

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the September 27, 2005 Meeting**

1. **CALL TO ORDER** by Chair Pro Tem Teresa Stewart at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

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

3. **ATTENDANCE**

**Selectmen**: Teresa Stewart, William P. Cole, Kathleen R. MacLean & Richard J. Maddox. Kenneth J. Massey was out of Town.

**Staff/Others**: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Kathy Carpentier, Finance Director; Sean Sullivan, Director of Community Development; Tom Sommers, Town Engineer; Paul Conieczka, Dan Hudson and Bob Lyford from CLD; Dave Yates, Recreation Director; from the Police Department--Lt. Bob Tousignant; Lt. Don Breault; Sgt. Bill Avery; Ofc. Dan Dolan; Ofc. David Cayot; Ofc. Mike Davis; John Beike; Chairman Mike O'Keefe and V-Chair Leo Bernard, Cable Utility Committee; Maria Kraemer and Debbie Preston and two Scouts from Troop 20; Shawn Jasper; Howard Dilworth, Jr; Joe MacLean; Ray Rowell; and Doug Robinson, HLN

4. **PUBLIC INPUT**

Police Lt. Robert Tousignant was presented with a certificate and a \$100 gift certificate for 25 years of faithful service to the Town.

**Shawn Jasper, 83 Old Derry Road**, chastised the Board for terminating the cable contract and, consequently, Coleman Kelly. Mr. Jasper said he was before them tonight on three issues, wearing his many hats. Since March 1980, he has been an officer of the Town or of the State for all but three months during that time. He is before them as a current member of the Budget Committee, a State Representative and a former Selectman. Firstly, he wanted to address the Board about the issue of the termination of the contract of Coleman Kelly. Coleman is the father of the cable network in Hudson. If it were not for Coleman, there is no doubt in his mind that there would be no cable system, at this point. He has been a tireless and dedicated individual for the Town and it is a shame that he has been treated in the manner which he has been by this Board. No one is perfect. Coleman has his faults. He has not always been as timely in turning in paperwork as the Board would have liked him to be, but you can come down here almost any night and find Coleman working diligently. He has put in countless volunteer hours. The hours that he has billed is nowhere near the amount of hours he has put in for the community. He talked to Coleman a few months ago when the Board said they were going to do a review period, and Coleman told him, "I am going to be fired." Mr. Jasper didn't believe it, but Coleman told him the Board wanted to see improvements, but they didn't tell him what those improvements are; they just want him to make things better. Mr. Jasper said if the Board did not provide written direction and written instructions to a man who is "in the cave" on a constant basis, and merely expected him to come up with the improvements that would satisfy an unknown needs, shame on them. Coleman came before this Board a number of years ago and requested that the Board of Selectmen wire a second room for more meetings. Mr. Jasper said he was on the losing side of that. At that time, Mr. Jasper also suggested they get Coleman out of the shameful cave. To ask anyone to work in conditions like he does—he has his chair in the break room and when it's break time, he has to leave because the employees have to have their break. Mr. Jasper had suggested putting him in the small conference room and wire the other room, but that wasn't acceptable to the Board. No other employee works in the conditions that Coleman does. Although he is not an employee, he is someone who works for the Town and the conditions he finds himself in are deplorable. Mr. Jasper assured the Board that Coleman asked him not to come before the Board and not to say anything, but Mr. Jasper could no longer sit at home and say nothing. He wouldn't be surprised if the cable system goes dark in a very short period of time. Maybe they would find someone else, but they will pay a lot more than they are paying now. Coleman is a one-man operation and it's incredible the amount of hours he puts in. Another thing he wants to talk to the Board about dovetails into his next item--RSA 91-A-3, the Right to Know Law and Nonpublic Sessions.

