chairman Maddox said they all got a copy, showing the building permits and code enforcement, and there was no backing. Selectman Jasper said what he would expect, as part of the process, is to have multiple sheets every month, with a continuation with the ones that were not resolved. He hasn't seen that. Chairman Maddox said it's a matter of getting the policy and procedure in place in order to get that to happen. There's nothing here to comment on. It's the same thing they already commented on two weeks ago. This isn't what he expected. He wants to see the procedures of how this all happens, which will be in their workshop packet.

8. NEW BUSINESS

A. Girl Scouts Summer Day Camp Agreement

Town Administrator Steve Malizia said for the last five years, the Town of Hudson and the Girl Scouts of Swift Water Council have had an agreement for the use of Robinson Pond for a five-week day camp. This has been run by the Rec Director, who uses the pond for some of the Town's programs, and he has no issues. He recommends approval of the contract. It is the same contract that has been used for the last five years. The program has been beneficial and there have been no issues. It has worked out for both parties and he recommended approving it. Selectman Massey asked if this was exactly the same contract that was approved last year. Mr. Malizia said yes, only the dates have been changed, July 10 – August 10, 2006.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to approve the agreement between the Town of Hudson and the Girl Scouts of Swift Water Council allowing the Girl Scouts to use the Robinson Pond Recreation Area for the operation of their day camp for the 2006 summer season and to authorize the Town Administrator to sign the agreement, carried 5-0.

Selectman Massey asked the Chairman to recognize the representative from the Girl Scouts and to thank them for the program and to wish them luck this year. Chairman Maddox said he understood this was a great program. Program and Day Camp Coordinator Kristine Jones was recognized, who said there was still space available for girls from kindergarten age to 10th grade. Their web site is www.swgirlscouts.org.

B. Bid Recommendations

1) Data Collection

Assessor Jim Michaud was recognized and he explained the bid process they used and the rationale for his recommendation. Selectman MacLean thought the delivery date on Cross Country Appraisal was a mistake on their part. Also, the low-bidder didn't have a minimum of five years experience, but she wondered how important that really was. To her, it didn't seem that important. Mr. Michaud said he didn't want to answer a question with a question, but asked what the cost was of redoing work by inexperienced people. New England Municipal Consultants does have people with a minimum of five years experience; they are just making a choice not to send those people here. Hudson is close to the owner of the company's home and he is pulling people from the local area. \$6,000 is a lot of money, but rework would cost more than that, and NEMC would bang this work out by mid-November, getting most of it done by September. The Town is not well-equipped to handle the feedback from that, to get 2,000 properties done in that short a timeframe. It makes it difficult, internally, to handle all of the appointments that result from this. Relative to the delivery date on the other bid, December 2007, that was not a typo. He was busy and he wouldn't be able to start this project until a certain date, and he didn't want to put down a date he can't meet. Mr. Michaud wasn't sure who he'd recommend if the current contractor hadn't submitted a bid.

Selectman Massey asked if the bid spec said not to exceed 2,000 parcels, or if it said 2,000 parcels. Mr. Michaud said 2,000 parcels. Selectman Massey said everyone bid on doing 2,000 parcels. Mr. Michaud said that was correct.

Chairman Maddox asked if the bid spec specified a time frame in which they would be returned. One company said they were going to do them all in three months. Was there something in the spec that said it would be spread over a year. Mr. Michaud said the spec stated it would start no earlier than July 1, 2006 and needed to be completed by June 30, 2007. It didn't state that it couldn't be done in 2-1/2 months. Chairman Maddox said Mr. Michaud had stated that the timeframe was unacceptable because of their work experience. The bid stated five years and wondered if these people's work experience was less than that, such as 4-1/2 years. Mr. Michaud said it was the son of the company owner, and a friend—a college kid—that would be doing it. He wants people who in the business 365 days a year, somebody who does this—assessing work and data collection work—for a living. The Town has that person now. He's not interested in bringing a college student in to do the job. He'd rather bring in a professional that is approved by the State of NH, and that has the amount of experience needed to do a quality job. Chairman Maddox asked if Mr. Michaud was saying that NEMC was not certified. Mr. Michaud said no, he was saying they don't have the years of experience and he is not interested in having a quick, bang-up job being done. He'd rather have it spread out. Chairman Maddox said next time, that should be included in the specs.

