

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the October 11, 2005 Meeting**

1. **CALL TO ORDER** by Chairman Ken Massey at 7:10 p.m. in the Selectmen's Meeting Room at Hudson, NH Town Hall.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Teresa Stewart.

3. **ATTENDANCE**

**Selectmen:** Kenneth J. Massey, Teresa Stewart, William P. Cole, Kathleen R. MacLean and Richard J. Maddox

**Staff/Others:** Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Richard Gendron, Chief of Police; Kevin Burns, Road Agent; Shawn Murray, Fire Chief; Sean Sullivan, Director of Community Development; Rob Sousa, Code Enforcement Officer; Mike O'Keefe, Cable Committee Chairman; Jim Barnes and George Hall from the Planning Board; Bill Tate; Joe MacLean; Howard Dilworth, Jr; Doug Robinson, HLN

4. **PUBLIC INPUT**

**Bill Tate, 83 Wason Road**, spoke to the Board about a water line extension along 102 in the northwest section of Hudson. Presently, the line runs up to Page Road intersection to the White Hen Pantry. In 1988, they did a study of bringing a line down for a large project that never came to fruition. There is a lot of commercial activity going on there and he was looking to the future. He spoke with the Fire Chief and a Planning Board member, who suggested he come to the Board relative to the water line extension. It looks like the State is going to work on rebuilding that roadway in the next year or so. Mr. Tate suggested that in lieu of installing new cisterns for new developments—one site is being worked on and there is other activity—rather than take funds for that, he'd think that the developer would contribute at least the same cost as the cistern and they could probably make at least the road crossings. Generally, these projects are funded privately. It's Town-owned, but the Town isn't required for an extension that involves any expense to the Town, other than maintenance and it becomes part of the system. There isn't adequate fire protection there. He was hoping the Board of Selectmen would make a favorable recommendation to the Planning Board or the Fire Department. In that immediate area, in the last two years, there was quite a benefit from Mobil on the Run going in there. They spent over \$400,000 to put in the light. Substantial road widening and turning radiuses benefited the Town because that was used as their 20% contribution to the State of NH. The water line seems to be important to the Fire Department and it's important to the Town for the development of that section of Town, immediate to the highway. They have a lot of water reserves within a half a mile radius of the immediate area, and there are ponds, but the Fire Department would still have to transport a pump. If they don't look long range, it will be difficult for one developer to come in, unless he is adjacent to the line, to fund those improvements. That's why he was before the Board. He asked for some response from the Board, either tonight, or in writing.

Chairman Massey said they would take this up under Other Business. Selectman Cole asked if there was a plan on the table for the water line extension, or if this was just Mr. Tate's suggestion to start from scratch. Mr. Tate said it has been discussed with the Town Engineer, but nothing has gotten off the ground. Developers don't want to spend \$50,000 if the Town doesn't think there is a need for this. Chairman Massey said they'd get back to Mr. Tate with an answer.

**Fire Chief Shawn Murray** read the following prepared statement in recognition of Fire Prevention Week, October 9 – 15, 2005.

I come before you this evening to inform you and the citizens of Hudson that October 9 through 15 is National Fire Prevention Week. Fire Prevention Week is an opportunity for Americans of all ages to learn more about how to avoid fires and fire injuries and how to respond to them. This year's theme, *Use Candles with Care*, reflects how proper use of candles can go a long way in protecting one's home and family from the devastating effects of fire. Candles are a wonderful way to decorate and add ambiance to one's home, but can be destructive if not used with proper care. The number of fires caused by candles is on the rise. According to the National Fire Prevention Association, candle fires accounted for an estimated five percent of all reported home fires. Candle fires in 2002 alone resulted in an estimated 130 civilian deaths, 1,350 civilian injuries and \$333 million in property damage. A fire can easily start when a candle is left unattended or left burning when someone sleeps. By taking simple precautions when using a candle, we can prevent serious harm to ourselves and our property. People are at the greatest risk of fire in their homes, and following simple safety rules will help increase one's safety from fire. Fire Prevention Week also serves as a time to honor our brave firefighters for risking their lives every day to protect us. They work tirelessly to educate their fellow citizens about fire safety and the importance of being prepared for emergencies. I especially would like to recognize the fine firefighters in my home state, New Hampshire, for their efforts to make the Granite State's communities safer. We owe all firefighters a debt of gratitude for their courage and dedication to keeping us out of harm's way. I encourage everyone to take a moment to thank their local first responders for their hard work, and to heed the important lessons they impress upon us.

Chairman Massey said the Fire Department would also like to remind the citizens to replace the batteries in their home smoke detectors. Chief Murray said that was correct. Fire Prevention Week is traditionally the time when that should be done.

5. **NOMINATIONS & APPOINTMENTS** (There were none.)

6. **CONSENT ITEMS**

Selectman Stewart removed C-2 from the consent agenda.

*Motion by Selectman MacLean, seconded by Selectman Stewart, to receive consent items A-E, with the exception of C-2, as noted or appropriate, carried 5-0.*

A. **Assessing Items**

B. **Sewer/Water Items**

C. **Licenses and Permits**

1) Raffle Permit, Knights of Columbus @ 27 Library Street to benefit St. John's Parish Center, w/drawing to be 25 weeks after approval. (To approve.)