Generally, discussion of a contract is not something the Selectmen can go into Nonpublic Session about. However, this Board was talking about an individual, his reputation, and 91-A-3 (c) is very clear—matters which if discussed in public would like affect adversely the reputation of any person, other than a member of that body or agency itself, unless that person requests an open meeting. Mr. Jasper asked Coleman if he had requested an open meeting. He did not. The Board did not give him that opportunity, but merely decided to talk about him in public, not about his contract, or the details of the contract the Board allegedly say Coleman failed to fulfill. They talked about Coleman and how he performed those duties. It was not specific to the contract. The Board could have discussed this in Nonpublic Session, then come out and say they decided to have an early termination of the contract with the cable consultant. None of the rest of it would have had to be in public. Yet, when Mr. Jasper was a member of the Board, he consistently said, when they were talking about Benson's, they had no right to go in Nonpublic. As a matter of fact, on two occasions, he refused to enter into Nonpublic. He thought that, perhaps, within the community and the press that would raise some concerns. It did not. It merely meant that he was not present. He read, "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." There may be times, when dealing with the State with Benson's, there may be some issues which the Board might feel, as a strategy, might be best if the State did not know, but when you are talking about their proposal with the Town, all of those things are know to both parties. There is no one else who has an interest. The only party that parcel is going to be sold to is the Town of Hudson, through these negotiations, so the Board has no right to go into Nonpublic, as he pointed out, going back several years now. But the Board had a right to not discuss Coleman in public. Again, he says shame on the Board. The Board ought to give serious consideration on how they treat volunteers in Town. Even though Coleman isn't technically a volunteer, he has been, he was and still is a volunteer in many aspects. He deserves better for all that he has done, even if the Board has problems with Coleman's performance. He deserved specifics. He deserved goals and objectives, and he deserved respect for what he has done for the community. He received none of that.

Mr. Jasper said the next issue he wanted to address was the purchase of the latest fire truck. He believes they need a new fire truck and, in all likelihood, they will need another fire truck, if not this year, then next year. One of the Selectmen came up with an innovative idea, one that he wishes he had thought of some time ago—raise the bay doors. It was determined that that could be done. Maybe the expense of doing that would be more than between a custom truck and an off-the-shelf model, but the Town will be buying trucks and putting them in that station for many, many years. He heard the argument made that this is a matter of public safety. They have a truck that needs to be replaced and they can't Mickey-mouse around. Mr. Jasper said he was in shock at that because, having been through this process as a Selectman and a Budget Committee member many times, when you order a custom truck, it usually is nearly a year before you get that truck. In fact, at a recent Budget Committee meeting, it was confirmed that the truck was not expected to be in until next June. He suggested that if the Board was concerned about public safety, then replacing a truck that everyone says is in dire need of replacement, you would want to replace it as soon as possible. The weather has been good since this was approved and probably will be again before June. A new, off-the-shelf truck could have been purchased, put at Burns Hill Road temporarily and another truck brought to Central Station that would have fit in there. Even if that weren't the case, the truck could be left outside. It's a long time before we freeze and he is sure the renovations to that station to raise the doors the required amount could have been completed long before this coming June. It seems to him there was another agenda at work that didn't have to do with public safety. It had to do with what kind of truck we really wanted and how much we really wanted to spend on that very important, very needed piece of equipment. The Town is not well served by waiting 11 months for a truck, which is publicly said to be by the Board of Selectmen an issue of public safety. He hoped that the Board takes to heart what he had to say because there are some very serious concerns that everyone in Town should have about the behavior of this Board.

No one else wished to address the Board at this time when Chairman Stewart asked.

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

6. **CONSENT ITEMS**

Selectman MacLean removed Item B-1 for separate consideration.

*Motion by Selectman Cole, seconded by Selectman MacLean, to receive the Consent Items, A-D, with the exception of B-1, as noted or appropriate, carried 4-0.*

A. **Assessing Items** (No items)

B. **Sewer/Water Items**

1) **Sewer Abatement, w/recommendation to deny: S-06-01A, SUTL-06-01, 2 Wagner Way, #5232**

