

HUDSON, NH BOARD OF SELECTMEN
Minutes of the December 13, 2005 Meeting

1. **CALL TO ORDER** by Chairman Ken Massey at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE**, led by Selectman Rick Maddox.

3. **ATTENDANCE**

Selectmen: Ken Massey, Terry Stewart, Bill Cole, Rick Maddox and Kathleen MacLean

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Shawn Murray, Fire Chief; Police Capt. Don Breault; Toni Weller, Library Director; Elaine Brody, Library Building Committee Co-Chair; Library Trustees Arlene Creedon and Jane Bowles; Ray Rowell; Leo Bernard; Ben Nadeau; Doug Robinson, HLN; about 10 others, who were present to speak on James Way.

4. **PUBLIC INPUT**

Matt Trudel, said he was not a Hudson resident, but the owner of 12 & 21 James Way, and was representing the other builders and home owners on James Way (his father, John & Deb Dias, Bruce & Wanda Pearce, Brian Morin, Chris Carlton, and the Wilson brothers). He was not speaking on behalf of Rose Realty, or the Fauvels. He wanted to talk to the Board about the wetlands crossing at James Way. He and his dad have been in there for 20 months. His houses have been ready since mid-October; Brian Morin's and his Dad's houses have been ready for months before that. Bruce and Wanda Pearce's house at 21 James Way had the final inspection on October 30. By the 31st, Sean Sullivan informed him he would not get a CO because of the wetlands crossing. On both properties--19 & 21--the framing and the foundation permits said nothing about the wetlands crossing being finished. On two of his Dad's houses, nothing was said about the wetlands crossing; two of them did state CO's wouldn't be issued without the wetlands crossing. There were a lot of inconsistencies from the Building Department relative to what was required for a CO. When they were ready to close on October 31, he asked Sean what their time line was and he estimated they were looking at somewhere around Thanksgiving—which was appalling to them at that time. Here it is, mid-December, and it's twice as appalling. Their customers have been living in hotels for well over a month and a half. They have lost their mortgage rates and the Feds raised. They are spending money on hotels. Contractors are losing money. He and his father have filed complaints with the Attorney General's Office in Concord. Rose Realty had a meeting in Concord, but he doesn't know the outcome of that meeting. It has been 20 months and his father was part of the AG approval, so he had some protection as far as the Fauvel brothers getting their AG approval. He was on that bulk sale exemption. Mr. Trudel said since October, they have been getting the runaround--the bridge will be back-filled; they will have a CO once the substantial work is done; they will get a CO once its graveled; they will have a CO once its paved; the bridge is going to shut down until May; they won't have CO's until May; they will have CO's when there is gravel; etc. It's a different story every day. He doesn't even call Bruce and Wanda any more to tell them what the story is because it changes every day. He hasn't gotten a consistent answer from anyone. The latest they heard is the bridge is shut down; there is no more construction; the assembling of the pieces of the bridge won't be completed until May. He'd hate for his customers to live in a hotel until May and Sean's exact words were, "It'd be pretty un-American not to let our home owners move in." They hoped the issue would be resolved this week. Waiting until next year, waiting until the frost goes, waiting until they are paved, waiting until they are graveled doesn't do anyone any good to not know where they are going to be during the holiday season. They need to know what is going to happen, what the Town is going to offer as a solution. Two CO's are already issued in this subdivision, which aggravates them all the more. There is an existing home there that the CO was never pulled on and there is a home there that was given a CO to Rose Realty Trust for one of their spec homes that they sold. That CO was given in August. His building permit was pulled two months before that. He has a foundation in and a frame up and a home practically under agreement. A CO was given directly across the street from where his customer is buying. In October, he doesn't get a temporary CO, a resolution, nothing. There are three houses are ready for CO's today; the inspections are done. They understand that, at some point, the home owners are going to have to move out because the bridge has to be shut down for two days. Everyone has already agreed on that. They understand they have to hold the Town harmless when that happens.

Tom O'Grady, 27 James Way, said his house has been done since August, but they've been living in a hotel for four months. This has been a financial, emotional and physical disaster. He has a bad back and has been unable to sleep in his own bed. He appealed to the Board's humanity to allow conditional CO's as soon as possible. He understands what has to happen in the spring with the bridge, but asked that it be shut down only after all of the materials are on-site. They don't want to be without the bridge longer than expected.

Tim Quinn, 1 Fuller Drive, spoke on behalf of Conservation Commission incumbents, Linda Kipnes and Suellen Quinlan, who were seeking reappointment. They are highly regarded members who do outstanding work.

Bruce Pearce, future resident of 21 James Way, said Sean Sullivan indicated to him that there is a proposal being put together that would meet the specs of the Town Engineer, which would be a simple solution to the problem. He can't fathom the idea of having to continue to live in a hotel until next May. He hoped the Board considers the proposal for a temporary roadway fix.

Debra Dias, future resident of 36 James Way, said the past few weeks have been totally stressful for her family. She is staying with her parents in a small house, but her kids are separated from her. They are losing things and their social lives and grades have gone down. They go to one house to use a computer and to another house to print it. Christmas gifts are everywhere; clothes are everywhere. She lost her mortgage rate yesterday, and the rates are going up. This should be a happy time when you build a house, but her kids are fighting, she and her husband are; it's a mess. She can just imagine what the people are going through who have been in this for months.

Wanda Pearce said they have been Hudson residents for over 15 years and, on good faith, believing her house and the bridge were going to be ready on time, they sold their house off of Wason Road. This has been a hardship on her 14-year old son, who needs a stable home

environment. His grades are going down, he's out of contact with his friends, he has a problem accessing the computers in the hotel; it's a hardship all around and very stressful. If there is a resolution for a temporary bridge, that would be the solution right now. She spoke to the engineer who designed the bridge and he said they could fill in an area about 15' wide, put Jersey barriers on both sides, and that would work until spring. At that time, they could finish the bridge, which would probably take two months. She hoped the Board would consider that solution so they could get into their homes for Christmas and back to a normal life.

Tyler Draper said he is 14 years old and that his Mom spoke earlier and she pretty much summed up their situation, which has been really hard the past few weeks. He can't live in the same house as his Mom and it's hard to balance school and his social life. When it snowed last week, he couldn't hang out with his friends because all his snow equipment and clothes were boxed away in different houses. It's hard going back and forth using computers at different houses, trying to get everything done. He'd appreciate it if the Board could find a resolution that would allow him to move into his new house as soon as possible. It has been real hard on the whole family.

Brian Warren, 33 James Way, said his house has been finished for three months. He was renting in Hudson but had to move because the landlord found another renter. He is commuting from Wilmington to bring his daughter to school. The crossing has been safe since the first day he drove over it. Something needs to happen. They can't keep living out of boxes. His child wonders how Santa will be able to find her. It's killing them financially. He hoped the Board would show some Christmas Spirit this week.

5. **NOMINATIONS & APPOINTMENTS**

A. **Building Board of Appeals (2 members, terms to expire 12/31/2008)**

1) **Vincent Russo** (incumbent member), 14 Greeley Street, said he's lived in Hudson for 16 years and has been on this committee for three years. It's not an active committee, but he's available to serve. Chairman Massey said a prerequisite for serving on this committee is involvement with the building trade. Mr. Russo said he is a master electrician and is the manager of a service department for a HVAC company. Selectman Maddox thought this committee should hold at least a yearly organizational meeting. Selectman Cole thought being involved with the building trades was a subjective term and asked when Hudson became so narrow-minded. They should do whatever they can to assist anyone who wants to serve the Town.

2) **Paula Hubert** was not present. She will be asked to attend the meeting on the 27th.

Motion by Selectman Maddox, seconded by Selectman Stewart, to waive the Board's normal procedure and appoint Vincent Russo, term to expire 12/31/08, carried 5-0.

B. **Cable Utility Committee (2 members, terms to expire 12/31/2008)**

1) **Mike O'Keefe** (incumbent member) 57 Glen Drive, said a little over a year ago, the Board decided to disband the Cable Committee and reform/refocus it as the Cable Utility Committee. He was re-appointed to the new CUC and has served as Chairman. The Selectmen put in many more hours managing the Town's affairs than just two meetings a month. The same applies to the Cable Utility Committee and, in particular, the Chairman. In addition to the monthly committee meetings, he has spearheaded the effort to record and cable cast many events from Alvirne, including the first ever varsity football home games. He participated in negotiations with the recent cable franchise transfer agreement from Adelphia to Comcast and he specified, acquired and installed upgraded equipment, which has improved the bulletin board system and playback capabilities for the three access channels. The committee has worked very hard over the past year and has made great strides in advancing cable access television in Hudson. He hoped to be re-appointed to the committee to continue to work towards a vibrant and active access television program. Selectman Stewart thanked Mike for taking charge and going forward with his vision for cable. There has been a marked improvement in the past month or so, which is a credit to Mike and his committee. Selectman MacLean seconded those remarks. Selectman Cole asked for Mike's thoughts on increasing the size of the committee by two citizen members, given the plans the committee has. There currently are seven voting members—five citizen members, a Selectman and a School Board member. Mike said, as an initial reaction, he didn't see any reason not to, as long as they are cable subscribers, a prerequisite for this board. The more people they can involve, the better.

2) **Harry Schibanoff** (incumbent member), 8 Birdie Lane said there has been more activity on that committee in the last year than in the previous 10. A lot of improvements have been made to public access. His contribution is primarily with planning, regulations and financial matters.

