

HUDSON, NH BOARD OF SELECTMEN
Minutes of the May 2, 2006 Workshop

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

Selectmen: Richard Maddox, Shawn Jasper, Kenneth Massey, Kathleen MacLean (arrived 8:25 p.m.), Benjamin Nadeau

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Kevin Burns, Road Agent; Charlie Chalk, Deputy Fire Chief; Sean T. Sullivan, Director of Community Development; Planning Board Chairman Jim Barnes and Vice-Chairman Marilyn McGrath; and Ray Rowell

4. **DISCUSSION ITEMS**

- A. **Public Works Discussion w/Road Agent Kevin Burns**

Chairman Maddox recognized Road Agent Kevin Burns and thanked him for being the first department to come before the Board's workshop meeting. The Board was looking for an overview of his budget concerns, updates on the department, etc., where they presently are and where they expect to be in the future, five or 10 years out. Mr. Burns said his department always tries to keep costs down. Since 1989, they have reduced their work force 25%. Historically, their budget increases have been in the 1%-2% range, but they are getting very close to the break point. Last year, they finished the year with only \$300 left. This year, they will be close again, and they did not have a bad winter. They made some adjustments, but they are running very lean at the Highway Department overall. He addressed the following construction projects:

- 1) **Construction Projects**

- a) **First Street Sewer Replacement**

This project is complete. The street will be reclaimed and repaved in July with the paving contract. Selectman Jasper said it looked like only a small section of First Street was dug up and wondered if the whole line was replaced, or only a small section. Mr. Burns said that was as far as it goes; they had trouble with roots and things like that. Instead of reclaiming half of that road, they are going to do the whole thing.

- b) **Second Street Sewer Replacement**

This project has been completed.

- c) **Holly Lane Water Main Extension**

This project has been started. The pipe has been moved down and the road has been cut. The Highway Department hopes to start laying pipe soon, if Mother Nature cooperates.

- d) **Belknap Road Sewer Replacement**

This is from Belknap Terrace up to Terrier. The Highway Department will reclaim and repave that section of Belknap from County to Melendy with the new paving contract in July.

- e) **Town-Wide Paving Project**

Mr. Burns is anticipating a serious price increase for this annual project. The pre-bid is Thursday and the bid opening is May 11. In 2004, they paid \$33 a ton. In 2005, it went to \$39. This year, other towns are paying between \$48 - \$50 a ton. The budgeted amount of \$400,000 means they can't do as much—about 50% less. One mile of shimming and overlay equals about 2" of asphalt. In 2004, one mile of road cost \$51,000. In 2005, it went up to \$60,000. This year, they estimate it will go up to \$78,000. If they want to do as much work as they did two years ago, they would have to up the budget to \$600,000. He didn't know how the Board wanted to handle this. There is close to 190 miles of road to maintain.

Selectman Jasper said this is an area they need to address and fund. At the rate they are going, it will take about 190 years to redo all of Hudson's roads. The roads are getting back to the point where people used to complain about them after sewer lines were put in. They made some substantial improvements, but now they are getting behind, which is understandable after hearing what Kevin had to say. The Board is going to probably put that extra \$200,000 in, and maybe more. Doing five or six miles a year is not going to cut it. That's probably the most they will be able to do this year, but they are going to have to start looking at increasing what they put in for roads to try to keep them from falling apart. Mr. Burns said the Highway Block Grant this year should be close to \$500,000. Mr. Malizia said last year it was in the upper \$400,000's.

Chairman Maddox said the purpose of these workshops was to hear the departments' problems to see what they need to look at. He asked what the FY-07 budget was for paving. Mr. Burns said

\$400,000. Selectman Jasper said it was increased last year by \$50,000 but because the budget was so high, he didn't make any effort to increase it this year as much as he would have liked to. Chairman Maddox asked what the snowplowing budget was this year and how much was spent. Mr. Burns said the overtime budget fared very well because they only had small storms, but salt, went up \$10 a ton—a 25% increase. Because they do the budgets so far in advance, they can't predict prices. If they do the budget two years in advance, and prices go up 25% a year, they will get caught short. The price of sand went up, and fuel ran tight because of the increases, but they adjusted salt, sand, diesel and gasoline up so, unless things skyrocket, they should be safe. This year was tight. Last year, they got the \$100,000 grant from FEMA, which bailed them out.

Chairman Maddox asked how much the budget was increased for FY-07. Selectman Massey said the budget is \$51,000 more than it was last year. Mr. Burns said he tries to move money around to cover all his costs. For the winter 07 budget, salt increased from \$110,000 to \$154,000, which was easy to justify in looking at the history. Sand went from \$32,000 to \$59,000. In the budget they've just gone through, they made adjustments to compensate for the increases they faced in the last year. If things level out, they should be OK. Everything they do at the Highway Department is driven by fuel. Salt comes in by boat and there are fuel costs and security costs. Plowing is fuel. Steel is expensive because of the fuel.

Selectman Massey said if people think the price of gas is going to come down, they haven't been paying attention to the increase in demand in China and India. He wondered how many miles of the Town's 190 miles of roadway were arterial roads and how many were residential. He thought that would be helpful information when they do the budgets. He assumed that \$78,000 per mile for an overlay is one lane. Mr. Burns said it was 24'. Selectman Massey said if they take the 190 miles and figure out how many miles that 24' actually translates to, they can get a better feeling for how many miles of paving they have. Then, in looking to the long term, they would be looking at some type of schedule that would say for the arterials, every X years they would turn over the entire set of miles and for the residential, every Y years. That would lead them to a better capability of knowing what they would have to put into the account to handle the cost.

Selectman Nadeau asked if there was a paving schedule. Mr. Burns said his system was based on 23 years of looking out the window. He knows where the guys are working, where the demand is. He and his men go over the wish list. Sometimes it depends on how bad a street is after the winter; there's no magic formula.

Chairman Maddox said they were looking for some sort of idea of what the Road Agent was looking at for mileage and an estimate of what he wanted paved. It would be nice to have some sort of guideline to go by because, if the Road Agent wins the lottery and decides to leave, the Board needs to have some idea of how to go about estimating the need. As paving costs are increasing, roads being repaved are decreasing, so they will fall behind. It's either going to be a budget-buster one year to fix a lot of them, or they can start to increase the budget, using some sort of formula. He asked the Road Agent to look at where he thinks they will be over the next three, five, ten years out. Fuel prices can't be predicted, but road miles can. Using Selectman Massey's formula, they can plug that in to the current price per ton. Mr. Burns said he'd do what he can, but he was really being asked to polish his crystal ball. Five years ago, when he was paying \$21 a ton for asphalt he would have anticipated doing 5% of the Town every year, being done in X number of years, but that estimate would have gone out the window, given the cost increases for product. Chairman Maddox said if it's done by the number of road miles, the variable would be the price per ton, but it would give them some idea of the roads that need to be done over the next X number of years. Then they can do the math to come up with a number. That's what he's looking for for the FY-08 budget. They need to be able to plug in a number to get back to where they were. The Road Agent asked what % of roads the Board wants him to do.

Selectman Jasper said they are looking for how long the Road Agent expects the roads to last; what he feels the Town would need to pave each year, in terms of mileage, to not just keep even of where they are, but how many miles he thinks they should do over the next five years. Knowing what the Road Agent knows about the road conditions right now, how much, over the next five years does he need to pave, in terms of mileage, to get the Town in good shape? Musquash and Old Derry have been done recently. Webster Street was the first reclaiming job. How long does the Road Agent expect these roads to go before they have to be repaved? He assumes the ones that need full grinding wouldn't need to be done again. Mr. Burns said he hopes to put the finish on Old Derry Road this year, and get 20 years out of it.

Chairman Maddox said the Town went through a building boom in the mid-80's and those roads are coming up to their 25 years. Are they going to see a big spike as some of those roads start to crumble? Mr. Burns said the quality of the roads, now that Gary Webster is doing the inspections, is so much better than when they had outside inspections. This year, he has to rebuild a section of

Kienia Road. They get hurt when 10 years after a road is accepted, they need to spend \$100,000 to make it passable. Chairman Maddox said those are the kinds of things they want to hear about. That is valuable input--anything the developer needs to fix before the Town accepts a road. Mr. Burns said he's never been bashful saying not to accept a road that isn't ready.