Selectman Jasper said Mr. Michaud did put in five years experience, and they didn't pay any attention to that. The other one didn't pay any attention to the time frame. He didn't know what else the Assessor should put in. This certainly shouldn't be a summer project for college students. He has seen bad assessments done in Town and it is ugly and unpleasant and 2,000 parcels are a significant amount. If people make mistakes, and the assessments are too high, the buck stops with the Selectmen. When you can't defend the work that was done, everyone looks bad, so for \$6,000--\$3.00 a parcel more—they are better off going with experience.

Motion by Selectman Massey, seconded by Selectman Jasper, to award the contract to Rick Brideau in the amount of \$35,000 for data collection of 2,000 improved residential parcels, said funds to come from 5410-252 Other Professional Services, Assessing Department, effective for the 2007 property tax year, as recommended by the Assistant Assessor and the Finance Director.

Chairman Maddox understood what Selectman Jasper was saying, but they just fought over not spending \$6,000. He was baffled by how they go in one direction, then 10 minutes later, they go in the other. Selectman MacLean said some assessing decisions are subjective; it's a judgement call, based on experience. By keeping the same assessing company, they will be a little more constant from year to year. That makes sense to her. Selectman Massey said he was going down the road of \$30,000 and he estimated, based on 2,000 parcels, that that would translate to 1,715 parcels, but when he read the actual project bid spec, it said 2,000 parcels. For them to change the number now would effectively change the bid spec, and who knows who would have bid on it on that basis. Reluctantly, he went along with the \$35,000. Selectman Jasper said the only way to avoid this in the future would be to put in an amount and have them bid on how many parcels they would to, based on the amount. The problem is, they are on a schedule to get the Town reassessed. Relative to Chairman Maddox's statement about fighting over \$6,000, they were not arguing over how much to spend, in either case, it was about who was to pay it. In this case, there is only one party who can pay to have the Town reassessed, and that is the Town of Hudson. Therefore, it's a question of quality. Do you want to go with quality and be done with it and not have problems, or do you want to be penny-wise and, perhaps, pound foolish and take a chance? Having been around as an assessor as long as he has, he knows the problems that comes about with poor assessing. The other issue was not whether or not the money should be spent. It was merely should the taxpayers pay for it, or should the person responsible for incurring the cost pay for it, and he came down on the side of the person responsible for incurring the cost pay for it. The two situations could not be lumped in the same basket.

Vote: Motion carried 4-1. Chairman Maddox voted in opposition, adding that he "lumps."

2) **Pavement Marking Program**

Road Agent Kevin Burns said this was pretty straightforward, unless there were questions. Selectman Massey asked if this was the same company that did it last year. Mr. Burns said no, this will be the first time for this company, but he checked their references. Selectman Jasper said it was interesting that yellow paint was cheaper than white paint. Mr. Burns said both yellow lines can be done at the same time, but they have to make two passes with the white, which adds to the cost of labor.

Motion by Selectman MacLean, seconded by Selectman Nadeau, to award the pavement marking program to Hi-Way Safety Systems, Inc., in an amount not to exceed \$27,500, as they are the low bidder in compliance with specifications, as recommended by the Road Agent and the Finance Director, carried 5-0.