Selectman MacLean wasn't sure why they was being denied, since she felt the error was on the part of the Town, and asked if anyone was present from the committee that could explain it. The backup states that the property was never billed until it was recently discovered to have access. Town Engineer Tom Sommers and Sewer Utility Vice Chair Howard Dilworth were recognized. Mr. Sommers said the definition of access has been with the Town for 12-15 years. If the property has frontage on a portion of right of way road or easement where there is a sewer, it doesn't mean the property is connected, but the potential is there that it could be. A service connection would have to be provided, but that does not mean it doesn't have access. Someone in the future, on that property, could connect to the sewer by putting in a service line if the septic system failed, or they decided they didn't want a septic system. The reason they don't have to connect is the house, itself, is more than 100' from the sewer, as defined in the sewer regulations. There are a number of properties in Town who are paying that access fee, which is about \$100 a year, and they are not connecting to the sewer. It says your property enjoys the potential for connecting, if you so desire to put the effort into connecting it. Selectman MacLean asked how long the homeowner lived at this address. Mr. Sommers said no, he didn't. That parcel has been in the sewer district since it was formed five years ago. However, there was an oversight and the access fee wasn't paid. They have had several of these in the past and likes to think they've gotten 99.5%. Selectman MacLean wondered if this individual bought the property without any knowledge, or was living there when the district was established. Mr. Sommers reiterated that he didn't know. Mr. Sommers said the Sewer Utility set up a process, which the Board adopted and has followed. If that procedure is not followed, it will set an undesirable precedent. This parcel can connect. There are a few parcels in Town that even though have access really don't because of other geographical circumstances, or else the parcel is not buildable. Those have been abated, but this parcel does not meet that criteria. Selectman MacLean understood all of that, but if this person bought this house knowing there was no fee, then it was the Town that goofed up and he shouldn't be penalized now. When the house sells, then put it into effect. Mr. Sommers said that's not the policy this Board has followed in the past. Mr. Dilworth said when the Sewer Utility Committee reviewed these abatements, they examine each one very thoroughly. If there is ever a question, they defer them to a successive meeting, and that does happen on occasion. In reviewing this type of application, they found that there was not valid grounds for them to recommend that an abatement be granted.

*Motion by Selectman MacLean, seconded by Selectman Maddox, to defer this to the next meeting to find out when the owner bought the house.*

Selectman Maddox said he was opposed to the motion because this recommendation comes from the Sewer Utility Committee and they are following the policy. Once they start abating something like this, it will open it up to others who will ask for the same thing. Selectman MacLean said but the Town hasn't goofed up on those accounts; they've been charging them all along. The Town goofed up on this one, which was her point.

*Vote: Motion failed 1-3, with Selectman MacLean voting in favor.*

*Motion to deny the sewer abatement request for 2 Wagner Way.#5232, by Selectman Cole, seconded by Selectman Maddox, carried 3-1.* Selectman MacLean was opposed.

- 2) Sewer Abatement, w/recommendation to approve: S-06-01B, SUTL-06-02, 46 Lund Drive, #4158; SUTL-06-03, 3 WhipPoorWill Dr, 4088; SUTL-06-04, 6 Sutherland Dr, 5621; SUTL-06-05, 37 Flying Rock Rd, 6143
- 3) Sewer Acceptance, Riverwalk Estates, M/L 156-5, Brackett Lane and Doveton Lane
- 4) Sewer Acceptance, River Ridge Estates, M/L 156-6, Doveton Lane, Leybridge Drive & Cricketfield Lane

**C. Licenses and Permits.** (There were none.)

**D. Acceptance of Minutes**

Minutes of the Board of Selectmen's Meeting of September 13, 2005

**E. Calendar**

9/28 7:00 Planning Board in CD Meeting Room  
9/29 3:00 Economic Development Ad Hoc Committee  
9/29 7:00 NRPC in CD Meeting Room  
10/3 5:00 School Board in BOS Meeting Room  
10/5 9:00 am, Highway Safety Committee in CD Meeting Room  
10/5 5:00 School Board in BOS Meeting Room  
10/5 7:00 Planning Board Workshop in CD Meeting Room  
10/6 5:00 School Board in BOS Meeting Room  
10/8 Harvest Fest @ Hills House  
10/10 Columbus Day—Town Hall Closed  
10/11 7:00 Board of Selectmen in BOS Meeting Room  
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 8:00 NH Special Olympics at Alvirne  
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. Preliminary Traffic Study Findings—Library & Central Streets and Chase & Central Streets**

Director of Community Development Sean Sullivan said he was pleased CLD--represented by Vice President Paul Conieczka, Project Manager Dan Hudson and Traffic Engineer Bob Lyford--was in attendance to make a presentation on the preliminary findings for the intersection improvements in terms of design at the aforementioned streets. The recommendation is for a signal installed at Library and Central Streets, but not for Chase and Central. For the latter, they are recommending some geometric improvements. CLD proceeded with a visual presentation, including a computerized model of the affected area, that lasted about a half hour.

Selectman Maddox was troubled that the Board hadn't been given any backup information in advance of this meeting. There were various options presented that the Board was being asked to make a decision on this evening. Mr. Conieczka said they would be putting together a traffic report on this. Selectman Maddox said the plan showed a raised island at the end of Library, going all the way up Library Street. He was told that there was only two raised islands, one at Chase Street and one at the end of Library Street. The rest was paint. Selectman Maddox asked if something would be done with the signals at Central and Lowell. He was told that some tweaking would need to be done with that. It's a matter of balancing the phases so they would be interconnected.