- 2) **Two Sign Permits by Hudson Jr. Woman’s Club at corner of 3A and 102 and at Taylor Falls Bridge, forwarded to Road Agent for coordination of placement.** (To approve and forward to the Road Agent.)  
Selectman Stewart said a few years ago, the Board of Selectmen established limits of where signs could be placed. Basically, the Board has been granting that privilege only at the Taylor Falls Bridge, with DPW putting up the signs. They don’t allow signs to be placed anywhere else. To allow this is setting a bad precedent. The Firefighters’ Memorial is not a place to erect signs to advertise events and the property at 3-A and 102 is State property. They only set precedent to be at Taylor Falls Bridge, and they should continue that for all organizations.  
*Motion by Selectman Stewart, seconded by Selectman Cole, that the sign permit be granted for only at the Taylor Falls Bridge location and forwarded to the Road Agent for placement.*  
Selectman MacLean said the application said “same location as previous years.” Selectman Stewart said they’ve had them there before, but it wasn’t on the sign request. Selectman MacLean asked if this rule was in the records somewhere. Selectman Stewart said the Board voted on it.  
*Vote: Motion carried 5-0.*
- 3) Sign Permit by Hudson Seniors at Taylor Falls Bridge, forwarded to Road Agent for coordination of placement (To approve and forward to the Road Agent.)

**D. Acceptance of Minutes**

Board of Selectmen’s Minutes of September 27, 2005 (To forward to file)

**E. Calendar**

10/12 7:00 Planning Board in CD Meeting Room  
10/12 7:00 Benson’s Committee in BOS Meeting Room  
10/13 11:30 Office Hours w/Andy Leach from Senator Sununu’s Office in BOS Meeting Room  
10/13 6:30 Recreation Committee at Rec Center  
10/13 7:00 Sewer Utility Committee in BOS Meeting Room  
10/13 7:30 ZBA in CD Meeting Room  
10/14 7:00 Budget Review by Board of Selectmen in BOS Meeting Room  
10/15 7-10 am, Fire Department’s Fundraising Breakfast at T-Bones  
10/15 8:00 NH Special Olympics at Alvirne  
10/15 4:30 Firefighters’ Memorial Service  
10/15 5:30 Fire Department Awards Banquet at American Legion  
10/17 7:00 Budget Review by Board of Selectmen in BOS Meeting Room  
10/17 7:00 Conservation Commission in CD Meeting Room  
10/18 7:00 Budget Review by Board of Selectmen in BOS Meeting Room  
10/18 7:00 Cable Utility Committee Meeting in CD Meeting Room  
10/19 6:00 Library Board of Trustees in BOS Meeting Room  
10/19 5:00 Water Utility Committee Meeting in CD Meeting Room  
10/20 1:00 Trustees of the Trust Funds  
10/20 7:30 Budget Committee in BOS Meeting Room  
10/25 7:00 Board of Selectmen in BOS Meeting Room  
10/26 7:00 Planning Board in CD Meeting Room  
10/27 7:00 Lower Merrimack River Committee at NRPC  
10/27 7:00 Open Space Committee in BOS Meeting Room  
10/27 7:30 ZBA in CD Meeting Room  
10/28 6:00 – 9:00 Fright Night at Hudson Community Center  
10/30 Daylight Saving Time Ends  
10/31 6:00 – 8:00 Trick-or-Treat Hours in Hudson

7. **OLD BUSINESS**

**A. Proposed Community Development Department Fee Increases**

Community Development Director Sean Sullivan said at their last meeting, the Board had a concern over the proposed fee for a Certificate of Occupancy for residential, commercial and industrial. They reviewed those fees and made recommendations accordingly. \$75 for residential; \$150 for commercial; and \$250 for an industrial CO. Those are based on the volume of frequency and duration that are spent at each site, with the assumption that an industrial CO entails more work, more time, potentially multiple trips to the structure to review it for safety purposes. Selectman Maddox asked if the “2,000 square foot home with existing fees” had been recalculated. Mr. Sullivan said it has not, but he could get the graphic back. Mr. Sullivan said he could have that for the hearing, if the Board schedules one. Chairman Massey asked about the \$140,000 estimate on the 2,000 square foot home, saying that was about \$70 a square foot, which he thought was quite low, given construction costs today. Mr. Sullivan said they conducted an analysis of surrounding communities and found they were on the low end, so even when they calculate the new fees, exclusive of the CO fee that Selectman Maddox talked about, they are slightly above average, but not off the chart like a town like Merrimack would be. Inspections are becoming more complex; the codes are changing; the duration requires frequent trips to the structure and they wanted to keep the fees in a reasonable context with a somewhat modest increase, while at the same time, trying to offset the Town’s cost for the inspections.

*Motion by Selectman Maddox, seconded by Selectman Stewart, to send the proposed fee increases, as recommended by the Community Development Department Director in his memo of 10/4/05, to a public hearing on October 25, 2005, carried 5-0.*

**B. Code Enforcement**

Selectman Maddox, Community Development Director Sean Sullivan and Code Enforcement Officer Rob Sousa were recognized. Selectman Maddox, who asked that this be put on tonight’s agenda, deferred to the Community Development Director. Mr. Sullivan said Rob is in the field on a daily basis, dealing with code enforcement-related issues. At the last meeting, the Board asked Mr. Sullivan to report back to the Board the process they use, the duties for the position and the number of

actions. In his memo of October 4, he laid out the five-prong approach that the CD Department does use, as it relates to code enforcement. A land use violation letter is sent; a phone call is made to the alleged violator (or vice versa); a face to face meeting, either at Town Hall or on the property; a second land use violation letter is sent to the alleged offender; and, if it is determined at that point that there was non-compliance with the ordinance, there is a request for legal action, funneled through the Town Administrator to the Board, seeking legal counsel, and then they proceed through the court system. More often than not, most folks are compliant when they are spoken to. To date in 2005, they can document 58 code enforcements that Rob has dealt with. He also has other duties, as listed in the memo. For example, tomorrow Rob has two site walks with DES for some open space properties that the Town has taken stewardship of. The 10% miscellaneous that Rob deals with covers a wide variety. They average between 70-100 building permits per month, so one building inspector is not enough to conduct every building inspection that is necessary. Bill Oleksak is the Building Inspector/Health Officer and deals with health-related issues and is the first line of defense in building inspections. Rob works hand in hand with Bill, conducting building inspections. They have an electrical inspector, who is a very talented individual, who serves the Town of Hudson very well in the number of inspections he does in his two days a week. Rob's #1 priority is code enforcement. On average, if they conducted an average to surrounding towns of the size of Hudson, the Town's code enforcement actions would be greater than most any other community.