Chairman Maddox asked if any of the paving was going to be done at last year's prices. Mr. Burns said they just finished Sunrise, which they reclaimed after they did the sewer replacement last year. They shimmed the older section of Haverhill and overlaid the entire length a couple of weeks ago. They had a big water main break last year about two days before the asphalt plants closed, so they were able to get it paved. He made sure they spent every nickel of it, knowing that it was going up. Almost all of the \$400,000 goes into paving. Over the years, his guys have taken on more of the side jobs--sweeping, adjustment of manholes--instead of paying someone \$200-\$300 a cover, so he would have more money for asphalt. This year, he even took over traffic control, a \$20,000 contract. Now that his guys are all out on those projects, they have less time for something else, but he does what he can to stretch a dollar. Chairman Maddox asked if he had the number of road miles in Town for 1980. Mr. Burns said no, he did not.

f) **Bush Hill Road realignment and re-paving.**

Mr. Burns said his department is ready to go; they are just waiting for Verizon to move a pole. Chairman Maddox said Verizon will be in soon relative to cable. Mr. Burns said when they come in for that, they should talk to them about the pole, too. He recalled the sidewalk the Town put in about three years ago from Memorial School to the skate park. Verizon promised to move a pole then, too, but they never did. Chairman Maddox said Verizon is stringing fiber optic cable in Town, but they should keep the commitments they already made. He asked the Town Administrator to send a letter to them. Bush Hill is a safety issue that has been on-going for years. Verizon should take care of what they have before trying to sell the Town on the latest and greatest internet they are going to provide. He asked if the Highway Department was ready to take the hump down and straighten out the road as soon as the pole is out of the way. Mr. Burns said yes, but the money isn't going to take them as far as it would have taken them if the pole had been moved two years ago. That road improvement project is shrinking as the price goes up.

g) **Roosevelt Avenue sewer replacement** (Spring 2007).

Mr. Burns said this project is pending because of paving costs and will probably be done in the Spring of 07 as their kickoff project. Since there was no snow in March, before the asphalt plants were open, they rebuilt two ball fields at Memorial School, which saved them \$20,000-\$30,000. The fields were in terrible condition. Babe Ruth didn't have a place to play, so Mr. Yates worked with the school, who said if he rebuilt the field, he could use it. Once they finished the field, parents of the girls wanted their field fixed, too, so the Highway Department did the girls' field. Both fields came out very good. He has a great group of guys, from the foreman to the laborers. The results of their efforts is due to the quality of people he has.

2) **Replacement Plan for existing Flatbed with existing Street Sweeper Cab and Chassis**

Mr. Burns said the 1986 Ford flatbed is a mess; it has an enormous backfire. He'd like to take the sweeper body off, which leaves a 1997 heavier duty cab and chassis, and put the flatbed body on it. They will end up with a flatbed 11 years newer, with only 30,000 miles as compared to 90,000. The flatbed would have been in the budget this year, but it can be put off 10 years by taking advantage of a piece of equipment they have, doing what he suggested. The basic flatbed body (not a lift) will cost around \$3,600—a good deal for an extra 10 years. Sewer & Drains Division uses it for adjusting manholes and for hauling pipe. Chairman Maddox said it should be noted that Kevin is not just the head of the Highway Department. He is also in charge of sewer and drains. Mr. Burns said he is also involved with the Water Utility. They started with the construction on the meter pits, and now they are working on the Holly Lane construction.

(Start Tape 1-B)

3) **Replacement of V-Box Sander for 1994 Ford Six-wheel Dump**

Mr. Burns said at the beginning of the next fiscal year, he will need a replacement sander for the '94 V-box. The truck is still fine, but the sander is old and rusted--but getting 12 years out of it is quite an accomplishment, a tribute to the maintenance. He can't see paying twice as much for stainless because that gets trashed just as much as metal does.

4) **Budget Plan for replacement of aging Fleet of Front-line Pickup Trucks**

Mr. Burns said he had a lot of success updating the fleet of large trucks. They have eight big Mac trucks now that they got in a cycle. They paid for four in five years, then did four more. They have three more of the old six-wheelers. By updating the equipment, they haven't had to hire more people. His goal is to keep the manpower the same because the person inside the truck is more expensive than the truck. A truck never calls in sick, doesn't need medical insurance, etc. Instead of adding people, they try to go with better equipment, so he'd like to get the pickup trucks on the same sort of rotation. His pickup trucks are a 84, 85, 91, 94, 95, 96, 97, two 99's and a 2002. Some of their trucks are over 20 years old, with over 200,000 miles on them. He plans to propose replacing five of them at one time, like they did with the trucks. You get a good price that

way, it cuts down on inventory, and he'd like to do a lease-purchase. It would be almost level-funded because this year they paid off the excavator. That was \$21,000 and he is hoping the trucks come in at about \$28,000. For \$7,000 more a year, he could replace five pickup trucks and then when they are paid off, do another five, in order to make some headway. Some of the older trucks are military surplus from the Police Department that cost \$50. This year, those trucks would be his major equipment purchase; he wouldn't do anything else.

Selectman Jasper said that sounded reasonable. Pickup trucks on the road as much as these become a maintenance issue. Selectman Nadeau asked if lease purchases came out the same as buying outright. Mr. Malizia said there are some interest costs, but it's less of a hit on the budget and it keeps it smooth. Selectman Jasper wasn't a big fan of lease-purchases on pickups, but if they do one or two, they will always be playing catch-up. It would be nice to go through a couple cycles of lease-purchase and then start buying one or two a year. Interest costs are reasonable. Selectman Nadeau asked if these were State bid. Mr. Burns said probably for the pickups, but not the other vehicles. This is his sixth or seventh year as Road Agent and thinks they have done fairly well turning over the older fleet, without having a big spike, by timing the replacements. As something gets paid off, they move to the next step of replacements. They've updated their fleet a lot in the last six years while maintaining an even budget. Timing replacements has kept the cost down.

Chairman Maddox asked where the second set of dump trucks were in the cycle. Mr. Burns said this is the second payment for the dump trucks, so by the next budget year it will be the third year and next year is the last year for the loader. Chairman Maddox asked if they could have those payments broken down, and the cost for four-five pickup trucks, outright and leased, for budget season so the Board can look at a couple different options. They are kind of agreeing tonight, but they need to take a look at the actual numbers. Mr. Burns said this year they were on payment three of the loader, so there will be two more fiscal years with that. The excavator is paid off, and they've already discussed the dump trucks. It's the Board's decision; he just brings them the numbers. Historically, they've gone with lease-purchase to keep the numbers even and the budget level funded. They've had good success doing that, getting approval from both the Board of Selectmen and Budget Committee.

Selectman Jasper said there is another advantage to buying four, five trucks the same model year, and that is inventory and maintenance. The mechanic doesn't need to be as familiar with different things. The Budget Committee has talked to Kevin about this. They know they are going to need and not have to carry 12 different things for 12 different trucks. There is some long-term savings in doing that. Mr. Burns said maintenance is easier when something fits $\frac{3}{4}$'s of their fleet and they can buy in bulk. Chairman Maddox asked the Road Agent to provide those numbers.

5) **Solid Waste Contract**

This contract is expiring in June 2007. Mr. Burns called Waste Management to see if they would extend the contract for another year—this year was the Town's option—meaning no increase in six years, but he was turned down. He expects they will be going out to bid in late summer. He understands the Solid Waste Study Committee is being reactivated. Chairman Maddox said the Board would like him to be the liaison to that committee. They also need to look at how much recycling is really done, what other towns are doing that might be advantageous to Hudson—items such as that—not having a second truck going around to pick up the recyclables. Other recycling programs that are working. What is the best option for the Town of Hudson? He thinks the Board would be looking at a one-year contract for the next renewal. That would give them more time to be able to take a look at the options and then go out to bid for a possible three year contract. That's what he'd like the Road Agent and the committee to sit down and look at, then come back to the Board with the most comprehensive, well thought out plan for the Town.

Selectman Jasper said what they may need to look at is a one-year contract, a three year contract and a contract that is totally separate from the solid waste for recycling. They might be able to lock in a good price on solid waste and if they don't have the two tied together; they could do a one year on the recycling. If stuff is not getting recycled, does it make sense to continue? The State has a goal that they didn't come close to meeting. Some communities recycle more than 40% and there are some very good programs out there, with people who help other communities do this type of thing. Mr. Burns said he has administered this contract for quite awhile now, and this is the best option, minus recycling, maybe, because the Town is recycling only 10%, but they are spending \$300,000 of \$1.6 million to do it, which doesn't make sense. A lot of communities are going away from recycling because of the cost He's been in contact with two major players in the industry, looking for suggestions. Some communities are going to a recycling drop-off center. The cost to the town would be minimal. They can put out bins at the Highway Department, or wherever, and the people who want to recycle would bring it there. The trucks wouldn't pick up curbside.

Chairman Maddox said that's things this committee should look at--the big picture. The big phrase now is pay-as-you-throw, which is something they could consider. Boy Scouts may want to collect recyclables and then keep the money. There are any number of options he'd like the Board to look at and then decide what makes the most sense for Hudson, economically and ecologically. Kevin needs to be part of this committee, not just for the next cycle, but for long term, because it represents a large chunk of dollars. Mr. Burns said if they are going out to bid, they should do what they have done in the past—a two year contract, with a third

year option, and they can terminate after a year, with a 90-day notice. They get a better price with a two-year contract than with a one-year.

Chairman Maddox asked, if the other vendor came back, if they would go back to picking up in Hudson only one day a week. Mr. Burns said that would be the Town's option, but the current vendor does not have the resources to do that. Selectman Jasper said a drop-off center for recycling is something to explore and it should be bid as pickup the way they are doing now, or having containers at the old landfill and let people who want to recycle go there every Saturday for that. The Town has to provide the means for people who care about recycling to do that. Ultimately, they need to do a lot more as a Town. Right now, they are throwing money away with the way they are doing it. Mr. Burns said the last two times he brought in the contract, it was a menu. They can just do trash or trash and recycling and price per day for cleanup at the landfill. If they did drop-off recycling, the Highway Garage would be a better location. That way, it's available daily, and maybe man it four hours on Saturday mornings with one of his guys.