3) **Rupert Cote**, 6 Teloian Drive, has lived in Hudson for 20 years. For many years, he has volunteered in sports. Now that his children are older, he can help out in other ways. He is a cable subscriber. Selectman MacLean asked for his vision for the committee and his technical background. Mr. Cote thinks they should catch the Town doing good things. People do good things nobody ever sees. He didn't have any technical experience; he enjoys working with people.

(Start Tape 1-B)

4) **Thomas Murphy**, 17 Gabrielle Drive, said he had been a member of Billerica Access Television, the audio-visual coordinator for Billerica Memorial High School, where they put on a daily audio-visual news program for the school, he has been involved with large shoots, such as football games, and he was a licensed motion picture operator. In the last month, the bulletin board notices have really improved. He'd like to be involved with the progress the current committee is making. Selectman MacLean said anyone can attend the meetings and his input would be welcomed. He

would be a great help to HCTV. Whether or not he is appointed, she's confident they will look him up. Selectman Maddox wondered when Mr. Murphy would have time, since he has a newborn, and is also a member of the Planning Board. Mr. Murphy said he was looking for an out. Selectman MacLean told him when the next meeting was.

- 5) **Ahmed Elmahdy**, 515 Elmwood Drive, has lived in Hudson for two years and wanted to get involved in the Town. He is a software programmer with a background in electronics and is a cable subscriber. Selectman MacLean invited Mr. Elmahdy to their meeting next week so he could see what goes on and they could get to know him better.

Motion by Selectman Cole, seconded by Selectman Stewart, to increase the Cable Utility Committee's citizen membership from five to seven, one term to expire in 2007 and one for 2008, carried 5-0.

Motion by Selectman Cole, seconded by Selectman Stewart, to waive it's normal procedures and appoint Michael O'Keefe to a term to expire 12/31/08; Harry Schibanoff to a term to expire 12/31/08; Rupert Cote to a term to expire 12/31/08 and Ahmed Elmahdy to a term to expire 12/31/07 carried 5-0.

C. **Conservation Commission** (2 members, 1 alternate, terms to expire 12/31/08)

- 1) **Timothy Quinn** (incumbent member), 1 Fuller Street, said this is his third appointment to the Conservation Commission and he'd like to continue serving on this committee, to develop protection of Hudson's natural resources. They are developing a stewardship plan for the Town, which is ready for the Commission's final review prior to presentation to the Selectmen. They have begun developing natural resource inventories for all of the properties in Town, open space or undeveloped properties. They are doing deed research to determine which deeds grant the Con Com easements and which easements exist outside the deeds. They are developing an open space plan through the Open Space Subcommittee, chaired by Michelle Champion. That will result in an open space map, showing undeveloped, recreational and conservation properties. Hopefully, it will show which ones are touching which to give a better idea of the more desirable properties for future conservation purposes. They have taken a stronger stance on wetlands special exceptions. This year, they rejected 15% of the applications—a new high. That is a natural evolution of what is happening in Town. More and more of the builders are developing the less desirable properties—wetlands, steep slopes—issues that require extensive modifications of the properties. They improved the application process to keep them from asking the same questions over and over and, in some cases, developing the plan at the meeting, rather than having a plan before them. They have done site walks religiously, which have been very valuable. They have seen features not shown on the plan that were critical to making a decision. They have also seen that adjacent properties were affected by the plans, which is never revealed on the plan. They are beginning to use the Town's GIS maps to look at the areas impacted by the conservation easements requested, which gives them a better picture and better protection of their resources. They have worked to improve communications with the ZBA and Planning Board, and that has been working well. They have organized walks on Town properties, which have been opened to the public. The Audubon Society and Friends of Hudson's Natural Resources conducted a walking tour, in which Selectman Maddox participated. They were informative and enjoyable, showing that there are a lot of wonderful, under-utilized natural resources in Town. They want to do an outreach program to publicize that. They developed a data base for undeveloped properties in Town, with the help of Cathy Hawkins, as well as Town-owned lands, which they are looking at, along with Selectman Maddox, to see if they have conservation usage or if they can be developed. In the future, they plan to complete the natural resource inventory, complete the open space plan, prepare recommendations on deeds for conservation easements, they want to work with the other boards on upcoming developments, such as Green Meadow, to help people navigate the issues and they plan to have an outreach workshop for landowners to inform them of the advantages and disadvantages of open space, so they are in a position to begin to evaluate whether or not they can preserve more property. He said he could go on, but decided it end it there.
- 2) **Linda Walkley Kipnes** (incumbent member), 23 Nathaniel Drive, said she's been on the Con Com for two terms and has been very active in all of the projects Tim just talked about, especially with the Open Space Committee. Her main reason for wanting to stay on the commission is to protect some of the rapidly disappearing open space in Town.
- 3) **Suellen Quinlan** (incumbent alternate), 50 Pelham Road, a 40-year resident, re-re-applying to serve. She had originally wanted to get on this committee to be an interface between them and the Planning Board. She has been able to bring information back and forth to the boards. It is interesting to see a plan that comes in for conservation issues initially, then see how it changes and develops before it is presented to the Planning Board. She wants to protect open space and conserve what is left of the Town, which is diminishing. They need to be able to control growth in a way that's good for everyone. The Open Space Subcommittee is looking for a lot of input so, to the individuals who may not get appointed to a committee, and are interested in conservation issues, should contact Michelle Champion.

Motion by Selectman Cole, seconded by Selectman Stewart, to waive the Board's normal procedures and reappoint Tim Quinn as a member to the Conservation Commission, term to expire 12/31/08, to reappoint Linda Kipnes as a member, term to expire 12/31/08 and reappoint Suellen Quinlan as an alternate, term to expire 12/31/08, carried 5-0.

D. **Nashua Regional Planning Commission** (1 member, term to expire 12/31/2009)

Howard Dilworth, Jr. (Incumbent), 15 Sycamore Street, was seeking re-appointment. Selectman Maddox asked where Mr. Dilworth saw his role on this board. Mr. Dilworth said in addition to being a commissioner from the Town, he also served three

years on the executive board and he was the commission's treasurer for two of those years. He still would be, but you can serve only two consecutive one-year terms. Part of what he does is bring some sanity to what goes on over there. It's a place for people who have done planning for a very long time wind up. He knows them and they are good people. Martin Mahalis from Amherst has been there for 30 years. There is a tendency to go with what seems to be a nice thing to do, without really always thinking through the dollars and cents aspect and how it pertains to the member towns, and he brings that kind of expertise to the table. Being on the edge of the district, Hudson doesn't always get a fair hearing, with most of the commission being made up of the towns to the west of here. He tries to be an advocate for the Town.

Motion by Selectman Maddox, seconded by Selectman MacLean, to waive the Board's normal procedure and appoint Howard Dilworth, Jr. to the NRPC, with a term to expire 12/31/09, carried 5-0.

E. Planning Board (2 members, 1 alternate, terms to expire 12/31/08; 1 member, term to expire 12/31/06)

- 1) **Jim Barnes** (incumbent member), 3 McKinney Drive, said he's been a member of the Planning Board since 2001, first as an alternate and then a full member. He is also the Chairman. In the 80's and 90's, he served on the Conservation Commission. They have some challenging times ahead. In addition to the normal workload of housing developments and retail and industrial development, they are going to have at least one major proposal coming in, and there may be others associated with that one. He is a seasoned member and wants to help guide the process for the Town to balance both the concerns of the developers and all of the residents, who will be impacted by this development. Selectman MacLean, as the Selectmen's alternate to the Planning Board, has noticed that Mr. Barnes usually does not vote, unless it is to break a tie. By doing that, people don't know where he stands on an issue. Selectman Maddox, the Board's representative to the Planning Board, said the time commitment for Planning Board preparation is huge and the meetings often last way past 11:00 pm. There are large packets for every meeting. Mr. Barnes was well aware of the time it takes to serve on this Board, which includes weekends and evenings. He even looks up things on-line that applies to various cases they are hearing and is constantly reviewing the RSA's and Zoning Ordinance.

(Start Tape 2-A)

Selectman Cole said he had an opportunity for each Planning Board and ZBA applicant, since each area is impacted by or impacts on the future of the community, with regard to development, results of development and results of not developing. Has it gone far enough? Should they be doing more? Are they doing it at the right pace? Should they be going faster or slower? He wanted to know their feelings with regard to the generic term development—be it commercial, residential or industrial—and all the peripheral issues—the schools, recreation—the quality of life. Mr. Barnes said he the pace is dictated by the economy, the marketplace and the developers. If new houses are being built and they are not selling, then the developers are not going to develop. They will hold off and land will stay unused. Increasing just residential could put a strain on the schools. Educating children is more expensive than what they get from taxes. That needs to be balanced with commercial and industrial, but those developments need to be in the right places. They have to look at the infrastructure—roads, water, sewer—police and fire and try to coordinate all of those activities. He didn't see the future of Hudson as being like Hollis, where it's almost totally residential, but he didn't see them being Nashua, either. There will be large areas of residential, single-family homes with large lots, especially on the east side, because they don't have the infrastructure that business and commercial needs.