Selectman Maddox said at the last meeting, the concern of the Community Development Director was that the Planning Board was designating areas that needed to be addressed, in their opinion, in regard to code enforcement. The Director wanted the Board of Selectmen to tell the Planning Board that's not their function, but a function of Town staff and the Code Enforcement Office. Selectman Maddox had asked at that time for a breakdown of what has been done—and he was looking at those numbers tonight. If he does the math, it's 65% and they are about 3/4's of the way through the year. That's 15,000 hours. If 65% of code enforcement is on zoning and building, that would be about 900 hours and, to date, there has been 58 items. To him, that doesn't seem like a lot. The Planning Board feels that there are a lot of things they see, as they have looked at these projects over the years, as they've gone through the cycle. They drive by a site and see there are cars parked where they shouldn't be, or there are any number of violations to a site plan. They see them and would like them to be taken care of. One of the questions he asked at the last meeting was what they saw as a solution, rather than the Planning Board bringing it through the Town Planner via a vote at the Planning Board meetings. How can they address concerns that the Planning Board members have with zoning issues? He'd like to see what Mr. Sullivan has as a plan for that. Mr. Sullivan thought a phone call might do, but after Planning Board meetings, he gets a laundry list of items. Oftentimes, no matter what they do, it seems like it is not enough. Sometimes people get frustrated when they lodge a complaint and it isn't resolved immediately. It doesn't mean they are not working on it. If they get a complaint, they are acting on it, and if they don't get satisfaction, it's a matter of where it falls on the priority list. If it takes legal action, he has no problem going that route—but he doesn't think most of them are headed that way. It creates tension in the office when the Planning Board takes specific votes to get a report from code enforcement. Mr. Sullivan said he is happy to share any information he has with anyone, but he reports to the Board of Selectmen and the Town Administrator, in terms of accountability. If the Planning Board doesn't get something they are looking for within a timeframe that they feel is appropriate, they don't like it and they get angry, but it doesn't mean the department is not working on it. If staff isn't doing something, they need to be told so they can do a better job at it, but they work pretty hard trying to accomplish the goals that the Board of Selectmen has set forth. While they may not be perfect, it's not because of a lack of effort. If the Planning Board has a specific concern, he welcomes them to go to the counter like anybody else can, and fill out a complaint form, and staff will act on it. However, someone's perceived violation isn't necessarily a violation in terms of the ordinance. There was one recently that transpired where the Town won every step of the way in court for eight months with a particular site, but ultimately, didn't prevail. They have every intention of following through with complaints when they are received and they do the best they can, given the resources they have, to accomplish that. When the Planning Board takes these votes and sends the Planner up on a mission to work with the Director, somewhere along the line, it becomes finger-pointing. They are all on the same team, willing to work with people, and they do, but when they work together, they can accomplish a whole lot more.

Selectman Maddox referred to the job description for the Code Enforcement Officer and said, "establish a computerized data base of land use violation for reference and use by the Community Development Department," and asked if there was such a document at this time. Mr. Sullivan said yes. Selectman Maddox asked if it would say, "Citizen A came in and made a request for a zoning issue." Mr. Sullivan said yes, in the sense that they document complaints when they are filed, but they may not say it's Mr. X on street Y that had X concern." "Complaint received that dealt with B Street, X address, this was the issue and this is how we resolved it." It's brief, but a computerized data base. Selectman Maddox said if he was to bring a copy of that data base to the Planning Board, then they could get an answer to their questions. Mr. Sullivan said sure. Selectman Maddox asked if it followed how it went through the five-prong program. If someone came in to complain about a site, it was logged in on a certain day and what actions were taken, as it went across the spread sheet. Mr. Sullivan had a sample of the complaint log, which he passed out.

(Start Tape 1-B)

Selectman Maddox said this was what they get at the end of each year, but it really doesn't really suffice because there are no follow-up dates and it doesn't track with the five-point program. If there was more information on the spread sheet, it could be brought to the Planning Board to show the progression of the item within the process. Mr. Sullivan said his initial reaction is to say yes, but he wants to think about it a bit. It's important to track things, and act on them, but in January or February, they would have more time to put detailed information together. The most complaints are received at the height of the building season, vacation time, which is kind of winding down now. The highest time is also the busiest time, volume-wise. Selectman Maddox said there has to be a method by which they can show a Planning Board member, or anyone else, where something is in the process. However, he is still concerned that when he does the math with 900 hours for 58, that is 15 hours per item. He wondered if it really takes 15 hours to resolve one item. The numbers just didn't add up, to him. Mr. Sousa said the items on the log did not include every single code enforcement thing he does. The log includes the things he feels are important enough to document. He responds to phone calls or answers questions at the counter, and those things are not written down, but they all take time and add up. Some items, though, may take 15 hours or more, especially when they involve court cases. Selectman Maddox said he'd still

like to see a system where the tracking of an item in the system would be readily visible. The list, as presented, needs to be expanded, and some of the lesser items be included. There should be a documented process, including the follow-through, which would be available to whomever wants to see it. It would be better to say they had 200 items, with documented tracking, so it doesn't seem like someone is being picked on. If that can be done for the next cycle, it would give him a tool to take to the Planning Board to show the tracking of a complaint.

Selectman Stewart said there were two dates listed on the same address, March 8 and October 11, that dealt with a junkyard. She asked if that address was on Step 4 in the five-prong process since it had shown up twice in six months. Mr. Sousa said that address requested him to go out there again. With that specific address, the five-prong process didn't come into play.