Selectman Nadeau said in some towns, Boy Scouts collect the recyclables and got the money for it. He asked if that was something they could look into. Mr. Burns said that would be a great alternative. He'd offer the Highway Garage for that. In Laconia, bins are put out at the fire stations, which are manned, so they don't need to hire extra people. Concord does that, as well. The recyclables go to some organization. Communities are getting out of the recycling business because it is a financial disaster, costing almost double to recycle.

Chairman Maddox asked how many recycling trucks were in Hudson each week. Mr. Burns said one truck, five days a week. He talked with both of the competitors who said, with almost 9,000 stops in Town, that the cost will go up. Hudson is getting so big, if they increase the recycling, they will have to go to a second truck. That's two trucks with personnel, driving around to pick up recyclables at \$200 a ton. Environmentally, it's nice, but there is no financial gain at all. People tell him there are companies 'out there' who will come and recycle. He'd like to hear from them because they can have it all, including the green bins. It is costing the Town dearly--\$300,000 to recycle.

Chairman Maddox said the Road Agent's input will be greatly appreciated by the committee, who needs to look at all the options and come back to the Board with a consensus of where they should be heading. Mr. Burns said he'd need some guidance before the end of summer of how to go with the contract. He didn't know if the committee would be off the ground by then. Chairman Maddox didn't think it would be, but the Road Agent should look at any options he can between now and then, and then come in with a recommendation by the end of summer—a one year, a three year—whatever is the best break, showing the options with recycling. Mr. Burns said he'd come back to the Board before putting the contract out to bid to make sure he was doing what the Board wanted. Selectman Jasper said Mr. Burns knows a lot more about it than the Board does. Mr. Burns said he has looked at this, gone to seminars, read the minutes of a neighboring community that went through closing their landfill and bounced around different options. He has spent time and energy looking into trying to reduce the dollar figure. With the exception of the way they are doing recycling, they are probably doing it the most economical way—and they provide a great service to the people at minimal cost. They stop by every single house every single week for \$3.95; for \$205 a year to go to every house, plus give the option of recycling, the option to go to the landfill for the drop-offs, and come by three times a year to pick up leaves is a great bargain. In communities that have transfer stations, to have someone come to your house to pick up your trash and bring it to the transfer station for you, it's \$32 a month, plus taxes that are paying for the transfer station. Hudson is doing a great service to the people at a great price, with the exception of recycling, which they really need to look at because it is killing them economically. Chairman Maddox said he looks forward to seeing what the Road Agent comes back with.

6) **Miscellaneous**

Chairman Maddox said he got to see the old landfill on Saturday. People started lining up at 7:00, so there was quite a line when it opened at 8:00. Mr. Burns said they had about 30 roll-offs that were full by 11:00. By 9:30, there were only three to five vehicles lined up, but it was steady all day. There still is a huge pile up there that they have to get rid of. Every year, the first day is chaotic. This year, the weather was perfect. There hasn't been any snow since February, so everyone has cleaned their yards and wanted to be the first in line to get rid of the waste. Chairman Maddox said he was impressed with how well everything worked. He asked if the next cleanup day was the last Saturday of May. Mr. Burns said it is the last Saturday of the month through October. In November, it's the weekend before Thanksgiving.

(Start Tape 2-A)

Selectman Jasper praised the Road Agent and the Highway Department, saying they don't get enough accolades. The guys in that department work very hard and do a good job. He appreciates it, and he thinks most people do. Mr. Burns thanked him and said he'd pass that along to his men.

8:00-8:05--Chairman Maddox called a recess so the Board could look at the Fire Department's boat that needs to be repaired.

B. Discussion with the Fire Chief relative to Repairs to the Boat

Deputy Fire Chief Charlie Chalk presented the rationale for repairing the boat. The marina that services the boat recommended repairing it. A comparable new one costs about \$28,000. The firm they chose to do the repairs can do

everything that needs to be done, including the electrical work and the fiberglass; their business is to restore boats. If he were to put the boat in the water tonight, it would fill with water and the bilge pump wouldn't be able to empty the boat; it couldn't keep up. This year, this issue came up at the Budget Committee and the suggestion was to get the boat repaired. At that time, the estimate for repairs was around \$6,000 but they got it down to \$4,000 which includes the wiring, re-lettering and setting it up the way it should be.

Selectman Nadeau asked how long the repaired boat would last, suggesting they get a keel protector for it, which is easy to put on and would save in repair work down the road. Deputy Chalk said he'd look into it and expected to get another 10 years out of the boat, which is in pretty good shape, given its age. It doesn't roll a lot, but when it does, there is a need. Hopefully, some day they will have a decent boat launch in Town The one everyone uses needs repair.

Chairman Maddox asked what the response time was to get the boat into the water and to Sagamore Bridge. Deputy Chalk said the launch is at Greeley Park in Nashua. The boat is kept in a state of readiness during the summertime, so they are able to get it rolling within minutes. Drive time to Greeley isn't a problem, which can be done by Code 3. He estimated 10 minutes or less getting the boat into the water and up on plane. Chairman Maddox asked if the 10 minutes was from the station, or after getting the boat in the water. Deputy Chalk said it's probably a seven minute ride down river, two or three minutes to get it in the water. Chairman Maddox said that drive can be challenging—the road snakes and curves and has potholes. That's something they will have to look at with the river projects on the horizon. Deputy Chalk said they are still trying to pursue a boat launch for emergency access. He discovered today what appeared to be an old launching site, so he's researching that.

Selectman Massey asked about purchasing another inflatable instead, because it could be launched out of Merrill Park. Deputy Chalk said he researched that, as well. The best that he could find is an orange colored 12' inflatable boat for \$9,000 made by Mercury Marine that carries a 15-year warranty and has a solid hull, but with its 25 horse motor, the concern is going up river. A rubber boat does not come up on plane, so the speeds are well reduced. Chairman Maddox said the boat that was included in the budget was around \$30,000. Deputy Chalk said that was a specially configured design rescue boat, with a lot of options. Chairman Maddox concluded the discussion by stating that the consensus of the Board was to repair this boat.

C. Discussion with the Planning Board

Planning Board Chairman Jim Barnes and Vice-Chairman Marilyn McGrath were recognized. Chairman Maddox apologized for the short notice, but the Planning Board wanted to meet with the Board of Selectmen. Ms. McGrath thought, next time, the Selectmen might want to go to the Planning Board. Selectman Jasper said it was more appropriate to meet in the Selectmen's Meeting Room in order to televise as much as possible. Hopefully, some day the Planning Board room will have that capability. Ms. McGrath said it would be difficult for all of the Planning Board members to sit at the guest table. She thinks it would be nice to have a discussion with all of the board members present. Chairman Maddox said they could provide chairs for all of the Planning Board. Selectman Jasper said the room could always be reconfigured to accommodate everyone. In fact, all of the Selectmen could sit at the head table.

Mr. Barnes said one of the things they had worked on in the past was getting a report from the Code Enforcement Officer. It's not clear how often they should be getting that because it's not coming at a regular pace. That was one thing that came to mind when they were looking at trying to get additional information about what's going on in Town. He asked if anyone remembered what the request was. Chairman Maddox said the request was to get information to the Planning Board, in case any of the members wanted to provide input on an issue. Tonight, he just got the latest iteration from the Code Enforcement Officer. He thought they should get an updated version for every regular Planning Board meeting. It's just a matter of how it's going to be set up, and that's still being worked on. He hopes everyone will get a copy, very shortly, of what the Code Enforcement Officer is working on because that's a concern. The hard work that the Planning Board members put in, working out an agreement for a site plan, doesn't get followed through and that is a frustration because the Planning Board members put in a lot of hours, and they haven't got into the heavy building season yet. They see stuff most residents wouldn't notice. When someone develops a property and says they will do A, B & C, the Planning Board members remember that and want them to be held to that. The Code Enforcement Officer tries to keep up with that, but the concern is how he goes about it. This meeting is at least a start.

Ms. McGrath said, beyond that, and beyond the Planning Board's involvement and hard work in hammering out agreements with developers and how they are going to develop their site and getting an approved site plan, it's also others within Town that abide by the rules, go ahead and get their site plans approved, and then live by what they've gotten approval for. If they are going to make a change, they file the proper paperwork and file an amended site plan, come back in and make the change and go through those necessary steps. There are a few that don't do that. There is one in particular that hasn't filed an amended site plan and they have storage all over the site that *clearly* is not on the site plan. That site has not been cited. It may appear on the list before them this evening, but it didn't appear on the list the Planning Board received in March, which she brought up at the hearing the other evening. Everyone ought to be treated equally and fairly. The Town can't require something of one developer and not of another. That's something she strives to do, although it may not always appear that way. Treating everyone equally and fairly is the only right way to be; the only right way to operate. She does not have a personal level of trust in the enforcement activity, and she has several examples that she would be very happy to provide the Selectmen with. She's talked to Mr. Maddox and Mr. Massey on occasion about some of the sites that concerns her, some of the inconsistent and preferential treatment that some get and others clearly don't. That's one of her major concerns with enforcement.