Motion by Selectman Cole, seconded by Selectman Maddox, to authorize CLD to proceed with design plans for signalization at the Library and Central Street intersection and for geometric improvements at the Chase and Central Street intersection, as recommended by the Community Development Director.

Selectman Maddox asked what would be included as part of the Library Park and Lowell Road intersections. He wondered how far it carried out to the other intersections. Mr. Sullivan said the scope of the project focused primarily on the two intersections that has been discussed. In terms of interconnectivity and signal coordination, the Board recently authorized \$150,000 CMAQ grant application, which the Transportation Advisory Committee at NRPC last Thursday voted to rank as a top CMAQ project in the region, which will only enhance the Town's ability to, hopefully, get funded. If awarded, that grant will allow the Town to take signal coordination at Library and Central, consider the signal at Central and Lowell, and determine the impact of the traffic with the signals, as it relates to those three signals at Library Park, and then implement, scientifically, whatever improvements, scientifically, are going to work. Selectman Maddox asked if it would be prudent to know what that was going to cost. Mr. Conieczka said absolutely. Selectman Maddox asked if that would be a part of the project the Board was approving. Mr. Sullivan said yes, it was all a part of the same project. Ultimately, the interconnectivity will be coupled with this project. Mr. Conieczka said they evaluated the interconnectivity between possible signals at the two locations and Library Park. The analysis shows that because of the distance and intervening other uses, streets and stuff like that, that it wasn't recommended, but because of the proximity of Lowell Road, it was recommended. The physical design of the project that they are talking about is actual interconnection of the two. What he was suggesting in the presentation was that, once you have the signals in place at Library Street, you are going to end up with some redistribution of traffic around Library Park and as part of your on-going signal maintenance type activities that the Town does on a regular basis, in terms of checking the timings, etc. There may be other changes needed in order to adjust the timing.

(Start 2-A)

Selectman Maddox said he wanted to make this something that was all-encompassing, so they will be done with the whole project at once. He didn't want to have to go back and do something else. It should all be put into one package so know what the total cost is, even if it is done in phases. He'd like to expand the motion to include the other areas. Chairman Stewart asked if that was an amendment. Selectman Maddox said yes, it was. Chairman Stewart asked the Recorder if she got it. Selectman Cole asked Selectman Maddox what the amendment was.

Amendment by Selectman Maddox, seconded by Selectman Cole, to include the signalization at Library Park, minor traffic striping modifications at Highland and at Library, as well as the interconnection of the Lowell and Central Street lights, as part of the project, with a not to exceed figure of \$110,000.

Selectman Cole asked if Selectman Maddox expected CLD to come in with a ROM of some sort. Selectman Maddox said he was looking for them to come in with the project as they described in their presentation, and his amendment. Selectman Cole said the question was whether or not CLD could do it, or would want to do it, the cost, and if the Town even wanted them to do it. It's a whole different ball game. They were going to come up with a design plan as part of an RFP going out to someone to actually do the project. If they want something more specific, they should find out what it is they want and what the additional cost is going to be. Mr. Sullivan said there would be an additional cost because that wasn't part of the original scope for the engineering design. Selectman MacLean asked about Chase and Central. If 90% of the traffic goes right, and they are expanding the island so people who are coming out Chase want to go left, they feel safer doing so, but if all those cars are going to have a red light up at Library Street, then the people coming out of Chase are going to have plenty of time. She didn't think the money would be well spent by changing that intersection, too. She wanted to split the motion to vote on the two projects separately. Selectman Cole said they weren't coming up with a decision tonight on exactly what it was they wanted to do. They were voting to see if they wanted to go forward with the design plan, so it would be prudent to have it all included. He wanted to know how much the design plan was going to cost. Mr. Sullivan said for this design, \$91,000 without the design package Selectman Maddox wants. In order for CLD to come up with a cost estimate for the additional work, it was decided to take a recess.

Motion for a recess by Selectman Cole, seconded by Selectman Maddox, at 8:00 carried 4-0. The meeting resumed at 8:10 p.m.

Selectman MacLean said this motion is to get the design only, then they can decide what they want to do with it, so that's why she will support it. Selectman Cole said if he had to vote tonight, he wouldn't vote for any of it at all. When he moved here 23 years ago, there was one set of stop lights. Now to get to Town Hall, there are eight. He's not wild about seeing another set go in, but on the standpoint of getting what they want accomplished, which is more in-depth information from CLD so they can make a reasonable decision, he will support that. The funds are coming from impact fees. Selectman Maddox asked if CLD would get something in writing to the Community Development Director. Mr. Conieczka said yes.