3) **Town-wide Paving Project**

Road Agent Kevin Burns said Brox was the low bidder again this year. They've worked for the Town for many years and do a great job. Selectman Massey thought there was \$475,000 in this account this year, that he distinctly remembers a Budget Committee member adding \$25,000. Mr. Burns said it went from \$375,000 to \$400,000. Mr. Massey asked, when the bids came in, how they came up with the extrapolation of the

numbers—429, 488 and 468. Mr. Burns said the estimated quantities, the tonnage they anticipate and square yardage of reclaiming. Selectman Massey asked if there was something in the bid spec that said the Town reserved the right to reduce the estimate. Mr. Burns said the bid specs stated the Town reserved the right to do both—to reduce or increase, based on per unit, and there is no adjustment in the per unit cost. Mr. Malizia read aloud the section of the bid spec in question, saying that Mr. Burns has been doing this the same way every year. Chairman Maddox said the motion will be “not to exceed.” Selectman Massey said he knew that; the issue was if the bid spec didn’t have that out. Mr. Malizia said every year the bid spec includes that out.

Motion by Selectman MacLean, seconded by Selectman Jasper, to award the Townwide paving project to Brox Industries, in an amount not to exceed \$400,000 as they are the low bidder in compliance with the specifications, as recommended by the Road Agent and Finance Director, carried 5-0.

Selectman MacLean asked the Road Agent how the arrow were coming for the Community Center signs. She went there Saturday with the Red Cross and wondered how many families never made it because they couldn’t find the Community Center. Mr. Burns said they took the cheap way out and ordered arrows to be installed on the existing signs instead of new signs. He will follow up on that to find out where they are.

Selectman Jasper said, while the Road Agent was present, he wanted to make the comments now that he was going to make under Other Business. He complimented Mr. Burns and his crew for the outstanding job that was done over the course of the storm. It was very impressive. Selectman Jasper had the opportunity to see the Highway operators at work, particularly at Bush Hill and Pelham, when the water was just everywhere, taking out the road and the guard rails. Not only did they save the road, but put material in place so the guard rails went right back where they belonged. It was something to see. When they look around the State at some of the other similar washouts, it would have been easy for the Road Agent just to say there wasn’t anything he could do. The Highway guys were aggressive and really saved the Town. The schools were able to open up the next day, after only one day out. It’s important to recognize the resources the Town has in the community. Very few of them appreciate having Brox Industries in Town. They make a lot of noise and shake his house a couple times a week when they are blasting, but the Town couldn’t have done what they did without them being in Town. They wouldn’t have been able to haul the material in as quickly as they did. They were beyond cooperative, opening up the plant. The Town really needs to take the time to thank Brox for their cooperation and Continental Paving. While they are located mostly in Londonderry, they are owned by a couple of old Hudson boys, Mark and Rick Charbonneau, sons of Rhona Charbonneau, and they were very cooperative in getting reader boards so the public could be warned of the hazards, and that was very much appreciated. Mr. Burns thanked him for the comments, saying he’d pass along the compliments to the crew in the morning.

Chairman Maddox said he had asked Kevin Burns how many tons of rip rap was used and said 939 tons of material was hauled in a very short amount of time. That’s a lot of trucks and a lot of product.

Selectman Massey recommended that the Board direct the Chairman to send a letter of appreciation to Brox and Continental. Secondly, this is as good a place as any to do it, in addition to the excellent work that Kevin and his crews did, they should also call out the extra effort that the Fire Department and the Police Department took to rescue and make it possible for people to make safe ways around the different areas. In total, it was not only the Town employees that helped, but an awful lot of citizens pitched in. He happened to be on Waters Edge Road. Kevin’s people had dropped off a bunch of sand and about 3,000 sandbags and the neighbors were all pitching in. Kudos to everybody, especially to the work the Highway Department did to save the little dip down near Second Brook on Pelham Road.

(Start Tape 3-B)

Selectman Nadeau thanked the Highway Department for doing a lot more than what was actually seen, bringing sand to the areas, dumping it where the residents asked them to dump it. When there wasn’t a truck to haul it, they loaded up vehicles that went to the Highway Department to get the sand in order to fill the sandbags. Early Monday morning, they loaded up the truck that went to the other end of Town and brought sand down there later in the day. He thanked them for helping out with that.