- 2) **Marilyn McGrath** (incumbent member), 81 River Road, said this would be her third term, and is willing to put in the time it takes to serve on this board--she already has, and is more than willing and capable to continue. She has been able to do a good job in this capacity. With regard to Mr. Cole's question, as a life-long resident, it has always saddened her to see the development, but she recognizes that land owners have the right to do what they choose to do with their property, within the confines of the law. She agreed with Mr. Barnes' that it is a balancing act. It's not easy to say no, and it's not easy to say yes. She listened to the residents who came in earlier to complain about the bridge at James Way. The Planning Board approved that development and she was trying to envision what the problem was and was wondering how she would act if she was on the Board of Selectmen. It's a difficult position, but she is able to make difficult decisions. If she is not re-appointed, she recommended either Mr. Russo or Mr. Murphy. She has served with both of them and she has great faith in them and their ability to do what is right for the Town and its citizens.
- 3) **Vincent Russo** (current alternate, seeking member ship), 14 Greeley Street, said this Board takes a lot of time and effort. It's a lot like cramming for an exam because they get the packets on the weekend and they don't have a whole lot of time to review them, between their jobs and families. He'd like to get the information sooner so he could have more time to prepare for the meetings, especially with the development that is going to happen in the near future. He is finishing up his third year and looks forward to continuing. Balance is very important. He has seen a lot of residential development, which will really start to strain the tax base. With the future development of commercial property, he sees a little bit of relief, but they need to be very careful. Now that the Town is getting more congested, they need to start paying more attention to areas where the residential, commercial and industrial are getting very close. That will be a challenge for them, but he will pay close attention and try to make decisions accordingly.
- 4) **Thomas Murphy** (current alternate, seeking reappointment), 17 Gabrielle Drive, thanked Ms. McGrath for her comments and hopes he is able to fulfil her expectations. Two attributes that are essential for serving on the Planning Board are passion and compassion. The job can be overwhelming. The amount of work to sift through in short order is difficult and can be taxing. They also have to have compassion for the people who come before that board because they have issues. Members have to protect the interest of the Town, while keeping in mind that they are there for the benefit of the people and to help them. Relative to the time commitment, you find the time if you enjoy what you do. He has

enjoyed the last year and a half on the Planning Board and, even though he has a new baby. One of the reasons he got involved with the Planning Board was because of past experience and he applies that. He and Selectman Maddox are from the same home town, and they discuss some of the mistakes they believe were made, and don't want to see those mistakes happen in Hudson. There has to be balance. The 800-lb. gorilla is Green Meadow—a big issue that will impact people in every part of Town. That will eat up a lot of time. The attorney for Green Meadow stated that he'd like to see a regular meeting with the Planning Board—a great idea, in spite of the fact that the board already meets three Wednesdays a month. Maybe they should set aside a time so they can get through the other things on a regular basis, rather than making residents sit and wait. Their agendas are consistently filled. In some cases, they have to put people off for weeks, which is frustrating. Meetings are supposed to be over by 11:00, but if they get out at 11:00, that's a great night. They are an advisory board to help people through the process, not to make it more difficult.

- 5) **Paula Hubert** was not present, but will be invited to the meeting on December 27.
- 6) **Connie Owen**, 3 Bruce Street, said this is the first time she's had an opportunity to become active in Town government. It is a challenging time and she is interested in helping to deal with that challenge. Because she is going into semi-retirement, she will have time to deal with the issues. She has been self-contained, not needing a great deal from the Town in her 18 years. She has not used the school system, she has her own well and septic system. She has skills, talent and time to bring to the Board and would like to be a part of the critical balancing act for the entire area. Selectman Maddox asked if she had ever been to a Planning Board meeting. Ms. Owen said yes. Selectman MacLean said she noticed Ms. Owen's address was near the big development coming in and wondered if she could be objective. Ms. Owen believed people acting on their passion was what was going to make the Town grow. She hoped she would have the ability to be fair to both the neighborhood and to the developers, after studying the facts presented.
- 7) **Amy Ostberg**, 35 Barbara Lane, said her background is architecture and planning. She has been in Hudson about six years and currently at home with her child, but stays current in her field. She has a great passion for planning and helping others solve problems and would love to serve on the Planning Board. In Massachusetts, she was on the other side at Planning Board and Conservation meetings, and it is very frustrating for homeowners and residents when they are expecting help, but do not receive it. When Selectman Maddox asked if she has ever attended a Planning Board meeting, she replied that she has. He asked if she was present when Lockwood Place was going through their ordeal. She said she was, that she was working for Ashwood Companies, so she was on both sides. Selectman MacLean asked if she'd be able to put in the time required. Ms. Ostberg said yes, it wouldn't be a problem for her. When a problem is put in front of her, she can't put it down until it moves forward. Her greatest concern would be the commercial aspect, to make sure Hudson doesn't turn into a DW Highway. Sometimes a building could have been situated better or planned better to make it less commercial-looking. Hudson is a nice town and she'd like to keep the small town feeling.
- 8) **Richard Turcotte**, 329 Fox Run, is a 42-year resident—all his life, except for military service. He has seen the Town grow to the point it is at now. He has an interest in residential and commercial growth. He has attended several Planning Board meetings over the years. They can't stop development, but they can keep it at a comfortable pace, without losing the quality of family life. He finds this interesting and would like to be involved.

Motion by Selectman Maddox, seconded by Selectman Stewart, to waive the Board's procedure on some of the appointments and re-appoint Jim Barnes and Marilyn McGrath to the membership positions, terms to expire 12/31/08.

Selectman MacLean asked for an explanation of what he meant by some of the appointments. Selectman Maddox thought they should wait until their next meeting to make that appointment to give Ms. Hubert a chance to come in. Mr. Russo is currently an alternate, but if the Board appoints him to the seat vacated by Karl Bond, his alternate's seat would open up. With the things that are going to be coming before the Planning Board, the current membership represents a good balance.

Motion by Selectman MacLean to divide the question, seconded by Selectman Cole.

Selectman MacLean said it's a new time, a new day and there are so many people that would like to get involved, she'd hate not to have at least one new person. She asked if any incumbent would voluntarily give up their seat. There was no response.

Vote on the reappointment of Mr. Barnes carried 4-1. Selectman MacLean voted in opposition.

Vote on the reappointment of Ms. McGrath carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Stewart, to waive the Board's normal procedure and appoint Vincent Russo to the member seat, term to expire 12/31/06.

Selectman Stewart said it has been her policy to move up an alternate to a membership position. Selectman MacLean said she is going to vote against this motion because Mr. Russo is on another Board and she'd like to spread the membership out a little bit.

Vote: Motion carried 4-1. Selectman MacLean was opposed.

Motion by Selectman Maddox, seconded by Selectman Stewart, to waive the Board's normal procedure and appoint Thomas Murphy to the alternate's position, with a term to expire 12/31/08, carried 5-0.

Selectman Maddox said with Mr. Russo moving up, there is now an alternate's position open that he'd like to wait until December 27 to fill. Chairman Massey asked him to speak to the Planning Board about getting meeting information packets out to the members sooner. Chairman Massey declared a recess at 8:30 p.m. The meeting reconvened at 8:40 p.m.

(Start Tape 2-B)

F. **Recreation Department** (2 members, terms to expire 12/31/08)

- 1) **Jeremy Griffus** (incumbent member), 30 Riverside Ave, a 24-year resident, served on the Recreation Committee for three years. He has enjoyed being on the committee and has been an active member, helping at 5th and 6th Grade dances, comedy nights, movie nights, basketball invitational tournaments, Hudson skate park, other events, meetings, etc. Selectman Maddox asked where he sees recreation going over the next few years. Jeremy said just in the past three years, the Town has grown and recreation has grown as well and they have to adapt to that growth. The schools are getting bigger; more kids are wanting to get involved. The committee is trying to offer more things, not just to kids, but to adults, too. Selectman Stewart asked if Jeremy thought moving the Rec program to the Community Center was a good thing. Jeremy said yes, mainly because of space. They need it for the summer program, basketball, movie nights, comedy nights. etc. The building looks really good now, too.
- 2) **Susan LaRoche** (incumbent member), 88 Gowing Road, was seeking a second term. She has been a very active member and has supported the Rec Director in whatever he has asked them to do. As a stay-at-home-Mom, she likes to be involved with what her children are doing. There is a huge potential for the Recreation Department in the upcoming years, particularly with Green Meadow. Hopefully, they can get some recreation space out of that from the developer. They can focus on that, as well as offering additional programs for the young kids, perhaps some after-school programs for high school and Jr. high kids who have no place to recreate, maybe using the Community Center.
- 3) **Rupert Cote**, 6 Teloian Drive, said he grew up playing hockey and loves the sport. There is nothing more precious than a child who helps a senior, and a senior who helps a child. If they marry the two together, the Town of Hudson will be better off for it. Selectman Stewart said the Rec Department is always looking for volunteers or chaperones at dances, movie nights, etc. Mr. Cote said his wife is a teacher and she attends. Selectman Maddox asked if he was saying they should start a Senior program tied in with recreation. Mr. Cote said yes. There has been strife because the Seniors have been put out of their place; there has been growth with the kids; and there is nothing in Town where the kids actually help Seniors or Seniors help children. They find themselves bored with nothing to do, so they complain. Hudson Rec is one of the best programs around. Very few complaints. Coaches have stepped forward and are happy to be there with the children. That makes for happy children; children grow up to be happier people.

Selectman MacLean asked if there was some way they could expand the Recreation Committee to add two more positions, as they did the Cable Committee. It was decided to wait until the December 27 meeting in order to check the RSA's before they formalized it. Selectman MacLean moved to wait until the 27th to make these appointments, but didn't get a second.