Vote on the amendment carried 4-0. Chairman Stewart asked the Recorder to read back the amended motion.

Motion by Selectman Cole, seconded by Selectman Maddox, to authorize CLD to proceed with design plans for signalization at the Library and Central Street intersection and for geometric improvements at the Chase and Central Street intersection, as recommended by the Community Development Director, and to include the signalization at Library Park, minor traffic striping modifications at Highland and at Library and the interconnection of the Lowell and Central Street lights, as part of the project, with a not to exceed figure of \$110,000 carried 4-0.

Motion by Selectman Cole, seconded by Selectman Maddox, to change the Order of the Day and take up 8-A carried 4-0

**B. Revised Block Party Permit**

Town Administrator Steve Malizia said at the Board's last meeting, there was a request to revise the Block Party Permit to ensure written approval from neighbors that are affected and also to have the permits approved by the Board of Selectmen 30 days prior to the actual block party. Those changes are highlighted on the form for the Board's consideration. There is also another key sentence that allows the Board to make exceptions because the four or five block parties that are held during the year, sometimes people don't get it in early enough. This gives the Board some latitude if someone comes in 25 days ahead of time. This was an effort to make sure there was written approval from the majority of the neighbors and that the Board saw this approximately 30 days ahead of the actual event. Selectman Maddox said this is New England; there should be a line for a rain date included.

Motion by Selectman Maddox, seconded by Selectman MacLean, to approve the revised Block Party Permit form, with the addition of a line to indicate a rain date carried 4-0.

**C. Cable Services Contract**

Chairman Stewart recognized Selectman MacLean, Cable Utility Committee Chairman, Mike O'Keefe and Vice Chairman Leo Bernard. Selectman MacLean hoped everyone was able to read the Proposal for New Cable Service Provider Contract that was provided in their agenda packets. What is now called a service provider has been changed to a cable coordinator. On the last page of the handout is the description for that. It would be approximately 10 flexible hours per week and it does not include recording meetings. The Cable Utility recommends having a pool of camera operators that would be scheduled and managed by the new coordinator to cover all the meetings that are now covered, and more, and would be paid \$10 an hour, with a minimum of two hours for any meeting. The Cable Utility also recommends that the Board should decide if the coordinator is salaried or hourly. The rate would be commensurate with their experience, from \$12.50 to a maximum of \$20 per hour. She thanked Mike and Leo for all of their work in putting this together. The football game on TV this week was wonderful, which included the bands playing. That program was through the efforts of the Cable Chairman and the rest of the committee helped.

Selectman Maddox asked if the camera operators who tape the meetings would be at Town Hall for only a half hour before and after a meeting for setup and breakdown. Even if they had a one-hour meeting, they would end up getting paid for at least two hours. He preferred calling the cable operator a facilitator, as opposed to coordinator, to avoid confusing CUC (Cable Utility Committee) with CUC (Cable Utility Coordinator). He thinks it should be a salaried position. To put an hourly rate puts the Cable Committee into a position of micro-management.

Chairman Stewart asked if he meant the salaried position would be 10 hours a week. Selectman Maddox said he would estimate a yearly salary of \$12,000 to facilitate getting this work done on the third page, to coordinate the camera operators and not get into how many hours they worked on Tuesday, as opposed to Friday. It's a job for a creative person, who has some experience, talent and ability who is going to be able to facilitate Hudson's cable needs at a reasonable number. Selectman MacLean said she echoed those thoughts. This job is not 10 hours all the time; it will fluctuate. Some weeks it might be seven hours and others might be 15. Over time, if this person has facilitated a lot of changes and had training and programming going on, they can revisit it at that point. At this time, \$12,000 seems to be very fair. That, coupled with the camera operators, would save the Town money over the current contract.

Chairman Stewart asked if they were just approving the job description tonight and if they should remove the last paragraph about the flexible job schedule. Selectman MacLean said no, but to include the word "approximately" before "10 hours." If they are going to say \$12,000 no matter what, then they can leave the last part off. It's up to the Board. Selectman Maddox asked Mike if he thought they could find a part-time facilitator that would be able to do what needs to be done for \$12,000. Mike thought they could, that it was a reasonable number. The 10 hours a week is a best estimate at this time. The hope is that HCTV is going to grow and the number of hours may increase, over time. Based on what they have been doing, and pulling out the recording of meetings, that is the number they came up with.