Kevin thanked everyone for the complimentary remarks.

C. IT Support

1) Consultant Recommendation—EagleVue Technologies

Finance Director Kathy Carpentier said the Town started working with EagleVue in October 2005 and then in January, a six-month contract was signed. She was before the Board tonight to seek extending that contract through January 2007, in order to achieve the goal of getting off the VAX. They’ve been successful in installing the modules to date, and are on track with this project. This is a critical element in the progression. Chairman Maddox said all he needs to know is they will be off the VAX by December 31, 2006. Selectman MacLean said she had that highlighted, too. Selectman Massey said the Town *would* be off the VAX by December 31. Chairman Maddox looks forward to unplugging it. Ms. Carpentier said not unplugging it, but

they would not be using it for the day-to-day operations. Selectman Massey said the bottom line was he did not believe they would be spending any money on that VAX after December 31, even if they don't physically send it out of the building. If nothing else, it will be a great boat anchor for the newly repaired boat.

Motion by Selectman Massey, seconded by Selectman MacLean, to extend the agreement with EagleVue Technologies at the IT Director Level, in the amount of \$6,000 per month, for an additional term of six months, beginning August 1, 2006, as recommended by the Finance Director, carried 5-0.

2) **Temporary Technical Support Recommendation**

Ms. Carpentier said her second agenda item was to continue with an arrangement that was made with an individual who has been helping out since the beginning of April, who is also the 'third leg of the stool' in helping to get off the VAX. There are two open positions, so this person would supplement EagleVue. The two parties work well together. This individual does not have a contract, but is working on a week-to-week basis, with an agreement of 24 hours and the dollar amount. She'd like to continue the agreement, but increase the number of hours because a lot of work needs to be done after the employees leave, such as reconfigure the server, change over the modules, etc., without interrupting the daily operations of staff. At this point, these outside consultants have spent many hours here, on their own time.

Selectman Jasper didn't have any problems doing this, but his concern was the changing nature of the employment relation. He is an independent contractor and wondered if that changed things under the Personnel Policies. Do they have any certificate showing that he has Workers Comp, or whatever he needs to have... insurance, or something. Every time the State of NH audits him, if he says he has independent contractors, they ask if he has insurance certificates. Mr. Malizia didn't think that was a problem, but said he would check that. Mr. Guarino is an independent contractor, who gets a check for the number of hours he puts in. If he wants to work from midnight to 6:00 a.m. on Saturday, that's up to him.

Motion by Selectman Massey, seconded by Selectman MacLean, to continue using the services of Vincent Guarino as a temporary technical support resource, but to increase his hours per week to 35 at a rate of \$32 per hour, as recommended by the Finance Director, carried 5-0.

Ms. Carpentier said it was her intention to be back in June to get the Board's approval on some longer term plans. Chairman Maddox said there was no sunset to the motion they just made. Selectman Massey said they were looking at coming back to the Board on June 27th with a recommendation for reorganization.

D. **Request by Hudson Lions Club to hold Scholarship Dinner on Monday, June 12 at the Hudson Community Center and to waive the fee for use of the hall.**

Motion by Selectman Nadeau, seconded by Selectman MacLean, to authorize the use of the Community Center for this purpose and to waive the fee.

Selectman Massey said they seem to be waiving the fee for everybody that comes. Mr. Malizia thought that was a rather broad statement, as they haven't had that many people who have come before them. This request has come before them for the last four years. Selectman Massey said he knew. He was just wondering if the fee structure was still warranted, now that they have restricted who can use the center and if they are going to waive it for everybody. Mr. Malizia preferred having the ability to waive as opposed to not having anything in place. Selectman Massey said they waived the fee for the police, for the Boy Scouts, they are waiving it for this request. He was just raising this as a procedural issue. If they are going to waive it for every request, they should just do away with the fee, since they have restricted who can use the facility.