Selectman Cole asked if they could recap what they are going to do. Mr. Maddox said Mr. Sullivan said he'd like to wait to see what he would do, but he (Selectman Maddox) said he'd like to see the spread sheet elongated to show the various steps and the dates it went through those steps. If you have a standardized policy of a land use letter, phone calls, etc., you should be able to show the dates as it tracks across, and its status. It would give them something to prove that that issue is being worked on, and where it is in the process. Selectman Cole thought that was a simple software solution that could be done and asked Sean and Rob if they thought it could be accomplished. Mr. Sullivan and Mr. Sousa agreed that adding a couple of columns could be done. Selectman Cole asked if that would get the Planning Board out of the oversight business in the code enforcement office, since the only oversight agency is the Board of Selectmen—no one else. If the Planning Board wants to walk in and get some information off the new and improved spread sheet, that's fine, as opposed to formal motions, or going to the Town Administrator. It's time to get out of the oversight business. Selectman Maddox said but that was a request of the Board of Selectmen, years ago. Things change. Selectman Cole said the Board of Selectmen is the board that has oversight. If the Planning Board has a specific issue they want to talk about, it should be brought to Selectman MacLean, who is the liaison to Community Development and she is also the alternate on the Planning Board. Selectman MacLean can then bring the matter to the Board of Selectmen, who is the oversight agency for code enforcement. He asked if that sounded reasonable. Mr. Sullivan said it certainly did.

Selectman MacLean asked if Selectman Cole's request changed Selectman Maddox's request, which she felt was a logical request. A little more detail might prevent all of this. Selectman Cole said they will have an improved spreadsheet, which would allow a citizen, or a member of the Planning Board, to walk in to the counter and take a look at it to get information. Selectman Maddox said or he could bring it to the Planning Board. Selectman Cole said if there is a specific issue that raises to a higher level from the Planning Board's perspective, or any agency's perspective, it should come through the Selectmen's liaison to Community Development and then to the Board of Selectmen, as the oversight agency. Selectman Maddox said, again, as the oversight agency, he'd like to better understand the hours that don't seem to match up. He'd like to see a breakdown of where this is going to go, how those hours.

Selectman Cole called for a point of order, saying that was a whole different issue. If they are going to be talking about how this particular office is going to use its time, that's a different issue. He is willing to discuss it, but it's a different issue from tonight's issue. The subject was a viable solution as to a perception that the Planning Board was executing an oversight function on code enforcement, which it can't. Selectman Maddox said no, the concern of the Planning Board was the code enforcement was spotty. Selectman Cole said terms like that are nebulous. Someone may not think he's spending enough time on A, and Chairman Barnes may not think he's spending enough time on B, and Ms. McGrath may think he's not spending enough time on D, but those issues are abstracts. The Board of Selectmen can only deal with an issue brought to them through the Code Enforcement Office, or by Selectman MacLean, liaison to Community Development. Selectman Maddox said OK, he'd put it on another agenda.

**C. Public Hearing/Board Action on Ordinance 05-02 Parking Prohibited on North Ridge Road, Monday - Friday, 7 a.m. – 3 p.m., from Labor Day through June 25**

Police Chief Richard Gendron said this street is directly across from Alvirne HS. He received complaints from the residents in that neighborhood and from Selectman MacLean. School Resource Officer Jason Downy has been working with the school to try to control the parking, but it's out of control. He met with the Road Agent and Fire Chief who went up with fire apparatus to see if they could get through, and the ladder truck could not make it. During the winter, if that street is plowed with snow banks on both sides, nothing will get through if the kids are parking on both sides of the street. This ordinance is drafted for the safety of residents on that street. Selectman Stewart thought the HPD was going to look into what other streets in that area the kids might migrate to, such as Old Derry Road. Chief Gendron said they looked at Rayes Drive and Old Derry Road, but they are not an issue right now. They felt it best to address them only if they become an issue because it is somewhat of an inconvenience for the residents, as well. They did have a slight problem on Rayes Drive. They were parking on one side of the street and jumping the fence over by Hills Garrison, walking through the property. They addressed that with Mr. Laine at the High School and he quickly put an end to it because they are not supposed to be in the area of the Hills Garrison school grounds.

Selectman Cole asked what happens if anyone parks during this timeframe, including contractors, businesses, friends, visitors, etc. Chief Gendron said they will be cited. If they are blocking a fire hydrant or a driveway or mailbox, the vehicle will be towed. This is what the residents want and whoever parks there are subject to the same rules as the students. If someone has company, they will have to park in the driveways. Selectman Cole asked how they control vehicles for students on school property. Chief Gendron said in order to park on school property, kids have to get a permit, based on grades and seniority. Once the space is taken up, kids have to take a bus or parents can drop them off. Selectman Stewart said in driving by, you can see the parking lot is not at capacity, so chances are students don't have the grades to get the permits. Selectman Cole said this sounds a bit draconian. They are talking about kids, and he thought kids should be able to be controlled.

Selectman Maddox asked if they were just moving the problem to another street. Chief Gendron said maybe, but eventually it won't be worth it. Right now, the only place he can see them moving to is Rayes Drive or Old Derry Road and, if they do, it will be addressed at that time. Right now, it's not an issue and they haven't received any complaints. Selectman Maddox asked why they can't put the signs up only on one side of the street so fire apparatus can get up the street and people who want to visit could park on the other side. The Resource Officer could take a walk over during school to see if any of the students are hoofing across. He didn't want to put the residents to a disadvantage. Selectman Stewart said a lot of the individuals who were parking on the street were being disrespectful to the property owners, blocking mailboxes, dumping trash. They have to nip it in the bud. Chief Gendron said another issue they had is if you allow parking on one side, there will still be problems in the winter when there are snow banks on each side. It gets pretty tight and they have to be able to get fire apparatus into North Ridge and to allow DPW to go in there to plow. It will be too tight if you have one whole row of vehicles parked there. That's why the ordinance was drafted as it is. The residents are happy with this. If all the students park on one side, there won't be any space for residents to park. You had to see it to believe it. It was horrendous. Selectman Maddox said it has been stopped right now because the Principal has stopped it and the Resource Officer is occasionally walking over there to see if there are cars. He thought that process could continue. Chief Gendron said that would be using valuable resources for no reason, sending an officer in there to run listings on vehicles. It would be better off posting it like they did everywhere else.