Selectman Jasper agreed, saying it's particularly disturbing that there seems to be a certain amount of picking and choosing. He's not saying there is; he's saying there *appears* to be, but when one of the largest corporations in the world--in the country--and the largest private employer in the State, has a site plan issue that has been on-going since they opened and hasn't been able to reach a resolution is left alone, yet somebody with a three-acre lot some place with a little business, with no resources behind him, they go after. That certainly is not something he is very proud of. Ms. McGrath wasn't sure what he was talking about. She was talking about a car dealership. Selectman Jasper said the issue that continually comes up is with Wal-Mart's storage. He assumed that's what she was talking about because he heard something about it recently. Ms. McGrath didn't want to get into naming all of the ones she could, but there are several. Either they have code enforcement, or they don't. That's something that the Town needs to decide. She thinks that with the Planning Board working as hard as they do—all of them spend hours every month, hammering out these deals, which is not easy because they are dealing with people's lives and their livelihoods, trying to do something beneficial for the Town and beneficial to them, constantly trying to do the right thing and reach the right agreements—for some to just do whatever they darn well please is frustrating. It is also frustrating for the businesses that adhere to the rules. It just isn't right, and something has to be done about it.

Mr. Barnes asked if there were any plans on when the form will be finalized and used on a regular basis. Chairman Maddox said no. The Selectmen need to decide how much time they are going to have the Code Enforcement Officer commit to code enforcement. He's supposedly doing other things, according to the Community Development Director. Selectman Jasper said it seems odd that the Code Enforcement Officer's job would not be code enforcement. He's puzzled to hear that it's not. He's also a little miffed that at the first meeting when he came back on the Board, they got two of these sheets, and now a month and a half later, he hasn't seen anything again. He didn't feel real good about that. Chairman Maddox said the Community Development Director had explained that the Code Enforcement Officer was riding with the electrical inspector, trying to get some experience. The Board needs to know how the Town benefits from this. As far as the form goes, it's one of those projects that takes awhile for everyone to reach a consensus on. It's an on-going project that hasn't been forgotten.

Selectman Jasper asked if the Code Enforcement Officer was an electrician and if you have to be a certified electrical inspector to do electrical inspections. He didn't think you get to be an electrical inspector by riding along with one. Unless he is missing something, there is no benefit to doing that. He'd like an answer for Tuesday's meeting. Chairman Maddox said they might have the answer now, noting that the Community Development Director, Sean Sullivan, was in the audience. Mr. Sullivan said, in terms of the Code Enforcement Officer and what he does, for example, last week the Building Inspector was on vacation. When someone is out, inspections don't stop. The Code Enforcement Officer performed the duties of the Building Inspector last week. Code enforcement includes the building code, the plumbing code, the electrical code, the zoning code, the Town code, the noise code, etc. It's a broad array of responsibilities and different folks have different opinions as to what a Code Enforcement Officer does. The Code Enforcement Officer has been working with Selectman Maddox to come up with something that is acceptable. The next time he comes back with that document, he'd like to have it bullet-proof, from Chairman Maddox's viewpoint. It's a work in progress. Several months ago, the Selectmen voted that code enforcement direction is given by them. He had asked that the Board take that vote, which they did. On a monthly basis, they issue a building permit report. The sheet they had tonight was April's. They didn't issue one in March, but they have the information; that was the third iteration of that form. They have nothing to hide; they will tell anyone what they do. The question is the format in which the information is presented. Code enforcement is a moving target because no two issues are the same. It's hard to explain. Enforcing a site plan is very different than a tree hanging over their fence, or from common driveways, which are nothing but a headache. When someone comes to the counter upstairs, staff makes the effort to help, but they don't write every one of them down. A lot of them happen on the spur of the moment and they try to solve them, rather than let things fester. In terms of the approach they take in code enforcement, they could use the Gestapo-approach, but a lot of angry business owners would fill this meeting room on Tuesday evenings, asking what was going on. If that's the direction the Board wants him to take, that's what they will do. The other approach is the reasonable approach, to try to work with people, which they try to do. They are not perfect, but when people call and make a complaint, whether it's a board member or resident, oftentimes things aren't remedied immediately, and the appearance is they aren't doing anything, or if it didn't appear on the list, they are not doing anything, but it's much to the contrary. They have a process when they get a complaint; it's not falling on deaf ears. They have enough staff to do the job, and he thinks they do a decent job. Of course they can get better, but the direction they get from this Board is critical. Tell him what they want. He can go up and down every street in Hudson and find something wrong, if that's what the Board wants. He knows exactly who the two businesses are that were alluded to earlier and both of them have made an effort. They are not Utopian, but neither are they outrageous, and they have not finished with code enforcement efforts on those properties. They are trying to work with people and not running into court. If the Town doesn't exhaust all of the efforts locally, with reasonable and consistent means, if they can't demonstrate that to a judge, the Town is going to lose. He wasn't saying they shouldn't do anything because they may lose, but he'd like to think that when and if they get to court, they have got a case they can win, and that they have exhausted every opportunity to solve the problem before it gets to court. There was a property in the south part of Town that, by all standards, was a junkyard, but two times, the Superior Court judge determined that it was not.

(Start Tape 2-B)

The judge suggested both parties get together and work it out because he was going to make a decision, and one side wasn't going to be happy. They heeded the judge's suggestion and the Town paid to remove the junk from the yard. It's not always black and white. When they get to court, he'd like to have a proven track record that they've exhausted every local effort and have every reasonable means of working with people to accomplish the ultimate goal. He's not

saying they are perfect; they can get better at it. Code enforcement is not falling on deaf ears. If this Board gives direction, that is what they will do. There is no way every member of 10-member board to agree what they are doing is good, bad or indifferent. It's not for lack of effort. If the *appearance* is a lack of effort, he needs to do a better job to convince them otherwise because, frankly, he doesn't see it.

Chairman Maddox said the question was what does it take to become an electrical inspector. Does riding with the present electrical inspector benefit the Town? Mr. Sullivan said yes. For example, last week Bill was out and Joe was out one day. If BAE, who is building a huge conference room, needs to bring in large electrical wire, the only one who can do that inspection is a licensed electrician. If it's a homeowner who is putting in a new GFI circuit in their kitchen, the Code Enforcement Officer or the Building Inspector can conduct that inspection. Bill has become knowledgeable in the trade by virtue of his experience. He was trying to get Rob to get that experience, in anticipation of what is coming up on the horizon. They are going to need to know a little bit about everything. Chairman Maddox asked if someone has to be an electrician to be an electrical inspector. Mr. Sullivan didn't believe so. When Joe is off, Bill or Rob conduct those inspections, and they are not licensed electricians.

Selectman Jasper said the following question is, if he is riding along to become familiar with this, at what point is enough enough? Normally, you go through training for any job, and then the training is over. It seems senseless to have this go on for a long period of time. Mr. Sullivan agreed, saying it's an interim thing so he understands the basics of electrical. Some days, he will ride with the Building Inspector when there are more complex building inspections that need to be done. Bill is a certified building inspector; Rob is not. That's one of the things he advised the Code Enforcement Officer he needs to do. He needs to become a certified Code Enforcement Officer through the International Code Council and a Certified Building Inspector. Mr. Sullivan will meet with the Town Administrator to define a period of time for him to do that and to provide the resources that are available to accomplish that. But that's something he needs to do on his own, with the Town's encouragement and a defined time frame. In addition to that, he does code enforcement duties, which are zoning type disputes, on a regular basis.

Selectman Massey said they had these conversations back in the 80's, focusing on three areas. The first one is there is a reputation in this Town that it's a hard town to do business in when you go before any of the land use boards. He had occasion to have that brought home to him about three weeks ago when he was in another town and happened to run into somebody who he only casually knew, involved in land planning, and mentioned to Selectman Massey that he will not do a contract in Hudson because it's too difficult to get things through the land planning boards. That perception is out there, that the Town is a hard entity to do business with. Then there is the perception that folks are not being treated evenly on the code enforcement side, but when you look at some of the issues they are dealing with, they are reluctant to come before the land planning boards for site plan review for even a small change because they perceive it's going to be several months and have to go through a lot of things. Maybe on the things like outdoor storage, the Town should consider changing the site plan regulations, you don't have to come in with a full blown site plan review, but come in with some sort of an adjustment that wouldn't require that much. The last problem they deal with, even when they do finally go to court, and even when the Town wins, they lose because the judge doesn't give the Town what the Code says they can charge. They will look at it and say this was a violation that over the last six months has racked up \$20,000 in fines--\$200 fine, and you can pay it over 10 weeks. Nobody in their right mind is going to worry over a fine of \$200, so the Town does not have a lot of teeth behind their enforcement to begin with, if the judges are saying shame on you for violating the ordinance, but you only have to pay a \$200 fine. This needs to be looked at from both sides. They need to be seen as a more friendly environment. He's not talking about saying yes to everything; he's talking about the three boards' deportment and demeanor, the way they treat each other at meetings, and the way people perceive friendliness amongst board members as an affront to the person out in the audience. Finally, the recognition that, even if they do go to court, they have to be cognizant of the fact that without a bullet-proof case, the judges are not going to treat Hudson fairly, and they have a very great reluctance to enforce Hudson's structure. There are folks out there who perceive Hudson as hard to get along with, that they are not always uniform in their enforcement; and the issue about being careful what they go to court with in order to be able to win.