Motion by Selectman Cole, seconded by Selectman Maddox, to waive their normal procedure and appoint Jeremy Griffus and Susan LaRoche to the Recreation Committee, terms to expire 12/31/08, carried 5-0.

Selectman MacLean said with the growth of the Town and the Rec program, it would be wise to have a seven-member board and felt that Mr. Cote provided very important input. Selectman Maddox said Mr. Cote would be most welcomed at the Committee meeting and would take any information Mr. Cote brought forward, even if he wasn't an official member. He thought it was interesting that Mr. Cote wanted to blend in the older persons, which is something he's been kicking around, but it never got off the ground. Even if they don't expand the committee, Selectman Maddox will keep Mr. Cote's application on hand. Selectman Cole said voting for the two incumbents does not preclude the Board, after looking at the RSA's, from increasing the Committee. He thinks the two incumbents should be kept on, then deal with the size of the committee at another time.

G. **Sewer Utility Committee** (1 member, 1 alternate, terms to expire 12/31/08)

- 1) **Doris Ducharme** was not present, so appointments will be taken up on December 27. She will be asked to attend.
- 2) **Ben Nadeau** (incumbent alternate), 15 Chase Street, said he filled after Doris stepped down and he'd like to continue. Seeing what is going to be happening in the future, the committee has a lot ahead of it. He is not interested in being re-appointed as alternate. Selectman MacLean asked what he has learned from being an alternate. He said a lot of new ideas, some things they could change relative to gaining capacity from Nashua, which they will need for the future.

H. **Water Utility Committee** (1 member, term to expire 12/31/08)

Catherine Valley (incumbent member) was not present, so the Chairman said this would be taken up on December 27.

I. **Zoning Board of Adjustment** (2 members, 2 alternates, terms to expire 12/31/08)

- 1) **Jim Pacocha** (incumbent member), 14 Edgewood Drive, a 25-year resident was seeking reappointment. He has spent several terms already on this Board. He'd like to continue serving the community, which has been good to him for the lifestyle it has provided for him and his family. The Town would be better served if it had a growth ordinance. The challenges on the ZBA are getting more involved because of the growth and available land relative to wetlands, slopes, etc. It's a delicate balance trying to satisfy the applicants who want to develop their land vs. anything that would be detrimental to the Town. There are a lot of situations where homeowners are seeking variances for garages, decks, etc.

- 2) **Tammy McNulty** (incumbent member), 14 Pelham Road, has been a Hudson resident for 27 years. Being an alternate provides a learning curve, which she is in favor of. She was seeking reappointment to her third term on the Board, having served two terms as an alternate. Serving on the Board has been a learning experience. She constantly learns new things to help her make decisions. She initially became involved with this Board because of an addition to her house, and she wanted the opportunity to help other people in the same situation. She is a realtor and believes she is an asset to the Board and would like to continue to serve. Marilyn McGrath, who is an alternate, is also a member of the Planning Board, and this joint membership helps enlighten the Board on many issues. They see a more complete picture and this is a big asset. Selectman Maddox asked if being a realtor presented problems. She said if she had an issue with something and she couldn't make a clear, conscious decision, she would step down. Selectman Maddox asked if being a realtor brought a difficult balance, representing buyers and being on the ZBA. She said it actually helps in her decisions. She hadn't intended on being in real estate when she was first on the ZBA; it just fell into place. She makes decisions on what she believes in and what would be best for the Town. Her perception of her job and of the community are two different aspects. Her concern for where she lives is more important than what she does.
- 3) **Bill McInerney** (incumbent alternate), 943 Fox Hollow Drive, said he's been on the Board since September and it has been a wonderful learning experience and he'd like to continue. He is a former Economic Development Director of Lynn, MA (background noise/). For the past 30 years, he has been actively engaged in commercial real estate in Massachusetts; he does not practice in NH. Being a realtor gives him a diverse look. Today, the entire landscape is changing because of new rules and regulations, both state and federal. The Supreme Court change, allowing cities and towns to take property for eminent domain for matters of economic development are quite serious.
- 4) **Norman Martin** (incumbent alternate), 3 Edgar Court, said he's enjoyed the past year serving on the ZBA. He is the clerk and enjoys it very much. There is a lot of learning and a lot of late nights. He hopes to be re-appointed.

Motion by Selectman Cole, seconded by Selectman Stewart, to waive the Board's normal procedure and re-appoint Jim Pacocha and Tammy McNulty as members, and Bill McInerney and Norman Martin as alternates, terms to expire 12/31/08, carried 5-0.

6. **CONSENT ITEMS**

Motion by Selectman MacLean, seconded by Selectman Cole, to receive the Consent Items, A-E, as noted or appropriate, carried 5-0.

- A. **Assessing Items** (w/recommendations for approval by Assessor Jim Michaud)
 - 1) 2005 Abatements, Map/Lot 161/16, Windham Rd; 5 Pond View Dr; 17R Richman Rd; 13 Iris Path; 8 Hardy Rd
 - 2) Veteran's Tax Credits (21 Sunland Dr; 11 Eagle Dr; 50 Pelham Rd; 10 Wildwood Ter; 9 Crestwood Dr; 55 Melandy Rd; 1 fuller Dr; 11 Jackson Dr)
 - 3) Tax Deferrals (8 Sunland Dr; 54 Willow Creek Dr; 12 Sullivan Rd)
 - 4) Current Use Lien Release, Map 115/Lot 2, Etchstone Properties
- B. **Sewer/Water Items**
Request for Reimbursement, 19 Andrews Ave, (dirty water) w/recommendation by Water Utility Committee to deny
- C. **Licenses and Permits**
Petitions and Pole Licenses (9AAWJF; 21-793; 925364; 9AAVAT; 9AAXA2) Motion to approve, as recommended by staff.
- D. **Acceptance of Minutes**
 - 1) Minutes of the BOS Meeting of November 22, 2005
 - 2) Minutes of the BOS Meeting of December 5, 2005
- E. **Calendar**
12/14 Last day to receive zoning petitions
12/14 7:00 Budget Committee in BOS Meeting Room
12/14 7:00 Planning Board in CD Meeting Room
12/15 1:00 Trustees of the Trust Funds at Town Hall
12/15 7:00 Budget Committee in BOS Meeting Room
12/19 6:30 School Board in BOS Meeting Room
12/19 7:00 Conservation Commission in CD Meeting Room
12/20 7:00 Budget Committee in BOS Meeting Room
12/20 7:00 Cable Utility Committee in CD Meeting Room
12/21 5:00 Water Utility Committee in CD Meeting Room
12/21 6:00 Library Trustees in the BOS Meeting Room
12/22 7:00 Budget Committee in BOS Meeting Room
12/22 7:00 Open Space Committee in CD Meeting Room
12/22 7:00 Lower Merrimack River Committee at NRPC
12/26 Town Hall closed for Christmas holiday
12/27 7:00 Board of Selectmen in BOS Meeting Room
12/28 7:00 Budget Committee in BOS Meeting Room
12/29 7:00 Budget Committee in BOS Meeting Room

7. **OLD BUSINESS**

(Start Tape 3-A)

8. **NEW BUSINESS**

A. **Public Hearing to accept Gates Lane as a Town Street**

Town Administrator Steve Malizia said this street, off of Speare Road, was approximately 400' and has the recommendations for acceptance from appropriate Town staff. Cut-off for street acceptances is December 1, but this one fell through the cracks, through no fault of the developer. The Chairman opened the hearing at 9:09 p.m. and asked if anyone wished to speak. There being no one, the hearing was closed.

Motion by Selectman Maddox, seconded by Selectman Cole, to waive the Board's policy of not accepting any streets after December 1, carried 5-0.

Motion by Selectman MacLean, seconded by Selectman Maddox, to accept Gates Lane as a Town street carried 5-0.

B. **Public Hearing to accept a Highway Safety Grant in the amount of \$6,000 for the HPD's SMART Radar Project**

Police Capt. Don Breault said the \$6,000 would be put towards the purchase of the radar trailer and recommended acceptance. The Chairman opened the hearing at 9:11 p.m. and asked if anyone wished to speak. There being no one, the hearing was closed.

Motion by Selectman Stewart, seconded by Selectman Cole, to accept the \$6,000 grant, carried 5-0.

C. **Warrant Article—Checklist Supervisors' salary Increase**

Town Administrator Steve Malizia said during the budget deliberations, the Board directed him to work with the Supervisors of the Checklist to draft this article. Each supervisor currently makes \$600 per year and have requested a \$300 per year increase per individual, to \$900 a year each. The last time the salary was increased was in 1999. Chairman Massey was opposed to this, saying other board members have put in infinitely more time, such as the Board of Trustees, and voting in favor of this gives the wrong message.

Motion by Selectman Cole, seconded by Selectman MacLean, to forward a warrant article for a salary increase for the Supervisors of the Checklist for FY 2007 failed, 2-3. Selectman Cole and MacLean voted in favor.