Chairman Massey said in a different community, with exactly the same problem, every time they tried to do voluntary enforcement, the students figured out a clever way to get around it. Unfortunately, all the residents in that particular neighborhood have accepted the fact that in order to keep the problem from constantly coming forward, they did the same thing—both side of the street, and their street is wider than 28 feet. He then opened the public hearing at 7:59 p.m. and asked if anyone in the audience wished to speak on this. There being no reply, he closed the hearing.

Motion by Selectman MacLean, seconded by Selectman Stewart, to adopt 05-02, Parking Prohibited on North Ridge Road, Monday – Friday, 7:00 a.m. through 3:00 p.m., from Labor Day through June 25, as recommended by the Highway Safety Committee, carried 4-1. Selectman Cole was opposed.

**8. NEW BUSINESS**

**A. Request by the Fire Department to apply for the Local Government Center 2006 Health & Safety Grant Program**

Fire Chief Shawn Murray said he was seeking authorization to apply for a fitness grant for \$2,000 with no matching funds requirement. Capt. Brough and FF Fritz have been working with the LGC in order to purchase physical fitness equipment and funds to conduct wellness programs. Selectman Stewart noticed in the budget that there is a request for some of this equipment. If they get this grant, she wondered if that would offset the budget request. Chief Murray said yes. Selectman Stewart said administration personnel would decide the winning recipes. She wondered if they could expect a cookbook out of the department in the future. Chief Murray said maybe. Selectman Stewart said she would be one of the first ones to buy it because she understands there is an awesome chili recipe over there. Chief Murray said that's one of them. Selectman Maddox asked why they weren't apply for \$4,000 instead of two. Chief Murray said this was what LGC wanted. A lot of it depends on how much money they have to spend on the programs. Selectman Maddox said of the \$2,000, \$800 will be given away as incentives to use the equipment that they bought for \$1,200. He asked why they wouldn't just buy \$2,000 worth of equipment. Chief Murray said they are trying not only to purchase the equipment, but come up with innovative programs, like a cookbook, and reward people for participating in the fitness program. It's not just equipment; it's a way to motivate people to participate. Chairman Massey said sometimes the best incentive is not that you achieve the goal, but that six months later, you've maintained the goal. Maybe the reward shouldn't be so much on making the original goal, but the sustaining of that goal. Selectman Stewart said the purchase of the stationary bike will be made in the middle of November. Where are the funds in the current budget? Chief Murray said that would be if they get the grant. Selectman Stewart asked how soon that would be. Chief Murray said within a couple of weeks.

Motion by Selectman Cole, seconded by Selectman MacLean, to authorize the Fire Chief to apply for the Local Government Center 2006 Health and Safety Grant Program, carried 5-0.

(Start Tape 2-A)

**B. FY05 Emergency Management Performance Grant from NH DES**

Fire Chief Shawn Murray said they have been awarded the grant of \$2,500 and wanted the Board to accept it. They have applied for these grants before under Emergency Management. It pays for half the cost of their cell phones for emergency management staff. They applied for this in FY04 and were awarded it, and it has been awarded to them again this year. There is a 50% match and the funds have been budgeted. Selectman Maddox asked if the full amount was budgeted, or just the match. Chief Murray said they budgeted for the full amount because they don't know in advance if they are going to get the grant or not.

Motion to authorize the Fire Chief to accept the FY05 Emergency Management Performance Grant (EMPG) from the NH Department of Safety by Selectman Cole, seconded by Selectman MacLean, carried 5-0.

**C. Acceptance of a \$2,000 Donation to the Police Department's K-9 Unit from Wal-Mart**

Police Chief Richard Gendron said Wal-Mart had a re-grand opening about a week ago at their current site and they also relocated the sub-station. At that time, Officer Sullivan, with Akim, was given a check for the K-9 unit and he was before the Board tonight to accept that donation. Selectman Maddox asked if this would offset something in the budget, or if it was for something additional. Chief Gendron said Officer Sullivan has K-9 trials coming up, which he needs in order to keep his certification, so that's what he will use the money for.

Motion by Selectman Stewart, seconded by Selectman MacLean, to accept the \$2,000 donation, with the Board's appreciation, carried 5-0.