Selectman Jasper agreed with Selectman Massey. They are talking about two different, but parallel, problems. About five years ago, there was a change made that allowed for slight amendments to be made to plans, but he didn't know if the Planning Board has used that. It was out there, it was allowed, but he guessed it hasn't happened. He gave a personal example, which goes back well before Mr. Sullivan was here. On one of his commercial properties, he had a couple areas—storage and parking—and to him, he wasn't doing anything the site plan didn't allow, but zoning came along—and he thinks politics was involved because you can't see anything from the street—and he had cars parked there because it was a parking area. He was told that the cars have to be those of customers or employees; they can't be cars that are there for storage. He had to do a full site plan revision before the Planning Board to, essentially, change definitions. Somebody decided that their definition of what he was doing was different than his, and it cost him a lot of money. There was no benefit to the Town. Part of the problem is people's perception. Containers are ugly, but if they are put in the right place, and if it was a parking area and your parking lot isn't over-filled, does that really make a difference to anybody? He can think of three home occupations around Town where people are parking their vehicles and their trailers right up to the fog line on the street, and one of them is on a pretty bad corner. Now *that's* a concern to the Town because it's off-site parking and they probably don't have site plans or home occupation permits or anything. If somebody has a site plan and they have a defined area for whatever and they are doing that and it's not moving parking into the street, is that really a concern of the Town? That's where the lines get blurred because, for some people, that's a huge issue. There is also a lack of recognition that in business, you have fluctuations in activity and

needs, and you have to have some ability to adjust. You can't spend \$3,000-\$4,000 in five months to come before the Planning Board every time you make a little adjustment to your business. If you are interfering with the fire lanes or needed parking or things like that, that's an issue. That's where they get the unfriendly business attitude. It's just that somebody didn't like it--and that's a problem.

Selectman Nadeau said he went to a Planning Board meeting last week and something that should have taken 25 minutes took an hour and 20 minutes—over trees in an industrial park. The ZBA meetings on storage are costing business people a lot of money for something that should take a few minutes. They are putting business people through a lot more than they need to go through for this type of stuff. They are overlooking a lot of things in Town. They really shouldn't have the Code Enforcement Officer going to look at wiring when he should be taking care of other problems, and probably 20, 30 more that aren't on the list. If another Building Inspector is needed, then they should hire another one. The Code Enforcement Officer should be just that.

Chairman Maddox believed that the Community Development Department would be on the next workshop agenda, the first Tuesday in June. Maybe they should make a Building Inspector out of the Code Enforcement Officer and both Building Inspectors do code enforcement. They need to look at different options, and they've got a month to put things together as far as Mr. Sullivan seeing where his department is going and how to approach this. From the Planning Board's perspective, no good deed goes unpunished. Two trailers may not be a problem, but 42 trailers? Where do you draw the line? The site plans are there for a reason, to give the Town the ability to enforce what can and cannot be. Good, bad or indifferent, the Town has a lot of regulations to deal with all of that. The table of permitted uses is on tomorrow night's Planning Board agenda, if anybody wants to attend. It's a great time, sitting there trying to define things. The Board of Selectmen has to decide where they want code enforcement/ Community Development to go. This is a good start to that conversation.

Selectman MacLean said what Mr. Sullivan told the Board this evening, he's told the Board four times within the past four months. Code enforcement is individual; it's reasonable. Asking him to report back means they will just hear the same thing. Maybe the Selectmen should decide when they want. They've been asking him what he's doing, and every time it's the same thing. He is doing a good job, the best he can, and there are code enforcement problems all over, and they are all different. Chairman Maddox said Mr. Sullivan was coming before them to talk about his next year's budget and part of the budgetary discussion would be staffing needs.

Selectman Jasper didn't mean that somebody should take up a parking spot for a storage trailer permanently. He is trying to say there needs to be some flexibility. If someone has an activity going on for two or three months, there needs to be the ability to say they've been by the place, the parking lot is never full, so for two or three months, it isn't a problem. Some of the definitions need to be broader. In his situation, it was just, gee, you said it was parking, but it's really a different type of parking than we were anticipating and it's not the same type of storage that we thought it was going to be, and they make people spend all of that money just to conform with what's a legal use to begin with, but somebody looked at it and said it didn't exactly fit the definition, when the poor guy who had the plan said it was what he intended all along, particularly in a commercial site like his, where he has different tenants all the time. You can't ever say exactly what's going to be there because one time he's got a landscaper and the next time, it's somebody who does automotive, and it's you can't store bark mulch there because it's supposed to be cars there. The needs change and he can't come in for a new site plan--most people can't--every time he gets a new tenant. That's part of the problem. If it's green space, you can't park on green space; you can't do other things on the green space, but have some flexibility. That may be what Selectman Massey was talking about. There's too much rigidity in terms of allowing people to use their space within an allowed manner.

Chairman Maddox said four or five years ago, there was an ability to have an amended site plan for fences, sheds, flag poles, small items—those kinds of things—and the concern by the Planning Board was, because of the turnover of staff every year and there was no consistency, they weren't sure who would regulate enforcement. Now there are people here who have been on board for a number of years and probably have a much better feel for what is reasonable. Maybe that's something the Planning Board could look at. He thinks it was a subcommittee of the Planning Board. Mr. Barnes said it was in 2001-2002 and it was hard to get to a final definition of what would or wouldn't be allowed on a minor site plan adjustment—two parking spaces is OK, but three is not? What kinds of things would or would not be allowed? They want to allow for some flexibility, but how do you define the scope and the bounds in which the flexibility would be allowed. That was the problem, as well as the turnover in staff.

Selectman Massey wanted to be clear on his perspective. He accepts that they don't want to go down every street and enforce everything because they would be in a Draconian situation and they'd be in court far more often than they could afford to be. On top of that, they just wouldn't be able to get anything done, but there are some things that could support both the Planning Board and Zoning Board that makes their job that much more difficult. A case comes before either or both of those two boards, and the application is denied and the very next day, the applicant is out doing the exact thing that he was turned down for. That's an absolute enforcement issue, a flagrant nose-thumbing at the process. In the area of reasonableness, intent should play a large part in deciding if something should be vigorously gone after. Outdoor storage appears to be the big issue in Town right now. Site plans are done on the basis of what is going to make that plan work for both the applicant and the Town in terms of traffic, aesthetics and safety. To the extent, you begin to make some much bigger reasonable criteria as to whether you should prosecute. Even when you decide to go after someone, it's to the Town's advantage to work with the property owner so that if they do wind up going to court, they can show they made every effort possible to fix the problem without resorting to the legal process. Ms. McGrath said that would all have to be documented. Selectman Massey agreed. The one area where there should be no hesitation

on the part of enforcement would be a clear and flagrant action that is done on the basis of having been turned down by a land use board. Every one of those instances should be cited.

Mr. Sullivan said he couldn't agree more, and generally, he is at ZBA meetings, so he knows what was or was not approved. If something has not been approved and they go out and do it and they are caught, there's no doubt, because it's in black and white. With the Planning Board, Mr. Sullivan relies on the Town Planner to bring issues to his attention. At a recent Zoning meeting, the board had a few sign issues. The question was asked why one board got preferential treatment over the other. That's not the case. The issues are very different. Lately, there was an instance of a flagrant wetlands violation. They gave the gentleman an option to either pay a \$5,000 for the flagrant violation of the code, or come back through the process. He chose to pay the fine. It was solved by him removing the material and reestablishing the fence. House Bill 1320, which he assumes Selectman Jasper voted for because it passed in the House, was authored by Rep. Dave Buhlman, a Litchfield resident who used to live in Hudson, a former member of the Zoning Board, who changed a clause in the definition of the fine process, allowed by enabling legislation, relative to code enforcement. It deleted the "not to exceed" phrase. When the Town goes to court and comes up with a dollar figure for the fine, the judge takes that under advisement and almost always, there is no fine. They get the legal fees back from the offender, but there is no real deterrent. The municipal panel voted to recommend approval to the full House, which passed the Bill. He testified before the Senate Committee about a week and a half ago, and they have also passed that bill. It is now awaiting Governor Lynch's signature. Both Mr. Sullivan and Rep. Buhlman has sent him and e-mail, and if anyone on the Board wanted to, as well, that would be helpful. The Board voted several months ago to support the bill. They are making an effort for the Town of Hudson working with the State Legislature and the Governor to come up language that will help the Town better enforce the codes in Town. When someone on a backhoe is digging in a wetlands and he tells you to do what you gotta do, the Town did, and it cost the property owner only \$15,000 when it should have been \$100,000. Mr. Sullivan said he is happy to take direction; he hears them loud and clear. In the meantime, if they see something they expect more of, let him know.