Selectman Jasper asked if they could check to see who has paid fees in the last year. They could always look at that. Mr. Malizia said sure, but they haven't had a lot. They are not in the business of renting the hall out to anyone, like they used to be. Selectman Massey said that was the reason.

Vote: Motion carried 5-0.

E. **Zoning Variance for Library Site at Alvirne**

Town Administrator Steve Malizia said they had a memo from the Chairman of the Library Trustees, looking to attain a zoning variance for the library site at the property on Route 102, near Alvirne and Hills Garrison School. At the Board's meeting on April 25, the memo asserts that the Selectmen confirmed the support for the use of that site. However, the Trustees are looking at their plans, looking at selecting an architect, and looking to move forward. It has been determined, by Zoning Administrator Sean Sullivan, they need a zoning variance. The Board of Selectmen—as the property owner—would be the party to sign up for the variance; the Trustees would take it to the ZBA.

Selectman Jasper questioned whether or not a variance was needed because it's a municipal piece of property. His recollection is that towns do not need approval. They go in merely for review and comment. He didn't have a problem

doing this, but he questioned the need for even doing so. He should have checked the RSA's, but it didn't hit him until just now. He didn't think they were subject to either Planning Board or Zoning Board regulations. Selectman Massey said the reason for wanting to do it is not because they could be exempt—and he thought it was RSA 654—but the Board has had a policy of late that they go through all of the land use boards, as if they were a private entity. There's going to be at least one exception coming up in the near future but, in fact, they don't need to go to the Zoning Board—he thinks they should check on that. He would support doing it, but if they don't need to do it, based on the statutes, then it's a step they don't need to go down.

Selectman Jasper said the trap they put themselves in is if they don't need to, being exempt by law, and they go, and the ZBA says no, will they then not put the library there? Since they didn't have to go anyhow, they put themselves in a bad position. They would be better off to go in for comment, and see if they have any suggestions which, sometimes, they have stipulations or comments. He'd hate to get into a situation where, for some unknown reason, they are told no, they won't get the variance because it doesn't meet the criteria—and there are fairly stringent criteria that have to be met and if the ZBA determined they didn't meet the criteria because there's no hardship, or there are other uses for the land, etc., what do they do then?

Selectman Massey said two things. First of all, this would be a use variance, not an area variance. The NH Supreme Court has ruled, essentially, that the onus is on the Zoning Board, not the applicant, to prove the hardship. He would think it would be very difficult for a Zoning Board in any town, given where the property is and what would be the use change, would have a hard time saying no, based on the Rochester opinion. The best thing to do is find out if they don't have to do it. Given this is the logical place to put it, it may not make sense to go there, anyway, but if they don't have to do it, it wouldn't matter anyway.

Selectman MacLean suggested voting on a motion to make the request, if it's necessary. In the meantime, if they find out it's not necessary, it would be moot. Further, the memo states that the Zoning Administrator has determined that a variance *is* necessary and she thought he would know about that, assuming that he already looking into that. Selectman Jasper said Mr. Sullivan wouldn't have looked to State law; he'd have looked to see if a library was permitted in that zone. Chairman Maddox said that's why it's going for the use variance because the Town's ordinance says if something isn't specifically allowed, it's not allowed. He thinks the Town should follow the same rules they expect the citizens to. For them to use 654:54 over the last few years, and even the School Board has gone along with this, you go through the process. Going to the Planning Board and just asking for comments doesn't take into consideration the neighbors' input, etc. Selectman Massey said the library has said they are going to go to the Planning Board without invoking 654. They've already made that statement. Chairman Maddox said in the past few years, the Town has also gone through the process, just as they expect the citizens to, as an example. Not having to do it is one thing; should do it is another.