**D. Highway Safety concerns with NH DOT**

Police Chief Richard Gendron said for some time, there have been some concerns with NH DOT in the following areas: 1) Dracut Road; 2) Dracut and Sherburne intersection; 3) Webster Street and 4) Kimball Hill Road. Dracut Road has been taken care of, making it a no-passing zone. On Webster Street, in front of the new development near Elm Street, the Town requested that be changed to a no-passing zone and he received a letter from the State last week, indicating that they will grant that request. The intersection of Dracut and Sherburne has been taken care of, as well—additional signage as a result of people going through the intersection when they come to the end of Sherburne. One area, however, still remains a concern to Police, Fire and DPW—Kimball Hill Road. Every winter they experience problems there, even with only 3, 4 inches of snow. There are accidents, people off the road, etc., and the police have to shut down the road until he can get someone out there to plow it. He tries to get out there during every storm and he finds himself working the entire stretch. This road doesn't get enough attention. There was a situation out there where there were cruisers and fire trucks out there and a fire truck could not make it down Mobile Hill Estates, so if there was a fire there, they would have had an issue. There have been times when cruisers are parked out there to keep people from coming down the road and people coming down the hill end up sliding into the cruisers. They met with the foreman who is in charge; they met with the regional supervisor and the answer they get is, "That's the plan." Obviously, the plan is not working and needs to be revamped. They need to get a truck out there when there is enough snow to see the wheels going through. That tells him that street isn't being plowed and there isn't enough salt and sand on it. He cannot keep calling the Town DPW out there during every storm and they've got enough work with their own routes. When it gets desperate out there, the Town DPW is called. Last year, he became very frustrated when he was out there, waiting for the State to get there. When the DOT truck came, there was no sand coming out the back. He drove up and down the road and left. The Chief called to tell the foreman what the problem was--the plow driver needed to put his blade down and he needed to salt and sand. Sending a truck out isn't enough—it needs to be plowed, sanded and salted. Every time the Town DPW is sent out there to plow, a bill should be sent to the State. Maybe when it reaches the Commissioner's desk, someone will realize that road isn't being treated the way it should be. The motoring public shouldn't have to subject themselves to danger on that road every time there is a snow storm. Perhaps a letter should be sent to DOT to address the problem before winter. He was open to suggestions because when they requested to speak to the Commissioner, they were referred back to Hiram. Chief Gendron addressed the issue with Senator Clegg, who was going to try to talk to the Commissioner. The Chief then got another call from Hiram; he can't seem to get beyond him.

Selectman Maddox didn't think sending a bill was going to do any good because they probably just won't pay it. They need to find a solution for the citizens using that road. There are safety issues that need to be addressed, so the Board should send a letter to Commissioner Murray. Selectman Stewart said a letter should go to the Executive Councillor, as well. Selectman Cole said the letter should include a drop-dead date for a response from the Commissioner. If that isn't met, then a letter should be sent to the Governor. He had a photo-op down here last week, so he owes Hudson at least one favor. Selectman Massey said Executive Councillor Wieczorek asked what he could do to help the Town. This would be an opportunity for him to show what he can do. He asked for Board consensus to draft a letter to Commissioner Murray, copied to Executive Councillor Wieczorek, outlining the concerns with a drop-dead date of October 31. The consensus was unanimous, in favor. Chairman Massey said he's not going to hold his breath but, hopefully, they can get Executive Councillor Wieczorek on this. Selectman Maddox said there is software that tracks accidents. Chairman Massey said he'd like a copy of that to include with the letter to the State.

**E. Appointment of Selectmen's Representative and Alternate to the Community Technical Assistance Program (CTAP)**

Town Administrator, Steve Malizia, said Selectman Maddox asked this to be put on the agenda. Apparently, there was a meeting about a week and a half ago regarding the widening of Route 93 and the effect on some of the communities that lay in that corridor. The NRPC and Antioch New England Institute sponsored a meeting in Hudson to start moving forward to possibly start determining what the impact may be on the Town of Hudson. Selectman Maddox indicated to him that the request was to appoint a Selectmen's representative and an alternate representative to work with a committee, prioritizing, looking for funding, etc. Selectman Maddox said he attended, along with the Town Planner and Town Engineer. When the State was going to widen 93, they had a number of issues with interest groups. One of their solutions was to come up with a way to mitigate some of the impacts, and they are looking to assist the 26 towns they have recognized as being impacted by the Route 93 widening and giving them some assistance. He didn't know exactly what that assistance was going to be. They are looking for someone to represent the Town of Hudson and an alternate to go to these meetings. There was a calendar included in the packet. They are saying this is going to be up to a five year plan. Chairman Massey said the appropriate representatives would be whoever the NRPC liaison is as the primary and the Highway Department liaison as the alternate. Selectman Maddox thought the Chairman of the Board would be the best choice, to get out and meet some of the other people.

Selectman MacLean said the material doesn't actually say it has to be a Selectman, but it could be a representative for the Selectmen, to report back to the Selectmen. Every single meeting is on a Thursday evening, and she works Thursday evenings, so she is out. Selectman Cole said he didn't care who it was, but hoped they would have a good appetite since they were all dinner meetings, starting with a kickoff dinner on December 1. There were four meetings scheduled, with a wrap-up conference in June. He wondered what was hoped to be accomplished in four dinner meetings. This appears to be the supreme boondoggle of all times, but he will support it. Selectman Maddox said he didn't disagree with Selectman Cole, but it was an effort to try to placate the Town by a promise of some money to possibly do something. There were more questions than answers. He, too, thinks it is a boondoggle, but it is meant to be a pilot program for the DOT. He thinks the Chairman should go, since he will be writing letters to the DOT regularly, and he would be the alternate. Selectman Stewart so moved. Chairman Massey said, unfortunately, the 2<sup>nd</sup> and 3<sup>rd</sup> Thursdays of the month, he is in Water Utility meetings. Selectman Cole said if they appoint Selectman MacLean as the representative and Chairman Massey as the alternate, realizing that neither of them can make any of the meetings, they will get credit for participating without wasting anyone's time. Selectman Maddox said that was a creative approach. Selectman MacLean didn't want her name on something that would go down in history as never having attended. Selectman Cole suggested that she could always blame the Chairman, who is the alternate, if he doesn't show up. Selectman MacLean with the Joint Committee

now defunct, her reputation is really going to be tarnished, so she will not support the motion. Selectman Cole said it's time to be a team player. Selectman MacLean wants to be on record as opposing this motion, adding that she could make the June wrap-up.

Motion by Selectman Cole, seconded by Selectman Stewart, to appoint Selectman MacLean as the Selectmen's representative to the CTAP committee and Chairman Massey as the Selectmen's alternate representative to the CTAP committee, carried 4-1. Selectman MacLean was opposed.