D. **Warrant Article—Purchase Right-of-Way known as Wall Street**

Town Administrator Steve Malizia said the Town has been made an offer to purchase this right of way which would connect Clement Road to Route 111, to provide another means of egress from a proposed development on Constitution Drive. The verbiage has been forwarded to the Town Attorney for a possible warrant article in the amount of \$50,000. Selectman Maddox said it's important to put into this warrant article that the monies would be coming from a fund that the Planning Board has in place for improvements to egress from Constitution Drive, although this is a little premature. It needs to be fleshed out a little more. There are still some things they need to deal with, with the Town Planner and Town Engineer. At this point, this shouldn't be sent to the warrant. Mr. Malizia said the Budget Committee's public hearing was around January 11, so it would have to be done before then. Chairman Massey said the final wrap-up for the Town is January 4. Selectman Maddox said they need more information on this. It needs to be clearly denoted where the money is coming from, and there are monies available for this that were for improvements to Clement Road, as all those parcels were developed off Constitution Drive. That's where this money would come from, as well as some other issues they should clear up before they forward this to the warrant. Chairman Massey didn't want to take the developer's word for what this property is worth. He'd want to at least know what the assessment was. What is this land worth, and what happens if they don't purchase it in terms of future access capabilities?

Motion by Selectman Maddox, seconded by Selectman MacLean, to defer this to 27 December carried 5-0.

Selectman Cole assumed this was tied into the skating rink that was going in. Selectman Maddox said all of Constitution Drive was being developed and they need to find a way to get the traffic out of there to Clement Road, a very winding, rural road. There are some issues that need to be addressed first, though. They need to be able to get people out of that soon-to-be very busy industrial park. Selectman Cole was trying to visualize what it looks like. (A map was passed to him.) Selectman MacLean asked if the Planning Board was recommending this, or if it was just someone's good idea. Selectman Maddox said it was all part of the egress out of the industrial park. The biggest traffic generator was going to be the skating rink. The cost to repair Clement would be way in excess of anything else they'd do.

E. **Warrant Article--Wage Increase for Employees of Hills Memorial Library**

Library Trustee Arlene Creeden said the article was to see if the Town would vote to raise and appropriate the sum of \$13,903 which represents a 4% increase in benefits and wages for the employees of the Hills Memorial Library. Originally, they had put this amount into the budget, but the Budget Committee took it out. Their staff does not have a bargaining unit to help them get salary increases. This affects the nine full-time employees. The tax rate impact is about ½ a cent. They currently have a major position open because the salaries are not competitive and they cannot attract qualified people. Selectman Stewart said 4% was too high, considering others are asking for 3½. Mr. Malizia said the parameters set for this year's negotiation had a cap for 3½. The Supervisors, Highway and the Police Departments are getting up to a 4% in the next year. Selectman MacLean thought 3½ would be better, too, but she didn't mind letting the voters decide. Selectman Cole asked if the Trustees might want to come back with a revised warrant article to 3½%. She thought the Trustees would be amenable to that.

Motion by Selectman Maddox, seconded by Selectman Stewart, to defer this until December 27, 2005 carried 5-0.

F. Warrant Article—Expansion of Hills Memorial Library

Elaine Brody, co-Chair of the Library Building Committee, distributed a preliminary drawing of what the new project may look like. She hoped the Board would recommend the warrant article. The Board's recommendation was critical to the success. In the last cycle, there were several concerns by the Board, Budget Committee and residents, in general, ranging from the perceived high cost of the plan, as presented, to traffic issues at the intersection of Library and Ferry Street to issues regarding the asbestos abatement on the properties at 47 & 49 Ferry Street. The Trustees and the Building Committee members took these concerns very seriously and, after much deliberation, came to the conclusion that a smaller library, with room for expansion at some future date on another site, would mitigate the concerns. To that end, the Trustees have decided to pursue building a new library on Town-owned property on Derry Road, near the Hills Garrison School and Alvirne HS. The packet the Board received from the Trustees is very preliminary. They decided not to expend any more funds for specific design until they are sure that the project will go forward to a bond. They want to use the monies raised from the bond for construction and basic furnishing of a new building of approximately 12,500 sq. ft., which is much smaller than the library they believe is necessary for Hudson. It's what they can get for \$3 ½ million and it has a footprint that allows for expansion at a later date. Once the building is complete, and the space at 47 & 49 Ferry Street is no longer necessary, they hoped the Town would sell those properties and specify the proceeds for further equipping the new library. They plan to have an aggressive fundraising campaign, as an adjunct to the monies raised by the bond and the sale of the properties. They will not do any fundraising until the bond issue is passed. This is a good time for Hudson to build this library. The Town does not have a lot of debt. What they need from the Board is the approval of the Derry Road site for the building and their recommendation of the warrant article for the March ballot.

Selectman Stewart said she watched the Budget Committee meetings with interest. She doesn't always agree with Mr. Jasper, she did agree with his comments regarding this. She didn't favor the warrant article and won't until they sell the properties on Ferry Street, which she voted against six years ago. At that time, the then-Board of Selectmen suggested the site at Alvirne, and it was rejected by the Trustees. It was frustrating at that time because they wanted to prevent buying the two properties on Ferry Street, which they now have to try to sell. Until there is a plan to sell those two properties, she will not support a warrant article. Selectman MacLean asked if the Selectman could authorize giving land to build a library, or if that had to go to the voters. Mr. Malizia said it's Town-owned land, so he thought the Selectmen could so authorize. Selectman MacLean thought that wording should go on the article, as well, explaining that it would be built on Town land. Mr. Malizia said when a bond article is written, the wording has to be pretty specific, so they don't want to be throwing in too many extraneous stuff without legal counsel reviewing it. Chairman Massey explained that the wording in the article stated that it was Town-owned land.

Selectman Maddox said it has been a pleasurable year as liaison to the Library Trustees. He is pleased they have decided to go forward, although he has some questions and concerns with the design. Regarding the portion showing expansion going out from the meeting room and the Director's office, they are going to change the roof line, which is what they just found out at the Police Station. The Trustees may want to look at doing something else, but all in all, this is a workable plan. He said before he would support \$3 million, and he hasn't changed that. What they have to look at is how they are going to sell those houses on Ferry Street and use that towards the \$3 ½ million. This has been a 30-year ordeal and this is a workable plan. At Alvirne, they won't have to worry about the asbestos abatement. It's near the schools and it has great potential. He will support \$3 million; they will sell the two properties, which hopefully will bring over the \$1/2 million difference and the fundraising will give them lots of extra money. He'd like to take the first step in giving them the land so that issue is resolved. Selectman MacLean was glad the Library Trustees rethought their thinking on the whole thing, thanks in no small part, undoubtedly, to Selectman Maddox attending the meetings. The \$3.5 million is half of the bond they had spoken on and so much more palatable to the voters. Selectman Cole was apprehensive about dedicating the land to the library; they might need it for something else in the future. He didn't even know why they were talking about this particular plan at this particular time.

Motion by Selectman Maddox, seconded by Selectman MacLean, that Town-owned land at Alvirne be used for the Town library carried 3-2. Selectmen Cole and Stewart were opposed.

Chairman Massey asked if anyone wished to make a motion to forward this article to the warrant. Selectman MacLean asked who owned the houses. Mr. Malizia said the Town. Selectman MacLean asked if the proceeds from the sale comes to the Town and is then funneled to the library. Chairman Massey said there probably were some legal issues involved. Ms. Brody said the monies would go to the Town, then it would be up to the Town to decide. Hopefully, it would be designated for library use. As far as selling the properties prior to building, to include that money in the building cost. At this point, those properties are important to their every day functioning. If they were not available, they'd have to find some other storage for what they are using those properties for now, if those properties were sold before construction started. But that is the prerogative of the Town because the Town owns them. Relative to Selectman Maddox's design concerns, those are pen drawings. They didn't put any more money into this than they absolutely had to to get something to bring to the Board. This is a conceptual in its most basic form. Selectman MacLean said the library itself, as it stands now, has some uses. It's not fully ADA compliant, but it must have some value to the Town, with the expansion of cable. It could be used for meetings, or even move the Town offices to where the library is now. There are a lot of opportunities. If they sent this to the warrant, and it passes, it's a mandate from the voters to do it. She is willing to send it to the voters, who are the ones who will say yes or no. People shouldn't be holding grudges about something that upset someone a long time ago. They need to move forward.

(Start Tape 3-B)

Motion by Selectman MacLean to forward a warrant article for the expansion of Hills Memorial Library to the ballot did not receive a second. Selectman Maddox moved to forward the article, as written, amended to add language that if the buildings at 47 & 49 Ferry Street were sold, that money would not be used towards the library. The \$3.5 million is the bond for the new library, but those two parcels will either be sold and the money returned to surplus, or kept, if they find a use for them before the library is constructed. Chairman Massey thought they were trying to put too much into a bond article. Mr. Malizia said if they want to

sell property, they should write a separate article. Selectman Maddox didn't know if he wanted it to be sold; he wanted it clearly denoted that it's not part of the funds for the library. Mr. Malizia said the Town would have the authority to sell the properties, but they didn't have to act on that authority. Selectman Maddox wanted it clearly understood that those dollars were not going to go to the library; in his mind, the \$3 million cap stays the same because those two houses are going to sell somewhere near \$250,000 apiece. If Selectman MacLean were to make her motion again, he'd second it and then would make a motion to clearly state that those two properties would become the Town's and not for the new library. Perhaps they should wait until the next meeting in order to work this out. Chairman Massey said it does sound rather convoluted. Selectman MacLean said two warrant articles right next to each other would clear things up. Selectman Maddox didn't want to sell them at this point.