Chairman Maddox clarified that Mr. Sullivan was coming back at the next workshop to deal with budget and manpower issues, just like the Road Agent, but they still need resolution to the CO and code enforcement process. A spreadsheet would help tremendously in court to show a history, the steps that were taken, whether it's a wetlands issue or whatever. It would show consistency—the first letter was sent, the second letter, or whatever.

Mr. Sullivan said what helps more than that is the actual copy of the letter that was sent. What did you send him? When did you send it? How long a time did you give him to respond? If he didn't respond, did you have a police officer hand deliver it? Did you then give him 30 days to respond? Did he fail to respond? That's helpful, but that's only a snapshot. Details of the case, much like minutes of the meeting, are even more helpful when they get to court. Chairman Maddox said there needs to be a written procedure for that spreadsheet. Mr. Sullivan said if every case was the same, he'd agree, but it's a moving target. If outside storage was the only issue, and it was all over Town, they could define that very narrowly, but there are shades of meanings. Chairman Maddox said having a policy and procedure in place that says within 10 days of it being brought to their attention, there is a site visit by code enforcement. After seeing it, if there is a violation, a phone call is made, or the first letter is sent. After 30 days, if nothing is done, a second letter is sent. Whatever policy they want, whether it's outside storage or whatever, the policy should stay pretty much the same. Interpretation of a violation, or how severe it is is one thing, but the procedure followed should be the same. That would help tremendously when they go to court.

Mr. Sullivan said they start with a phone call, then they conduct a site visit. If that doesn't work, they send a letter. If the person is sick, they back off. Chairman Maddox said but the policy wouldn't change. Mr. Sullivan said if they told that person they were going to send a letter, or do something in 30 days, then someone called to say they were on their death bed, if they didn't follow through, they'd be in violation of their own policy. That's why he didn't like policies. He agreed with the intent, but no two are the same. Chairman Maddox said the Police Department has a policy for everything, even though individual circumstances differ. He didn't understand why the Community Development Department can't come up with a set of procedures—and they can have some gray areas in them. Mr. Sullivan said it has already been thrown in his face that the report wasn't done until yesterday, and he didn't even have a policy. If he developed a policy, he'd be criticized even more. That's what he wants to avoid. Chairman Maddox asked if he was saying that if he doesn't have a policy, he won't be criticized for not doing something. Mr. Sullivan said he'd be happy to put that in writing, if that's what the Board wants. Chairman Maddox suggested he do that and they would take it from there.

Selectman Jasper understands where Mr. Sullivan is coming from, but extenuating circumstances could be taken into consideration. All of that should be on record, including the extenuating circumstances, but they need to be consistent. Even if someone is on their death bed, there needs to be something in the file that says you have X amount of additional time. Then, on the report they can see where the extra 30 days was given, and they after that time is up, they go on to the next step. At some point, regardless of how sick somebody is, they have to follow the law. In the last form they saw, it seemed to be pick and choose as to when the next step was going to be followed. The Board wants to see that arbitrary nature of going from one step to another eliminated. The Board doesn't want him to be the Gestapo, but they want to be able to say to the voters that they are treating everyone the same. Extenuating circumstances will pop up, but those should be the exception.

Selectman MacLean said the Chairman alluded to the Police Department and she'd be willing to bet that, for every policy they have, there are many, many ways they deal with the same thing and that they handle every one on an individual, reasonable basis. Every single person is different, and they are all dealt with in a different way. Yes, they might have a written policy, but every circumstance is different; each individual is different; it's not always black and white.

Chairman Maddox said he thinks everyone sees where the majority of the Board of Selectmen wants this to go, and this needs to be cleared up. He didn't know if this should be part of the workshop, or put it on an agenda. He asked for the pleasure of the Board. Selectman MacLean said the Board should come up with what they want. The Community Development Director is telling the Board what he does and how he does it, but the Board doesn't like it, so why doesn't they, the Board, tell him what they want instead? The Board should come up with a plan they want to see implemented and say, there you go, implement this. Every time he comes before them, he tells them what he does, that it's not perfect, but it's reasonable and it's working and things get done. Selectman Jasper wondered if Selectman MacLean was at the same meeting as he was because he's not getting the same point. He thinks the Community Development Department is going to handle every case on an individual basis; he thinks the police does, but the procedure for getting there is the same for the police. You receive a call; you go and you talk; you attempt resolution. Those are steps. The code enforcement report seems to be haphazard. He's very disappointed that, from the March meeting, he hasn't seen an update or a follow-through on all the outstanding issues that go back to 2005. That's what the majority of the Board is looking for--the follow-through. The issue could be resolved at any point along the way, but it needs to be moved to resolution. It may be 30 days between steps, or 60 days. That's the type of recommendation the Board is looking for. Now, the Board never knows if things are resolved because they just disappear out into bureaucracy-land. That's his frustration. Chairman Maddox said they weren't asking for every little detail to be documented, but when a call comes in, there should be five days to do a site visit. Those are the types of guidelines they are looking for. If it takes six days, the Board doesn't care, but at least there is some direction. If someone asks what the procedure is, he would like to be able to tell them.

Chairman Maddox recommended, for the second meeting in May, a draft of that document so the Board can discuss it, in order for them to be prepared for the workshop. They might not even need to see Mr. Sullivan on May 23. They just may want to kick around what it is they are looking for.

Ms. McGrath wanted to respond to what had been said. She accepts the perception that the Planning Board is difficult. Selectman Massey said it's all of the land use boards. Ms. McGrath accepted that they are difficult, but she takes her position very seriously. She took an oath of office to uphold the law. She has lived in Town all her life and has seen a lot of changes over the years and she tries to balance what she thinks is the right thing to do, within their guidelines. Yes, they do take a long time reviewing plans, and she won't apologize because the plans are very detailed and they need to spend time reviewing them. They have a lot of things on them, and she can see what makes sense to her, but she does not understand a lot of the engineering. The Board would be doing the Town and the applicants a disservice if they only spent 10 or 15 minutes on a plan, and then say they don't like it, and tell the applicant to go away. They need to spend time reviewing the plans to the best of their ability. The land use boards are all volunteers. They are all citizens of the Town and they all donate their time, energy and expertise to those boards and to the Town. Some may not appreciate that, but she does. Some people may not like her decisions, but she believes she does the right thing in every instance. The Town is facing one of the largest developments that they will ever see, which will change the entire landscape of Hudson. It's never going to be the same. Should the Planning Board give them only 20 minutes at each meeting that they come in, or should they devote as much time as they need to those plans to make sure that they fall within the guidelines that the Town of Hudson has adopted? The want to make sure they fall within the State guidelines, try to recognize the traffic impact, the economic impact, etc. They just can't put a time limit on plans. She's listened to Planning Board members drone on, which is not pleasant but, at the same time, everyone is an individual, and they all have opinions and they all try to do the best they can. For the most part, this Planning Board has done a remarkable job. The townspeople didn't much care for past Planning Boards made up primarily of developers because a lot of things got approved that shouldn't have. She came here tonight thinking they were going to have a discussion with all of the Planning Board members. Unfortunately, they weren't able to attend.

Ms. McGrath said, relative to the perception that the Planning Board is too difficult, on a weekly basis in the HLN, there is at least one comment saying the Town is approving too many developments. If it meets all of the requirements, the Planning Board cannot deny them. Conversely, there is the perception by others that they are too easy. You can't please everyone. You can only do the best that you can, and the Planning Board members do a fine job at that.

Selectman Nadeau asked how the Planning Board agenda is developed, how much time each subject is allotted. One night, 3/4's of the way through, the Planning Board decided they weren't going to do X and Y on the list, and one guy had been sitting there with his engineer for 2 1/2 hours, and then it is deferred. What happens at that next meeting if the things in front of him take longer than anticipated, and he gets pushed off again? He has to pay for his engineer and attorney, just to sit there. He's seen that with businesses and with other projects that have come through. They are told the board wants to see a lighting plan, a landscape plan, this or that, and they have to go back and spend more money, but they've already been tied up for three meetings. Does a housing development get an hour, and a business person get 45 minutes for a sign? Mr. Barnes said the Town Planner sets up the agendas. As new applications come in, he puts them on an agenda and tries to lay them out so there will be reasonable amounts of time to discuss them. They don't have hard and fast times to talk about specific cases. They just say they are done and move on to the next one, but he

probably needs to manage the meetings better to keep things moving. Because there are a lot of plans coming in, there are going to be instances where they are going to have situations like they did a couple of weeks ago, where they just couldn't get to a particular plan. In that case, they try to make sure they are at the beginning of the next agenda. They work with the Town Planner on that to make sure that happens. They are sensitive to that kind of situation and it's not good for the Board to have people coming back time and time again. They have to be flexible as they drive through the meetings, giving each applicant, site plan or subdivision plan as much time as it deserves in order to review all of the issues and answer all of the questions.