Motion by Selectman Stewart, seconded by Selectman Cole, for a 10-minute recess at 8:25 p.m., carried 5-0.

## 9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

**Kathleen MacLean** said she took her happy pill tonight, and didn't have a thing to say.

**Rick Maddox** asked if anyone was going to be going to Nashua for the regional preparedness. Chairman Massey said he was planning on attending, as well as Fire Chief Murray and Police Lt. Lavoie.

▶ Motion by Selectman Maddox, seconded by Selectman Stewart, to dedicate the 2005 Annual Report to Ann Seabury, carried 5-0.

▶ The budget meetings are coming up at the end of this week, first of next week. He hoped the Board would take an innovative look. He and Selectman MacLean are in their second year, so they will be better. He hoped they would take a look at other options, not just go through the line items and say yes, no, cut this, move that. He hoped they would be looking at where they should be going. They haven't had the workshops they probably wanted to do, but maybe the budget meetings are a way to put some items into the budget that need to be looked at, whether 2007 or 2010—at least look at how to fund such items. He hoped it would be a three-day marathon of different ideas.

**Terry Stewart** the Police Chief e-mailed her, saying they did have some preliminary pricing back from the architect for Combined Dispatch. Chief Gendron said he had a conversation today with Kastle-Boos. They are doing some drawings and, hopefully, he'll have them by Thursday. They met last Thursday with Motorola to go over equipment needs. They are working on numbers, as well. When they meet with the Board during the budget process, he will do his best to have some numbers to go by, and a drawing. They are working towards that right now.

▶ Selectman Stewart thanked everyone who came out and supported their wet, soggy Harvest Fest. They were at the mercy of Mother Nature and Tropical Storm Tammy. She's thinking positive and next year is another year.

**Bill Cole** said he didn't have anything at this time.

**Ken Massey** said he had an e-mail from the Chairman of the Cable Utility on Friday afternoon, but he wasn't able to touch base with him until Sunday. Rather than make a unilateral decision, given the nature of the request on cable, he asked Mr. O'Keefe to this meeting to give a quick summary of what is being requested and have the Board make a decision, based on that. Mr. O'Keefe said they are in the middle of dealing with FCC Form 394, which is the form the Town gets when a cable company wants to transfer to another company. That carries a 120-day response time deadline. They have been working with the area consortium to reach a transfer agreement with Comcast. They are close to reaching an agreement, but it's not finalized. There was concern it wouldn't be able to get on all the boards' agendas by the 120-day deadline, so the consortium, as well as the cable company, have agreed to extend the deadline through November 1. If the Chairman signs the letters and faxes them to the three cable companies tomorrow, they will have met the deadline to extend. Selectman Cole said the present consortium agreement terminates on October 30. Mr. O'Keefe said the consortium agreement allows Hudson to participate with other area communities, which is a separate issue from the Form 394. Tonight, he was asking for an extension to file the FCC Form 394, which would terminate 120 days from when the Town received it from the cable company. This gives them an extra two weeks to reach an agreement with Comcast, Adelphia and Time-Warner. Chairman Massey asked Mr. O'Keefe to explain Form 394. Mr. O'Keefe said whenever a cable company wants to transfer a franchise to another company, they have to file an FCC form with the franchising authority, which is the Town of Hudson, in this case. The Town, then, has to respond to that request within 120 days. They either have to approve, deny or do nothing, in which case it passes by default. That is, essentially, what the document is. The Town has been working with the consortium and the cable companies to have an agreement associated with that transfer. There would be stipulations tied to the transfer agreement. That's what they should have, probably within the next week. He would bring that to the Cable Committee meeting and then back to the Board on the 25<sup>th</sup>. Selectman Cole asked if Form 394 was between each individual town and the FCC. Mr. O'Keefe said no, it was between the Town and the cable company. Each town was given a Form 394 by the cable company and each town has to respond to that. Tonight he was looking for an extension to the 120 days to submit the form. Selectman Cole said in this circle of logic, it brings him back to wondering what the consortium does for the Town. Mr. O'Keefe said the consortium was put together to pool their resources in negotiating with the cable companies on this transfer, and that's what they have been doing over the past couple of months.

(Start Tape 2-B)

Chairman Massey said the original deadline for the 394 is tomorrow, but they haven't completed all the work. Comcast and Time-Warner have agreed to extend that period to November 1. The date of October 30 was not an end point for when things were due. It was what the Board established as a date beyond which they didn't want to make any further commitments without coming back to the Board. Selectman Cole said his confusion was that the Form 394 was originally due tomorrow, so what significance is October 30 to anything? Chairman Massey said that was an arbitrary date the Board selected long ago to bind the involvement of this Board in that consortium, and a not-to-exceed legal fee amount of \$1,000. Selectman Cole said he didn't mean to be a pain, but the dates had to do with the termination of the consortium agreement—either October 30 or when Form 394 was completed, whichever came first. So, if the date for the 394 is tomorrow, if they don't go any further, then he's still trying to figure out the significance of October 30 in all of this. Mr. O'Keefe said when the Board was discussing participating in the consortium, there was concern that it would drag on and on, so a sunset date was established. The

first date was October 12, and then it was changed to the end of the month which, in his opinion, was a wise decision, in case it went beyond and, in this case, it did. Selectman Cole said only if he had anticipated that he would be asking for an extension.

Chairman Massey asked for a consensus for him to sign the letter so it can be faxed to Adelphia, Time-Warner and Comcast tomorrow, accepting the extension to November 1. The consensus was 5-0, in favor.