Motion by Selectman Maddox, seconded by Selectman MacLean, to defer until December 27 to get clarity around any wording of a warrant article relative to funding failed 1-4. Selectman Maddox voted in favor.

Selectman Cole said they continue to lump the library in with Mom, the flag and apple pie. At Candidates' Night, he recalls that a question was asked if the Town needs a new library and everyone falls all over themselves, trying to say the most glorious, wonderful things. It's a litmus test. He knew that the library was out there planning, but when he received his packet for tonight, he had to look at it twice because he thought someone was pulling his leg. If the devil is in the details, this needs an exorcist. There is nothing in there—maybe, possibly, could be, we're going to build a basic shell and then have a fundraiser, etc. Maybe he'd look at this next year, but it would take a year for him to understand how it is exactly going to happen and work. The Budget Committee, on more than one occasion this year, made the comment that the Board of Selectmen displayed irresponsibility in their approach to this year's budget submission. He didn't agree with that comment but, in this case, if this Board has any intention of sending this, or any version of this, to the warrant, he will be the first to call Chairman Dilworth and tell him, in this case, the Board of Selectmen is totally irresponsible. Selectman MacLean said if the verbiage on the properties and what they would do with them, what's going to be used for the library or not used for it, if that's going to muddy the waters, they could just leave it at \$3.5 million and the Library Trustees would know that that is it; there is no other land, there is no selling, this is what you get and that's it. That might clear things up. Selectman Maddox said he guessed he was irresponsible. They've got the library to a dollar figure that is a third of what it was. The size is less, but it's a manageable number. To send them back for a plan that will cost \$250,000 will just keep this spiraling around. They have a workable plan that is not fleshed out as much as everybody would like, but if they don't go forward, they will wait four more years. The Budget Committee can do whatever they choose to do, but the Selectmen should push forward. He didn't want to wait until next year and there is never going to be a perfect plan. They've downsized; they've found another location; they've done something. He didn't think it was fair to ask them to go back again. It's time to move forward. Chairman Massey said in the interest of moving this along, he thinks there should be a motion on the table to forward this to the warrant that can be voted up or down. It either stands or falls on its merits. Selectman MacLean said, with the understanding that the two properties on Ferry Street are not involved with this, she wanted to resubmit her motion.

Motion by Selectman MacLean, seconded by Selectman Maddox, to forward this article to the warrant.

Selectman Cole said this wasn't a workable plan because it's not a plan. Reading from the backup information, he said, "The bond amount requested is intended to cover the basic cost of constructing a new library building, including site work and basic finish. The Library Trustees intend to run an aggressive private fundraising campaign to raise funds beyond the bond amount." He didn't have the slightest idea of how much a new library is, in fact, going to cost. \$3.5 million is the basic cost, period. If the voters approve this article, they may still have another several million that has to come from aggressive fundraising, which may or may not happen in the course of their lifetime. This is a wonderful, grand idea that may actually materialize at some time, but right now it's a half-way approach. He asked when they found out there was asbestos at the two properties the Town purchased, and why they would but them knowing that. Selectman Stewart said they always knew it was there; and she always voted against it. Selectman Cole said it must have been a manageable situation when they bought the properties. Selectman Maddox said it is if it is not going to be dug up to put in what they are going to have to put in. Selectman Cole thought it was going to be a paved parking lot. Selectman Maddox said but they have to put in drainage, lighting—things that involve digging. Selectman Cole said if had one of the Budget Committee's horses, he'd knock it over right now. Selectman Stewart agreed with Selectman Cole, saying \$3.5 million was a low estimate for what they want to do. There is nothing in there for materials, such as books, audio, etc. Ms. Brody said it does address that in the backup. As for books, they more than they can fit on the shelves right now. There are books in storage because they can't fit them all in. Selectman Stewart was not convinced \$3.5 would be enough. Chairman Massey was not in favor of this motion because there were still too many unanswered questions.

Vote: Motion to forward this article to the warrant failed 2-3 by roll call vote. Selectmen Maddox and MacLean voted in favor.

Selectman Cole asked if someone on the prevailing side of the motion on the land at Alvirne wanted to move to reconsider. Selectman Maddox said that didn't have to be done tonight. Chairman Massey said if they didn't do it tonight, they'd have to do it on December 27. Following more discussion, he passed the gavel to Selectman Stewart.

Motion by Selectman Massey, seconded by Selectman Cole, to reconsider the decision of the use of the land between Hills Garrison and Alvirne High School carried 3-2. Selectman Maddox and MacLean were opposed.

Motion by Selectman Massey, seconded by Selectman Cole, to remove the current authority for the use of that land from the Library Trustees, as the previous motion indicated. Selectman Massey said his motion was not to tell the Library Trustees that wasn't a viable option, but until there is a viable plan, he didn't want to have the question in limbo. Selectman Maddox said this wasn't really on their radar; no one really cared about it. They want a plan, but the Board has just taken away the foundation to put it on. Discussion continued. Vote: Motion carried 3-2. Selectmen Maddox and MacLean voted in opposition.

G. Hudson Admin & Support Union, Local 1801, Fact Finder's Report

Town Administrator Steve Malizia said the Board of Selectmen conducted contract negotiations this past calendar year with this bargaining unit, which represents clerical and other various staff in Town. The Board was unable to come to a contract agreement with the union. At that point, a fact finder was brought in to mediate and issue a report to the negotiations, which is in the packet tonight. The union voted to accept the report. The Board can send it to the warrant as recommended or not recommended.

Motion by Selectman Cole, seconded by Selectman MacLean, to forward the Admin & Support Fact Finder's report to the ballot, as not recommended by the Board of Selectmen, carried 5-0 by roll call vote.

H. Review of Budget Committee Deliberations

Chairman Massey said these were the results of the Budget Committee's decisions that include the cuts they made. He asked for a consensus for a mandate for him, as representative to the Budget Committee, to see if the funds can be put back. Selectman Stewart said yes; Selectman Maddox said yes; Selectman Cole said yes; Selectman MacLean agreed on only some of them.

Motion by Selectman Maddox, seconded by Selectman Cole, to change 5110-252 Other Prof. Services from \$50,400 to \$100,400.

Selectman Maddox said they need to have sufficient funds to be able to do what needs to be done and probably \$50,000 is not enough. They will have to go out for an RFQ to find people who are going to be able to do the kinds of work that needs to be done, but he didn't know how much that was going to be. They have only once chance to get it done right. Selectman MacLean asked why use taxpayer money for studies if the developer is going to pay for them. Selectman Maddox said some of that work has to be done prior to the developer coming in. Selectman Cole said there will be many areas that they won't realistically be able to get the developer to pay for. People asked what the answer is, but at this point, the Selectmen don't even know the questions. This voyage will take a long time and take them into uncharted waters. When the Chairman takes this back to the Budget Committee and hears that by putting this money in there the Board of Selectmen is showing that it doesn't have confidence in its department heads and key personnel, he hopes the Chairman will put that to rest immediately. Selectman MacLean said thought \$50,000 might be good enough to start, then during the next budget cycle, maybe they can put in another \$50,000.

(Start Tape 4-A)

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

Chairman Massey asked about the management salaries. Selectmen MacLean, Stewart and Maddox said 3½%. Selectman Cole said 4%. Chairman Massey said he'd go with 3½%. Selectman Cole asked how much unanticipated revenue was received from the State and if it was plugged into the budget. Mr. Malizia said it was; Rooms & Meals tax was somewhere around \$700,000.

Chairman Massey said the Budget Committee had an issue with the Board of Selectmen being named the agent to expend on the Information Services article, the GIS capital reserve fund and the Vac Con truck replacement. Mr. Malizia clarified that the Budget Committee has stated that they are probably not going to give a recommendation because of the wording. The issue before them tonight was if the Board wanted to change the wording in the hopes of possibly garnering the Budget Committee's recommendation. The article, as written, is already on the warrant, as written. There is no guarantee that the Budget Committee will recommend these articles if the wording is changed, but it is certain the Budget Committee will not recommend them if the wording is not changed. Selectman Maddox said he'd agree to change the wording on the GIS article in order not to kill it but to give it a fighting chance. Selectman Cole said the Selectmen aren't the ones who are killing it; they are the ones with a positive attitude on sending it forward. They should vote for what is the best for the Town, not what they think is going to get past the Budget Committee because there is a good chance it won't get past the Budget Committee even if the wording is changed. They are never going to get anywhere if they have to go back to Town Meeting every time they want to spend a nickel. They will never get anything done. Looking at what they're going to have to deal with in the future, they have to be little more flexible and quick on their feet than they currently are. He didn't see that this issue was a threat to democracy in Hudson by letting the Board of Selectmen be the agent to expend. Selectman MacLean said if the voters approve the article, the money can only be spent for the GIS flyover; they can't expend it for anything else. It seems silly any other way, so she was in favor of keeping it as is. Chairman Massey said they have a consensus because he'd support leaving it as is. He asked if the same held true for the other two articles, leave them as the Selectmen being the agents to expend. Selectman Stewart said yes. Selectman Maddox said the Information Capital Reserve Fund is something they want to be more flexible and fluid, but the Vac Con and GIS are scheduled out years in advance. He didn't see not letting it go forward except for the fact the Board of Selectmen wants to be the agent to expend. They have to be practical, as well as leading. Those two items are seven or eight years down the road and not worth the battle. Chairman Massey wanted to offer a counterpoint. About 10 years ago, the Town created a capital reserve fund to purchase ambulances on a three-year rotating cycle, with the Town being the agent to expend. That program has been working very well for years, but this year, the Budget Committee is questioning that, wondering if that is the best policy to have. Changing the wording on the agents to expend is no guarantee the Budget Committee will recommend them. However, they have a consensus on leaving the warrant articles as is.