Selectman Nadeau said if plans have to be looked at within a certain time frame, or can they be told this can't be looked at until, for instance, the end of August. Mr. Barnes said if the application is complete, hitting all of the checklist items, it's on an agenda within 30 days, per the regulations. Chairman Maddox said one of the things the Board is working on tomorrow night is the revised checklist. Hudson is a popular place in which to build, as much as everyone complains about how difficult the land use boards are. Developers and their engineers come in and demand to be put on an agenda, and often they are not ready. They are trying to tighten up the requirements so they come prepared. The Town Planner will sign off that those things are complete. When they are on an agenda, but don't have the necessary items, they get deferred and makes everyone look bad. Sometimes there is more on the agenda than they can do, due to the fact that they have to defer some items because they are not ready.

Ms. McGrath said they often have applicants that assure the Board they will be ready, so the Board moves them up, they come in, and they are still not ready. That takes up valuable time. Selectman Jasper said he understood the difficulty of that, but in all the years he's been going to Planning Board meetings, he can't remember too many meetings that the Planning Board has actually finished an agenda in a timely manner. It is always pushed to the limit. Some of that is the Planning Board really wants to get into the details. People say it's much easier to go to the Nashua Planning Board because they seem to rely more on their staff, who takes care of a the issues, so the Planning Board isn't looking at the nitty-gritty things. There is a problem here someplace.

(Start Tape 3-B)

They should be looking at the bigger overview of the plan. He's glad to see the Planning Board is finally going to have a checklist because sometimes he wonders why something was on a agenda. If someone is not ready, that should have been an automatic. Ms. McGrath said they've always had a checklist. Chairman Maddox said it's being updated to the needs of today. Selectman Jasper said he sees inconsistencies in how things are handled. With some plans, they get into the kinds of trees that are going to be planted. As a property owner, that's none of the Planning Board's business. That is just totally over the top. If he wants to have all grass, it's his property, he should be able to have all grass. Those things he finds to be outrageous. The Planning Board needs to look at how often they finish everything that's on the agenda and, if they don't, they have to meet more often and try to do less because it's terribly unfair to people, and a lot of them are small businessmen, who are paying an engineer to be there. In a lot of cases, their neighbors are there, sitting hour after hour, and at 10:00, the Planning Board says, well, we're not going to get to this one tonight. That's not fair. They've got to meet more often if they are going to get into that level of detail, whatever the reason is. Almost every time he has been in for something, his issue has been deferred to another meeting.

Ms. McGrath said Nashua has a whole planning staff that reviews the plans and negotiates with the developers and engineers and attorneys that represent them. Everything is resolved pretty much before it gets to the Planning Board. Hudson has one Planner, and he is stretched to the max. He does an excellent job, and she doesn't say that lightly. He does a wonderful job and the Planning Board relies on him, but he has got so much to do and there are many plans coming in—and when you consider what he's going to be faced with in another month or so—how can he possibly be expected to review those plans, negotiate with their representatives, and then come before the Planning Board with his recommendation? That is expecting a lot out of one body. If they could hire more John Cashells, with his level of expertise, to lighten the burden, that's one thing, but it can't be expected of him because he is stretched already. Relative to Green Meadow, he was told that Mr. Cashell 'wasn't able' to attend the scoping meetings with the DOT and some of the other agencies. Because the Planning Board relies on Mr. Cashell, she thinks that he ought to be involved. This is a very important development for the Town and it's something everyone is going to be living with. She encouraged the Selectmen to look into that to ensure that Mr. Cashell is a part of that.

Mr. Barnes echoed Ms. McGrath's comments about staff. The Town Planner does a fine job and is under a heavy load because of all the applications coming in, all of the development that is already hitting the Town. When the Planning Board looks at a plan, they delve into a lot of details because that's the history that has built up between staff and the Planning Board. That's the way things have been done in Town, and continue to be done. He attended a Planning Board meeting in Concord, where they have a large planning and engineering staff. They had a plan of two sub-sized lots that someone wanted to subdivide and put two duplexes on, one driveway for all four units. Hudson would never allow that, but staff presented the plan, not the developer or applicant, and within 15 minutes it was approved. Hudson's Planning Board isn't that kind of a board. That's not the way they operate. Yes, they can do better, and they have a challenge with the large development coming before them. The Planning Board has to do better in managing their time and not be overwhelmed by what is going to be coming before them, but the Planning Board has a lot of other applicants that they have to be fair to and hear their plans and proposals, who deserve to get their due.

Selectman Massey said he just had an 'AHA!' moment. John Miles codified a law called, 'Where you stand depends on where you sit.' The 'Eureka' moment was that all the people who say the Planning Board takes too long to get anything done don't say they spent six to 12 months with staff at that City Hall, negotiating all of that stuff so that when it did

come to the Planning Board, it seemed like it didn't take long. They are probably not seeing all of the behind-the-scenes activity that took place to get it to the Planning Board stage. The Town had a half-time Planner on the ballot this year. Mr. Malizia corrected him saying it was a full-time planner on last year's ballot. Selectman Massey said the 'AHA' moment is he suspects that a lot of stuff that Hudson's Planning Board does, and the time it takes, is what staff does in another town. Most of the developers that come to Town know the things that this Planning Board is looking for, that if their plans are not complete, the Planning Board is going to tell them they have to come back. That's what has got to be on the checklist because if things like lighting are not on the checklist, landscaping, traffic studies, etc., then it's a given that that applicant will have to come back. On balance, the Planning Board, with the tools it has to work with, does a very good job. Ms. McGrath thanked him. Chairman Maddox asked the Planning Board Chairman to bring that to the Planning Board tomorrow night. The Board of Selectmen understands they are expecting a lot. Additionally, this Board has instructed that the Planning Board meetings will end at 11:00. He can remember being at Planning Board meetings until 1:30 a.m.—not good for the Planning Board members, and not good for the applicants—but in an effort to try to resolve the issues for the people in the audience, they stayed. For good or bad, that 11:00 rule sets boundaries. In years past, the Board would have stayed till after midnight, if there was only one applicant left—but nothing is ever resolved in five minutes.

Selectman MacLean said her mother always told her nothing good every happens after 11:00. Selectman Massey said the worst decision he ever made as a ZBA member was made at 3:30 a.m., and it was on that basis that the ZBA changed their rules that nothing started after 11:00 and no case continued after midnight. Selectman Jasper said he was the one who made the motion that the Planning Board not go after 11:00 because he had seen so many bad decisions that were made because people were just too tired. Everyone has been at work all day long, grab a quick supper, come in, and then sit for hours. It's just too much for most of their minds to deal with, and bad things happen. There has got to be a balance, and if the Planning Board wants to go to that level of detail—and this was a good conversation because it may give them better reasoning to be able to get more staff—there has to be a willingness on the part of the Planning Board to give up some of this nitty-gritty detail, because the last thing he wants to do is spend more money on staff and see the Planning Board do the same thing. The alternative to that is to have three regular meetings a month. The other thing is to look at the agenda earlier in the evening, note who is going to be there, and decide what they probably won't get to, and give that applicant the option to go home, and not hold it against him.

Ms. McGrath said they are sitting there, too. They are not in a vacuum, unaware of all the people in the audience. The Planning Board members are getting more tired as the evening goes on. If they realize they are not going to get to an item, they try to bring that up early, but sometimes it's difficult because they think they may spend only 20 minutes on one—but that's the one that takes two hours. It's not always as easy as it appears. Selectman Jasper said he recognizes that, but he's been in the audience when he realizes there's no way the Planning Board will get to certain items. Ms. McGrath said sometimes they are hopeful they can get it done—but she didn't want the inconsistencies she sees in code enforcement 'lost' in the discussion. One of the things that was focused on this evening was storage on some of the sites, but there are other sites that storage isn't the problem. There's one site in the south end that the Planning Board took a vote to request a determination from the Community Development Director several months ago, but he has not responded. That site clearly needs a site plan. It used to be a hairdressing salon; it is now a landscaping/travel agency/multiple use with outside storage of everything imaginable, and there has been absolutely no code enforcement. She lives in the south end and drives by that site on a regular basis. It disturbs her that the Planning Board, as a whole, took a vote to request information from the Community Development Director, and he didn't respond. She didn't want the Selectmen to think she was present to talk strictly about outside storage, because that's the least of the problems.

Selectman Jasper didn't know if the Community Development Director needs to respond to the Planning Board or not. Out of courtesy, he should, but if two months has gone by, it would seem appropriate for this Board to send a letter. Questions ought to be answered. That should be the next step, which should come from the liaison. Those things frustrate him very much. If there is no site plan there and if somebody else gets a free walk, there needs to be an explanation. Sometimes the explanation is there is an old site plan there. If the Zoning Administrator has made that determination, then so be it. He has seen times when people on the Planning Board felt that something needed a new site plan just because the businesses changed, when the physical footprint didn't. There are two sides to the coin, but he thinks the questions need to be answered. Ms. McGrath said there have been determinations about change in business. As an example, if it's a retail use, and that use stops, then another retail use comes in, the determinations have been they don't need a new site plan, and the Planning Board has gone along with that. It's when there is a change in use, such as a retail business going to a kindergarten, and a site plan is not required, but then the kindergarten changes to a retail use in a very short period of time, and they require the retail use to provide a site plan. They had that very instance come before the Planning Board, and the Planning Board voted to allow the site plan, without going through a full review, because they didn't see the need for it. It was going from a retail use to a retail use. It was the kindergarten in between that should have had a site plan. They voted to return the fees that had been paid to that business owner out of fairness. What you require of one, you require of all. In this site that she was referring to in the south end, it has never had a site plan because the building was built in the late 60's, early 70's, and that pre-dated any kind of site activity. She's not 100% certain of that, but that was when the building was built and there were a number of uses over the years, but for the last several years, it was a hairdressing salon. Clearly, going from a hairdressing salon to a retail use, with outside storage, requires a site plan. Chairman Maddox said that's where the procedure will help a lot. The log would show the Planning Board that it was logged as a complaint; it would show its tracking, and they would have some answers. Right now, they don't. The Community Development Director came in several months ago and asked the Selectmen be the one to direct him, and the Planning Board has kind of been put aside. They still have the right to

input to that list, as any citizen should be able to, but they need the procedures as to how it is going to be followed—a log—for some sort of accountability. Ms. McGrath said the Planning Board deserves the courtesy of a response. Chairman Maddox said that would be on the spreadsheet.