► The South End looping project was put on hold until next spring. Unknown to either Weston & Sampson or the Engineering Department, the State has an October 15<sup>th</sup> deadline for tearing up the pavement. When the construction company and Town Engineer met with the DOT, not only were they unwilling to give the Town a waiver on that, but they were going to impose an equally stringent requirement that every day past October 15 that the work wasn't done, the Town would have to guarantee that no more than 48 hours after a section of the roadway was excavated, it would have to be re-paved. Based on all those requirements, it was determined by the Town Engineer and the construction company that it would be far better to wait until next spring to do the work. They made the decision at that time to put the project on hold until next year. He understands from Mr. Sommers that the construction company is in the process of coming back with an agreement. Chairman Massey had thought it would be the same price for next year, but he hasn't seen that in writing. Until they see what it will be, they will have to wait. He wanted to let the Board know that's why you see all the pipes down on the PSNH right of way, but no work is going on. They were unable to get a waiver from the State to continue. The pipes are there on the PSNH property by agreement with PSNH. They have been covered to protect them from any contamination and will be ready for work in the spring.

Selectman Maddox asked if the pipes belong to the construction company. Chairman Massey said he didn't know that answer. Selectman Maddox said the pipes are going to sit out there for the winter, they don't know what the price is going to change to and Weston and Sampson didn't know that the State had an October 15 deadline. He didn't understand how they get themselves into this deep well of uncertainty. Chairman Massey said they'd have to look for those answers. Selectman Maddox asked if the cost to pave every 48 hours would offset what the cost might rise to be next spring. Chairman Massey said he wished they would have had that discussion last week because he didn't know. He takes responsibility for that, but the decision to cancel was made before he came back from vacation.

Selectman Cole said the time has passed to affix the blame; now they have to fix the problem. He'd like to know how it happened; that's a legitimate question. Is this the first time anyone has done this in the State of New Hampshire, and just finding this out? He was more concerned about finding out the anticipated increases in cost. He wondered what the term "remobilization in the spring by the construction company" meant. He was sure it was a significant term, with a significant cost to go along with it. There is additional paving costs and some right of way issues that have to be addressed, etc. He asked if they could get something on the next agenda and have the subject matter expert, or experts, brief this Board, as a follow-up to the memo—which just tells them they're in a bad situation. He'd like to know just how bad it is and what options the Board has in order to deal with it.

Chairman Massey said that was an excellent idea and he would put it on the October 25 agenda. Selectman Cole asked who would come to the Board to educate them. The Town Engineer? The construction company? Weston & Sampson? All three? Chairman Massey said he'd talk to the Town Engineer and get his recommendation as to whether Weston & Sampson and/or the construction company should be here, but at the very minimum, it should be the Town Engineer. Selectman Cole said that's yesterday's newspaper. There is a problem the Board has to deal with, and there is a lot of unknowns mentioned in the memo that they need to find out up front what they are dealing with, money-wise, time-wise, etc.

► Responding to Mr. Tate's public input, his suggestion is to ask the Water Utility Committee to look at that in the perspective that, until they get some of the other issues resolved with the water system, they are not in a position to think about expanding that, unless there were other ways to solve it. He recommends to the Board that they ask the Water Utility Committee to give them a recommendation on Mr. Tate's request. Selectman Maddox said at the same time, maybe the Town Engineer or someone, to get them a price of what it would cost to put those pipes into the ground, as they are going to be redoing the West Road intersection and that climbing lane. He didn't disagree with Mr. Tate. It would be short-sighted of the Board to have the State dig that all up, re-do that entire intersection, that whole stretch of road, and at least not put the pipes in for future use, if that be the case before they finish off the final coat. Chairman Massey said his only concern with having the Town Engineer do it, at this time, is that the Town Engineer is buried with the South End projects, among other things, and he doesn't need this added to his plate. Selectman Maddox said this doesn't need to be done next week; it could be done through the winter. The State said it was going to be done in 2007. Chairman Massey thought they were going to let the contract this month and were planning on doing the construction next spring. He will talk to the Town Engineer and come back to the Board on the 25<sup>th</sup> with a recommendation on how best to address this issue because it is a legitimate request by the people at that end of Town. The Fire Chief has already indicated there are some issues at that end of Town that would benefit by water being up there. That is a significant commercial development area up there and having water could potentially benefit the Town in the development of properties as commercial. He will come back to the Board on the 25<sup>th</sup> with a plan for how to go after that.

► In addition to Wal-Mart's donation to the K-9 unit, Chairman Massey extended the Board's sincere appreciation for the work they did in collaborating with the Police Department to move the sub-station out from the back room that was hard to get to and with working conditions not conducive to efficiency and well being, out to the front where it's more visible. It will make it better for the police and the citizens will see a better appreciation of the police in action out in the community. Kudos to Wal-Mart.

10. **NONPUBLIC SESSION**

*Motion by Selectman Maddox, seconded by Selectman MacLean, to enter Nonpublic Session pursuant to 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; and (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled, carried 5-0 by roll call vote.

Nonpublic Session was entered into at 8:56 p.m. and was terminated at 11:17 p.m.

**Open session motions:**

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

Motion by Selectman MacLean, seconded by Selectman Cole, to hire Shannon Dunn as part-time receptionist in the Highway Department, effective October 16, 2005 at a rate of \$12.82 per hour, in accordance with the Admin & Support union contract, carried 3-2. Selectmen Maddox and Stewart were opposed.

Motion by Selectman Maddox, seconded by Selectman Stewart, to hire Glen Bradish and Michael Mulcay as probationary Call Firefighters, effective October 16, 2005, at a base pay rate of \$7.50, carried 5-0.

Motion by Selectman Stewart, seconded by Selectman Maddox, to authorize the Chief of Police to grant a period of no more than two weeks unpaid leave of absence (end date of October 15, 2005) for Officer Jessica Cormier in order to arrange for day care after the birth of her child, carried 5-0.

**11. ADJOURNMENT**

Motion by Selectman Maddox, seconded by Selectman Stewart, to adjourn at 11:20 p.m., 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