Selectman Jasper thought the Chairman was mistaken. He thought Hills Garrison did not go through formal site plan. It went through review and the neighbors were still notified. Selectman Massey said he was just referring to Town things. Selectman Jasper said the problem is any time you build a municipal building, you're going to find, based on this ruling, that you need a variance. He guaranteed there is nothing in zoning saying fire stations are permitted; he bets that an animal pound wasn't permitted at Constitution Drive and probably a police station, either. That may predate the change that was made, but probably the animal shelter didn't. They got themselves into a little bit of a situation that was unintended. He didn't think this was intended to make the Town have to go for a formal variance every time they did something. They won't find Town Hall in zoning. Chairman Maddox said but it does say municipal buildings in the use categories. Selectman Jasper said a library is a municipal building. Chairman Maddox said that's why he was surprised at the ruling. Selectman Massey said probably that zone doesn't have that use. He checked the map and said it was R-2 or R-1. Selectman Jasper said he wasn't comfortable going for a variance. Selectman Massey said the appropriate motion would be to recommend going forward, if a variance is required and, if it's not, not. Selectman Jasper clarified that it should say if a variance is required under State statute.

Motion by Selectman Massey, seconded by Selectman MacLean, that the Board of Selectmen request a zoning use variance from the Zoning Board of Adjustment, if not exempt by State RSA's, to allow a library to be constructed on the parcel of Town-owned land on Route 102, near Alvirne High School, carried 5-0.

Selectman Massey said he wanted to stay on this subject a bit because they were probably going to see, on the 6th, a request to not use the ZBA on one of the water parcels because it's the case that it's the only place you can put the water tank and it's not going to meet at least two of the current zoning ordinance regulations. The only question then is whether or not to go 654 on the Planning Board. The Town Engineer told him he should have a recommendation when he comes before the Board on June 6. He didn't want people to think he was saying one thing tonight and then come back with something else. This is the one area where, with all of the things they've been doing on that water project, it's the only place they can do it and if they go to the Zoning Board to request a variance and they said no, the Town will still do it. It's that kind of thing. Chairman Maddox asked if it was because of the height. Selectman Massey yes, and partially because of the setbacks. That's less problematic, though, than the height. Chairman Maddox said that's something they can worry about later.

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

- A. **Kathleen MacLean** read the following prepared statement into the record:

While some could argue the question, “who runs this town?,” there is no doubt, especially in recent weeks, who keeps this Town running. The emergency situation Hudson found itself in during the floods is a prime example of the professional, hard working and dedicated people who are committed to the well-being and safety of our citizens. Fire Chief and Emergency Management Coordinator Shawn Murray, Police Chief Dick Gendron, Road Agent Kevin Burns, along with the whole Fire Department, Police Department and Highway Department, are owed a tremendous debt of gratitude. They did their jobs, under extreme pressure, as though it was just another day in the life. While all the commotion is settling, we have Community Development Director Sean Sullivan and his crew, which includes Engineer Tom Sommers, out assessing the situation and Kathy Carpentier, putting numbers together, calculating the effects on the budget, all the while Town Administrator Steve Malizia is holding down the fort and taking reports from all affected departments. The above-mentioned is just the tip of the iceberg when it comes to a demonstration of the quality of our staff here in Hudson. There was also a tremendous outpouring of support from community businesses, which the Chairman will address. Friends, neighbors and even strangers were willing to lend a helping hand. While Hudson, as a community, has survived quite well, let’s not forget the individuals who are still suffering the effects of the flood. The American Red Cross was here to take reports and Kathy Wilson at Town Hall is extremely professional and compassionate when it comes to helping individuals in need. There’s a team spirit here in Hudson, and it’s just that spirit that keeps this Town running, no matter who is running the Town.

- B. **Ken Massey** said he wouldn’t try to top Selectman MacLean’s previous statement because it’s not possible. In two words, well done.
- C. **Ben Nadeau** announced that for low and moderate income homeowners’ property tax relief, a member of Service Link will be at the Community Center on Wednesday, May 31 , from 1:00–3:00 p.m. to assist individuals in filling out their State forms. For more information call 889-8990 or 889-1803.