I. Acceptance of a \$525 donation by Wal-Mart to the Police Department's K-9 Unit

Motion by Selectman Stewart, seconded by Selectman MacLean, to accept the donation with the Board's thanks and appreciation, carried 5-0.

J. Acceptance of a \$500 donation by Flash Photo Sports to the Recreation Department

Motion by Selectman Stewart, seconded by Selectman MacLean, to accept the donation with the Board's thanks and appreciation, carried 5-0.

K. Jette Field Expansion

Town Administrator Steve Malizia said this project was to locate a ball field near the current field. There is a requirement to have a plan on file at the Hillsborough County Record of Deeds. The cost to prepare that plan is \$5,000 coming from the Recreation Fee Account that has a balance of \$45,000. The Planning Board has approved the expenditure. Selectman Cole thought it was already built and was surprised there wasn't site plan for it yet. Selectman Maddox said there were some legal issues involved.

Motion by Selectman Maddox, seconded by Selectman Stewart, to authorize an expenditure of \$5,000 from Agency Account 1050-182 Recreation Fees for the purpose of funding a design for the expansion of Jette Field, as approved by the Planning Board on November 9, 2005, carried 5-0.

Motion by Selectman Cole, seconded by Selectman Stewart for a recess at 10:27 p.m. carried. The meeting reconvened at 10:37 p.m.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

A. Selectman Bill Cole

- 1) **Central Fire Station Doors** – The Board directed the Fire Department to come up with a recommendation of a company to provide an estimate for the work on raising the height of doors and to prepare the bid specifications for a possible RFP to an actual construction company. The Fire Department, with assistance from the Town Engineer's office, put together an RFP, which was on the street for 30-45 days. Two responses were received and evaluated and they both appear to be able to do the job. Both came in at about the same price and either one would be acceptable to the Fire Department. He has no interest in spending any money on this project in isolation. They should look at the entire facility to see what it might need in the future, the impact of Combined Dispatch, etc. He's not an expert on structural engineering, but he would think the cost of raising the doors, combined with any peripheral issues, would be in the range of \$80,000-\$100,000. He didn't even know where the money would come from. He would not support a motion tonight, but would, in the future, support looking at the entire fire station and what the future needs would be.

Selectman MacLean asked if Selectman Cole would leave the documents in the Selectmen's office so they could look at them and be able to make a more informed decision. Selectman Cole said he would, but it's not an issue of doing the job or the price. The issue is why waste money on a project in isolation. The doors issue was a red herring that was thrown up back in the days of Little Engine #8. They received five valid proposals from companies that had no problem with the height of the doors. Thousands of stations around the US have doors at that height. There are companies that are going to be building fire trucks that will fit--and Little Engine #8 is going to be there for at least 15 years. Chairman Massey asked for a consensus to move forward or drop it.

Cole: Drop the quest.

MacLean: Move forward. Raising the doors is long over-due and will save money in the long run.

Stewart: A good issue for discussion at a future workshop—the future of Central Fire Station.

Maddox: Agreed with Selectman Stewart.

Massey: The future of the Central Fire Station will be discussed on January 31.

- 2) **Acting Appointments in Fire Department** – Selectman Cole said the issue of the two acting positions they currently have in the Fire Department, as a result of Capt. Weaver being out on medical leave. Lt. Morin is an acting Captain and FF Alan Dube is an acting Lieutenant and he thought tonight was the end of three months. He wanted to give the Board an update on this. Capt. Weaver hopes and intends to return to duty by the first of February, but it will be predicated on his medical situation. If that happens, Lt. Morin would revert to his Lt.'s position and Lt. Dube to his FF's position. On November 28, there was a test for Lt.'s, but the results haven't been received yet from the State so the Chief can't come to the Board with any recommendation of who might take over from Acting Lt. Dube. The Capt.'s assessment center is scheduled for 30 January and they won't have the results back until some time in February, at which time Capt. Weaver may be back and this will be a moot point.

Motion by Selectman Cole, seconded by Selectman Stewart, to leave everything in place for the time being.

Amendment by Selectman Stewart, seconded by Selectman Cole, that this issue be revisited on February 14, 2006.

Selectman Cole said they still won't know the results from the Captain's exam by then, and they don't have anybody to take Lt. Morin's place as acting Captain. Lt. Chaput declined to be an acting Captain. Lt. Kearns recently had a medical issue which may take him out of position for a month or two, plus he has to go to the Assessment Center. Lt. Paquette is not eligible for the Assessment Center, without a waiver. Selectman Stewart said she'd still like to revisit it. Selectman Cole said nothing would change, other than knowing the status of Captain Weaver.

Amendment carried 3-2. Selectman Maddox and MacLean voted in opposition.

Motion, as amended, carried 4-1. Selectman Maddox voted in opposition.

- 3) **Green Meadows** – the Green Meadow situation has led to the predictable wild, WILD rumors. When something of that scope lands with both feet in a community, any number of things are going to happen. The one allegation that has upset him is the accusation that the Board acting in secret; that the Town has acted in secret—that they have been in some sort of conspiracy to keep the people from know what's going on. There was even an editorial in the Telegraph.

(Start Tape 4-B)

Approximately a year or so ago, the Town was approached by the Friel family, through Mr. Leonard, that a developer was interested in Green Meadows. The Board, at that time, decided to act as a committee of the whole with regard to finding out more information about this project. He was the Board Chairman at that time, so he and Selectman Maddox were designated to represent the Board in introductory contacts with the Friel family representative and/or the development company. There was a meeting with this development company that he did not attend, which he believed was because he was out of Town. He doesn't know the questions they asked or what they did, but they decided to pass on the opportunity. There were no more meetings, secret or otherwise, with this particular company. It became a non-issue. The issue of Green Meadows, from the Town's perspective, the Board's perspective and his perspective, went into a dormant period. He heard nothing about it, and the Board was not approached for at least six or eight months, until about two months ago, when they were contacted about a development company that was interested in the Green Meadows property. At that time, the Board decided that he and Selectman Maddox would continue as the point men for the Board of Selectmen, working as a committee of the whole, with regard to getting information about this project. In that regard, he and Selectman Maddox, along with Town staff, met with the developers approximately a month ago, at which time they showed them some aerial photographs, some template design photos, and there was a general discussion. Contrary to rumor, there were no done deals. That is an unfortunate phrase that came from the Friel side of the house. He didn't know what the individual meant; he heard the explanation and accepted it for what it was. There was no done deal; there was no plan. There is no plan today. Subsequent to the meeting he and Selectman Maddox attended with Steve and other members of Town staff, it was decided, based on a request by the developers, to give a presentation to the Board of Selectmen in open session. That was done on November 22. Subsequent to that, they made an appearance on December 7 at a Planning Board workshop in the Community Center. There has been no conspiracy. The Board's involvement as a committee of the whole, has been on two separate introductions of the Friel family to development companies to the Town. The Friel family has had, over the years, many offers for land. The Town, on a regular basis, has people walking into Town Hall, wanting to find out about this property or that property. It's not secret, but it's not something that will be posted every time someone asks about 200 acres in Hudson. That's what Town staff gets paid to do on a regular basis. If it goes to the Planning Board or the Board of Selectmen, they will then act accordingly. In the last year, year and a half, the Board of Selectmen and staff have not worked in secrecy; they have not been part of a conspiracy to keep information from people. Contrary to that, they have done everything possible to get as much information as possible, as soon as possible, and as up front as possible on the two separate proposals that the Friel family has dealt with over the last 12, 18 months. For those people "out there" who don't think the Board is working in an ethical environment on the people's behalf, "please be assured we are." He and his fellow Board members and Town staff are bending over backwards to make sure the best interest of the Town is served.

Selectman Maddox said he'd rather they be accused of having confidential meetings than of not having any meetings at all. To put their heads in the sand because it might look bad would be a terrible thing. This Board did the right thing. They got pro-active to do things that needed to be done. He'll take the heat for saying the word "confidential," which somehow morphed itself into "secret." They did the right thing and that will be proven, over the long term.

B. Selectman Kathleen MacLean

- 1) **Acorn Acres/James Way** Selectman MacLean asked if anyone was going to update the Board on Acorn Acres because there were people in the audience who have waited through this whole meeting for this to be addressed. It seemed to her that they have come to the wrong place because this isn't the Selectmen's fault. Should this be referred to the Planning Board or to the Town Administrator; should they look into it and get back with an answer before the next meeting? Selectman Maddox said what they heard this evening with the other side of the story. It's not the Town's fault there isn't a bridge across. That is up to the developer and/or builder. They are all concerned about the issue out there, but the Selectmen couldn't make some blanket decision to say all is well and that the people don't have to follow the requirements of the Town.

Motion by Selectman Maddox, seconded by Selectman Stewart, to ask the Community Development Director to provide the Board with a time line of this project for their meeting on December 27, which should include an explanation why there were CO's issued; and what can be done to move this forward.