Chairman Maddox thanked the Planning Board members, saying they would be invited back. Ms. McGrath said they look forward to coming back. Mr. Barnes said they would also encourage the other Board members to attend, as well. Chairman Maddox asked that the Planning Board be told the Board of Selectmen appreciates their hard work.

D. Update on Proposed Reconstruction Project at Intersections of Chase-Central Streets and Library-Central Sts

Selectman Massey said last fall, the Board voted to have CLD do a needs assessment on the aforementioned intersections, where a significant number of accidents are occurring. If any work is done, it would have to be coordinated with the three sets of lights that triangulate Library Park. On that basis, the Board authorized CLD to do a requirement study and they came back with an assessment that something should be done there and the basis of their preliminary findings were that they could signalize Library Street and do some changes to the intersection at Chase, but a light wouldn't be needed there. They started doing their engineering work and got to a point where they have a set of drawings that showed what would have to be done between Lowell Road and Central and Chase and Central. The original estimate was about \$600,000 and that money was available in the corridor accounts. An engineering study review meeting was held about two months ago, and the initial idea was, based on escalating construction costs, it was unlikely to have all of the money to do the entire project. In front of them tonight was a preliminary assessment of that particular session in which CLD is recommending that if this is going to be done, there is only enough money to do the Library Street-Central Street intersection and the associated work with Lowell Road. CLD is planning to come to the Selectmen's meeting in June, with the proposal to expend that money to let the bid out to do the work. Because of what is now seen as a change in the cost, they need to do the project in two stages. The Town has also applied for a CMAQ grant in the amount of \$150,000 and there are some indications that the Town has a high priority of getting that grant.

Selectman MacLean said a light at Library and Central will just make things worse. There has got to be a better way than spending all of this money to get a light there, when it won't improve anything. The common-sense, logical thing would be to adjust the lights at Lowell Road and Central, where there is no traffic flow for a period of time so the people can get out of Library Street or Chase Street on to Lowell Road. Two traffic lights so close together is just crazy and it would cause more harm than good. Selectman Jasper agreed. It's difficult to get out of Chase or Library on to Lowell Road, but the proximity of the lights would be so close, it would cause more problems than it solves. If there was a feeling that something needed to be done, he'd make Library Street one way to School Street, so people could turn in and go the other way. That would take care of any safety issue. Selectman Massey said all of those concerns were looked at in the original traffic study and they came to the conclusion that the best solution was this one. It might be worthwhile to have CLD come back and explain how they came to the conclusion they did. They did look at Library Street being one way, but they concluded that it couldn't.

(Start Tape 4-A)

Selectman MacLean said people who take a right on Library Street could still do so, even with the light there, but there would be so much backup and congestion that it would be simpler to halt the traffic for a few seconds longer just yards up the road. Selectman Massey said that's why part of the project was to synchronize the signals. Selectman MacLean said they wouldn't have to synchronize them if the flow just stopped for a few seconds more at Lowell. Even though she agreed with the initial study, she will not vote for this construction project. Chairman Maddox said the Board had a plan that was provided by engineers, but the individual members had a perspective of their own. Multiply that times two, and they have a Planning Board. That's how it all works. The current Selectmen were not all present during the presentation of this plan, but the previous Board thought it was a good idea. He didn't see a problem inviting CLD back for another presentation. Mr. Malizia said CLD will be ready to come in on June 13 to discuss this with the Board. Chairman Maddox said they should come in prepared to present some of the background information again. They could take a look at it again. He had hoped Kevin Burns could do some of the work. Selectman Massey said he looked at that and determined, given the kind of work that needed to be done, he didn't think he'd be able to do it—the technical requirements that need to be done on the pavement, itself--they don't have the equipment. Mr. Malizia said Kevin can do the striping and things like that. CLD plans to come in with a recommendation, but the Board could change it. Selectman Massey said CLD plans to come in with a final set of bid specs, if the Board is ready to commit to going forward. They were doing that on the basis that a previous Board of Selectmen said that's what they wanted done. Chairman Maddox said on June 13, they could rehash some of that and decide whether or not to go forward. If they were going to do it, it would be in this construction cycle. He asked the Town Administrator to get the Board as much information as possible, in advance, so they can all review how they got to that, with the study that was provided. Then they can decide if it's something they want to support. Probably at the time Selectman MacLean drives through there, she doesn't have much trouble getting out of there, but there is a problem at rush hour or during peak travel times. Getting on to Central Street is haphazard at best. What they should ask CLD in advance of the June 13th meeting is, if they shut off traffic at Central, what that would do. He still thinks there will be southbound traffic on Central that will be problematic. They still won't be able to take that left and merge into traffic that is on the southbound side. Selectman Massey asked for a clarification of shutting off traffic on Central. Chairman Maddox said Selectman MacLean's idea of having the light at Central and Lowell stop all traffic and not allow right turns out of Central Street so people could pull out of Library. Selectman MacLean confirmed that that was her thought. Chairman Maddox said CLD could look at that and see if that was work. CLD should be aware of the fact that that question will come up.

Selectman MacLean said a lot of people are just driving through Hudson. Maybe if they don't like coming through Hudson, they should find another route. Selectman Massey said this wasn't an issue of trying to speed people through Town; it was a safety issue. He saw a bad one about three weeks ago at the corner of Lowell Road and Library Street. The original proposal was for a light at both intersections. The study was done with the help of NRPC's computerized programs, and there was a written report.

E. Update on 102 Reconstruction Project (Highland to McDonald's)

Selectman Massey said they are done with the night work on this project. If they discover any more asbestos, they will remove it during the daytime. Mr. Malizia there was some concern there might be more asbestos at Cummings and 102, but there wasn't. They might run into more asbestos during utility relocation, which is the next phase, but there will be no more night work.

Chairman Maddox asked what the procedure was for night work. Mr. Malizia said they don't have a procedure because they don't usually have a request for night work. In this case, the Town Engineer and Civil Engineer worked with the project manager to go over the schedule and look at what makes sense and if they need to work at night, the Town is notified of the recommendation and all of the abutters are notified. They also minimized the impact from a noise and disruption perspective. If they did this type of work during the day, it would be more disruptive. This is the only project he's aware of in his three years as Town Administrator. If they were to get more of this, they would go through the same basic procedure. If the Board wanted something in writing, they could do that. Chairman Maddox said this would jog their memories for the next one.

F. Visioning

Chairman Maddox thanked Kevin Burns for volunteering to be first one to go through this process. They know what some of his issues are and have time to think about them. During budget season, they will be prepared. That's what this is all about.

Mr. Malizia said, for synergy, since the Board identified Community Development for the next workshop, he was thinking Engineering, which would then touch upon water and sewer issues, and possibly Assessing, which is a smaller department, although it's not related, just to get them in. If that's what the Board wants, that's what he'll aim for. Chairman Maddox was agreeable to that, but since the Water Utility will have several things they want to bring in for the next budget cycle, he wondered if they should get into all of that. Mr. Malizia didn't know if it will be included in the budget or not, but they would certainly want to talk with the Town Engineer about it. Selectman Massey said the whole north end project is contemplated as being brought forward for a warrant article. Mr. Malizia said that's something for the Board to discuss, whether the Board chooses to finance that as quickly as that would be part of the discussion. The Town Engineer works with the Community Development Director—there's synergy there. He didn't want to have the Town Engineer to come in for three meetings; that wasn't fair. Selectman Jasper said if they run into problems, they will deal with it, or defer it to another meeting. Mr. Malizia said that would be better for staff, to have them all in at the same time.

G. Other Business

Selectman Jasper said there is a shoe store in Suncook that is closing, who came across a box of Benson's tee-shirts. Esther McGraw went right up there to pick them up.

5. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman MacLean to adjourn at 10:17 p.m. carried 5-0.

Recorded and transcribed by Priscilla Boisvert
Executive Assistant

HUDSON BOARD OF SELECTMEN

Richard J. Maddox, Chairman

Shawn N. Jasper, Vice-Chairman

Kathleen R. MacLean, Selectman

Kenneth J. Massey, Selectman

Benjamin J. Nadeau, Selectman