The Fire Department’s new truck will be coming in Thursday.

He went to the Key Club’s Seniors Spring Fling, which was very interesting, and he thanked them. They had a band and the Seniors were interacting with the High School students.

The Chili Fest is coming up at the Hills House on June 4.

He congratulated the Alvirne Mechanics Club for the car show, which they will be doing at Old Home Days, too.

- D. **Shawn Jasper** said he already gave kudos to the Highway Department, but the Police and Fire deserve their share, as well. The Highway Department, at least, is out there dealing with roads, which can’t talk back, but Police and Fire are dealing with people, who often are seeing their possessions being ruined by water or, in some cases, carried downstream and it’s very difficult trying to keep people calm and out of the water. Both departments did an admirable job dealing with the citizens and the Board can be proud of their efforts, as well. They can also be proud of the efforts of Selectman Nadeau, who went above and beyond the call of duty—he carried sand in his truck, sandbags and was helping residents all over Town, filling sandbags and doing everything he could to help out. He did an excellent job, while his work sat by the wayside. Selectman Jasper appreciated what Selectman Nadeau did for the citizens—and got good PR for the Board.

Selectman Jasper mentioned the passing last week of former Selectman Stanley Alukonis, who served the Town for many years as State Rep and as a member of the Board of Selectmen. There is a dent in the Selectmen’s head table that Mr. Alukonis put there when one member was out of line, and who almost lost a pinkie over it. Mr. Alukonis was someone who cared about his Town and his country and he will be sorely missed. He offered condolences to the family. Chairman Maddox thanked Selectman Jasper for remembering that and apologized for his oversight. His history in WWII and all he did was absolutely amazing.

- E. **Rick Maddox** stated that on May 9, 2006 in Nonpublic Session, the Board authorized the part-time hire of Lori Grant as Victim Witness Advocate in the Police Department, effective May 14, 2006 at a rate of \$16.84 per hour.

Secondly, the Red Sox--Yankee’s game tonight at Fenway Park, the Hudson Police Department’s Honor Guard will participate in the opening ceremonies, which is a great honor. The officers take a lot of pride in their duties as a ceremonial guard unit. Just another reason why the Hudson Police Department makes us proud. They will also be marching on Monday in the Memorial Day Parade at 2:00 p.m.

Thirdly, he echoed Selectman Jasper’s thanks to Continental Paving and Brox, two resources in Town that make it a lot easier to do what was done during the floods. The Highway Department has a certain amount of material stored, which was quickly eaten up quickly. He thanked these two companies for stepping forward to help.

Lastly, for the record, he wanted the record to reflect that, as part of an emergency operations meeting, three Selectmen did meet at the Police Station a couple of times—Selectman Nadeau, Selectman Jasper and him—to discuss flood-related issues. No votes were taken when they were deciding whether or not to open the EOC. He said he took vacation days on Friday and Monday and rode around with the Fire Chief a good amount of time. The amount of work that was put into helping the citizens was amazing. There was so much water; it was unbelievable to see the Merrimack. Many of the citizens who live along the river had never seen such flooding, with water up to the windows. He thanked the Fire Chief and his department, the Police Chief and his department and the Road Agent and his department.

10. NONPUBLIC SESSION

Motion by Selectman Massey, seconded by Selectman MacLean, to enter Nonpublic Session, pursuant to 91-A:3 II (b) The hiring of any person as a public employee; (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 4-1 by roll call vote. Selectman Jasper voted in the opposition.

Chairman Maddox said this ends the televised portion of the Selectmen’s meeting. Any votes taken after the Board re-enters open session will be listed on the next agenda.

Nonpublic Session was entered into at 10:12 p.m. and was terminated at 10:41 p.m.

Motion 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 carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 10:42 p.m. by Selectman Jasper, seconded by Selectman Nadeau, 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