Selectman Maddox said he hears and understands, but there isn't much the Selectmen can do. This bridge has been in the works for two years and it must be done in a manner that covers everyone. Signing waivers is just not practical. Rather than making an emotional decision, they need to have some backup from the other side and what Town staff has been doing. It was made very clear that no CO's would be issued until that structure was in place, a structure that the Town will own and be responsible for, once it's built. They need to know more than parts of this. They need to have all the pieces in front of them. Selectman MacLean said it's not the Town's responsibility to build the bridge and that's what it sounded like she was hearing. It's not the Town dragging its feet; the Town has nothing to do with it. Chairman Massey said the Town will only own the bridge when all of the appropriate inspections have been done to the satisfaction of Town staff. It has to meet the specifications before the Town will accept it as a public way. After the bridge is constructed, there is still another step that has to happen. Selectman Stewart agreed, saying even if the bridge was built tomorrow, the Town doesn't own it. Selectman Maddox said there is a whole procedure in order for the bridge to be installed. It has to have a certain amount of cure time at a certain temperature to be able to put on the membrane. Things that cannot happen at this time. They need to find a solution that is doable, but is responsible, that keeps the Town's exposure off this until the CO says the situation is resolved.

Vote: Motion carried 5-0.

Bruce Pearce was recognized, who said he wasn't pointing a finger at the Board or at the Town at any way. It's the builder's responsibility to have completed the bridge, but the bridge won't be completed until May. Sean Sullivan told him that if the Board of Selectmen said to make this happen, he could make it happen, within specifications agreeable to the Town Engineer. He has been a resident for 15 years, and wanted to remain in Hudson. This was to be their dream home, which should be one of the happier times in their lives, but it has turned into a turmoil for all the families involved. They need the help of Selectmen and Town staff to resolve the situation. It's not the Town's responsibility for putting in the bridge, but they need the Selectmen's help in finding a reasonable compromise relative to the prevailing circumstances. Selectman Stewart asked if he or the other homeowners have filed legal action against the developer or builder. Mr. Pearce said while they have been angry enough at times to consider that, they have not. He was hoping that facilitating communication between the parties involved—the developers, the builders, the Town—that this might help to bring about a resolution that doesn't require any kind of legal action. Making threats to people only tends to entrench them in their positions and creates opponents rather than people willing to work with you. Chairman Massey stated that this would be on the Board's December 27 meeting agenda. Mr. Pearce was hoping that, on the basis of his discussion with Sean Sullivan, and the fact that the Town Engineer has already looked at the proposal, and knowing that Mr. Fauvel is willing to do whatever it takes consistent with what the Town Engineer requires to provide a temporary roadway until the bridge is completed, that the Board of Selectmen would consider this before the 27th.

Selectman Cole agreed with Selectman Maddox's motion. This is going to be a valuable lesson learned and probably a study in everything not to do. His issue is safety. Currently, the Fire Department cannot get its apparatus to the other side of that wetland. He would not support issuing CO's if there is a safety issue, even if the people sign waivers. If that issue is adequately addressed, they will have his vote. Mr. Pearce agreed, and wouldn't want to put anyone in jeopardy, but he believed the Town Engineer was putting specs together, which would include concrete barriers and a surface sufficient to allow emergency vehicles to pass. Sean Sullivan said Mr. Fauvel was willing to do whatever it takes.

Selectman Maddox said they all feel bad, but the developer has been told for a year that CO's would not be issued until the bridge was done. Now to say that he will do anything is just to put the Board in a festive spirit. He cannot do that. If the Town Engineer, the Town Attorney and all the department heads come back with a positive recommendation, he can live with that, if there is some sort of insurance policy on any issues with that bridge. The Town will end up being liable, if someone has an accident, etc. That was supposed to be a functioning, full-width bridge. He thinks they are going to have to wait a few more weeks to get resolution with this project that has been on-going for a couple of years.

- 2) **Christmas** – On December 25, Christians everywhere celebrate the birth of the Savior. She wished everyone a very, very Merry Christmas.

C. **Selectman Rick Maddox**

- 1) **Residential Fire Sprinklers** -- Selectman Maddox said he attended a session with the Fire Department for residential fire sprinklers—a very good program put on by Inspector Triolo. Unfortunately, there weren't a lot of people there. He asked them to put on this program for the Cable Utility because it contained useful information about residential sprinklers. He is hoping that can get done in the near future.
- 2) **Parking Ban** – It is illegal to park on Town streets from 11:00 pm - 7:00 am, December 1 - March 30. It is also illegal to park on Town streets any time that interferes with plowing operations. Violators are subject to fines and towing. They were asking everyone's cooperation so they can clear the roads as quickly and safely as possible.
- 3) **Christmas Tree Disposal** – Hudson residents can dispose of their Christmas trees, leaves and brush at the West Road landfill site on January 7 from 8:00 am-2:00 pm. Trees will not be taken with curbside trash pickup. If a major snowstorm should occur, the snow date will be January 14. If anyone has any questions, call the Highway Department at 886-6018. Hopefully, this will be put on the cable bulletin board.
- 4) **CTAP Program** – Selectman Maddox went to Concord for the CTAP meeting. This is going to be a multi-year project that could be a boondoggle if they work hard at it. It's something they are not going to see any money from. They are going to simply give them some work in kind, or some sort of engineering. Nothing but a couple of free meals and a lot of promises. But he did go and will continue to do so. He asked if they were going to get any money and only got a glassy stare. They were into global warming and oil reserves, none of which made sense.
- 5) **Meeting in Nashua with NH DOT** – Selectman Maddox said there was a meeting in Nashua by the DOT to see a new program, integrating lifestyle and roadways. He caused much heartache and aghast when they were talking about the global warming situations and gas prices and he said the real 800-lb. gorilla was funding, and should consider putting the toll booth back at Exit 1 so they can have the roadways built. The Nashua Aldermen weren't real receptive to that. The DOT is looking to alternates to building 18-lane highways. Hopefully, something useful to Hudson will boil out of all of this. He will keep going and they will try to solve something other than, hopefully, geopolitical issues.
- 6) Selectman Maddox wished everyone a happy Christmas--because that's what it is.

D. Selectman Terry Stewart

1) **Combined Dispatch Centers Tour** – A group, including her and Selectman Maddox, toured combined dispatch centers in Waltham and Danvers, MA. She thanked Budget Committee members Ray Rowell and Leo Bernard for joining them and hoped they got a better insight of what they hope to accomplish. They toured the Waltham center by the 911 operator who answered the call for the individual with the poisoning that made national news. She was quite informative. Both command center personnel said the benefits of doing combined dispatch outweighs any negatives.

(Start 5-A)

2) **CALEA** – The assessment is going very well. Only five files were found that needed further explanation. This is an outstanding review since most departments see anywhere from 50 to 60 files returned for further information. The team completed the review on recruitment, selection, crime analysis, use of force training, victim witness advocate, arrest detention, facility, administrative reports and internal affairs. They conducted ride-alongs and found the Hudson officers to be very well trained and responsive to the community’s needs. The assessors will conduct an exit review on Wednesday. Town officials are invited. She complimented the team leaders, Capt. Rosanna Dove, Commander Dave Belamonte and Chief John Moss, as well as the Hudson Police Department staff. Last night, there was a public hearing at which time NH Attorney General Kelly Ayott spoke on behalf of the HPD. It was a big compliment. There were also other police chiefs there, as well as officials and dignitaries from all over the State. This is something to really be proud of. Chairman Massey said Governor Lynch would have been there, too, but he was en route from Washington, DC. One of the assessors told him this was the first time a Fire Chief got up and spoke on behalf of the Police Department.

E. Chairman Ken Massey offered kudos to the Highway Department for the work they did during the snow storm on Friday.

Motion by Selectman Stewart, seconded by Selectman Maddox, to forward any Town Clerk-certified zoning petitions to the Planning Board that are submitted to the Selectmen’s Office by the close of business on December 14, carried 5-0.

10. NONPUBLIC SESSION

Motion by Selectman MacLean, seconded by Selectman Cole, to enter Nonpublic Session under 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted; b) The hiring of any person as a public employee; (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community carried 5-0 by roll call vote.

Nonpublic Session was entered into at 11:27 p.m. and was terminated at 12:12 a.m. on Wednesday, December 14.

Motion by Selectman MacLean, seconded by Selectman Cole, to approve the request by the Road Agent for the pay out of his accumulated earned time of 248.63 hours which calculates out to be \$9,042.42 from the Employees’ Earned Time Trust Fund carried 5-0.

Motion by Selectman Stewart, seconded by Selectman MacLean, to hire Cassandra E. Dabilis as a full-time Police Officer, effective 18 December 2005 at a starting salary of \$18.59 per hour, Step 1, in accordance with the Police Union Local 3657 carried 4-1. Selectman Maddox was opposed.

Motion by Selectman Stewart, seconded by Selectman Cole, to hire Mike Mader as a Call Firefighter at an hourly rate of \$7.50 effective December 18, 2005, as recommended by the Fire Chief, carried 5-0.

11. ADJOURNMENT

Motion by Selectman MacLean, seconded by Selectman Maddox, to adjourn at 12:15 a.m. on December 13 carried 5-0.

Recorded and transcribed by Priscilla Boisvert
Executive Assistant

HUDSON BOARD OF SELECTMEN

Kenneth J. Massey, Chairman

Teresa Stewart, Vice-Chairman

William P. Cole, Selectman

Kathleen R. MacLean, Selectman

Richard J. Maddox, Selectman