Mr. Malizia said the description indicates that if someone is interested to contact him, which he objected to, saying he is not qualified to answer cable-related questions, nor did he want to have to field their phone calls. He didn't mind being a conduit to take their resumes, but he's not going to interview them. Selectman MacLean thought that was the intent. Mike agreed, saying that was added only as a formality. He wasn't sure what the process was. Mr. Malizia said the Selectmen

are the hiring authority, but it is with the recommendation of the committee, or the department. He didn't mind taking in the resumes to pass on to the committee for vetting and preparing a recommendation to the Board, but he wasn't going to get involved in the interview process. A deadline was discussed for when they should be received. Mike said he wouldn't necessarily key everything on the 60 days. They have ways to continue with the level of programming they have now, beyond the 60 days. If it is going to improve the chances of getting a qualified person, he'd rather see them do it right than try to rush it. After some discussion, the date of October 30 was chosen.

Motion by Selectman MacLean, seconded by Selectman Maddox, to approve the Facilitator for HCTV job description, as recommended by the Cable Utility Committee, and to authorize the committee to advertise for the position.

Selectman Cole said in Chairman Massey's letter to Coleman dated 14 September, informing him that the Board voted to fire him, he puts in there, "a new and/or revised contract will be presented to the Board of Selectmen for its consideration on September 27<sup>th</sup>." Selectman Cole asked if he was the only one that didn't get the new contract in his packet. What they have before them is just an outline, which has been changed three times already. Selectman Maddox said they haven't decided what they are going to do yet. Selectman Cole said he was going by the Chairman's letter; he wondered where the new contract was. The Chairman spoke for the Board; they all saw the letter and no one disagreed with it. He asked if the coordinator can also be a camera operator and, if so, how they were going to be paid. Selectman MacLean said that was a question they actually discussed. If a camera person is unable to do their duties, it would be up to the facilitator to try to get someone else to do it. If not, then the facilitator goes to the Cable Utility Committee members to see if they would like to do it. Between all of them, someone would do it. Selectman Cole asked if there was a document that all of that has been captured in they could actually look at, or if they were making it up as they go along. Selectman MacLean said that would be in the official contract that the person signs, but the committee didn't know if the Board was going to accept this, or not. If no one shows up to record a meeting, it probably won't get recorded. She didn't think that would be the most terrible thing in the world, but she didn't think that would happen.

Selectman Cole asked how the coordinator would be paid. Selectman MacLean didn't think the coordinator would be paid. They are assigned to get someone to cover the meeting. Selectman Cole understood the concept, but if for some reason, the coordinator was unable to do that, or if the coordinator happens to be a qualified camera operator, if can he or she could also serve in that capacity and, if so, how they are paid. Selectman MacLean didn't think that was part of their job description. Mike said he couldn't see why they couldn't be, and then be paid at the rate of a camera operator, just as anyone else, but that wasn't specifically addressed. Selectman MacLean said that would be a last option because they want to expand the pool and use as many people as possible. They want to *build* HCTV. Selectman Cole asked if the coordinator has to submit any type of a report, outlining what he or she is doing.

(Tape 2-B)

Selectman MacLean was speaking.... maintain program logs. They are developing, overseeing, scheduling and maintaining programs. They are maintaining the weekly community bulletin board. It's all in the job description. Selectman Cole asked what metric was used to come up with the 10 hours a week. Mike said they used the numbers that were in the original contract, minus the number of hours estimated for recording meetings. Selectman MacLean said it's the same metric they used for the current contract. Selectman Cole added that that has been terminated. He asked if there was any limit on the hours for the coordinator. Mike guessed it depends on whether or not the Board decides it is a salaried position, or hourly. Selectman Cole asked if a salaried position was part of the motion, and what the motion actually was. Chairman Stewart said no, it wasn't. She re-read the motion.

Selectman Cole said the motion is based on a 10-hour week and when they were talking about it being an hourly position, but the Board is considering it being a salaried position at \$12,000 for X number of hours. Selectman MacLean said it's based on 10 flexible hours a week. Some weeks it might be seven; some weeks it might be 15. The point is they get the job done and they are paid fairly. Selectman Cole said it sounds good but wasn't sure that was the way to run a business. He asked if this was based on 520 hours a year. Mike said yes. Selectman Cole said then it can't be more than 520. Selectman Maddox thought he was digging the hole deeper than it needed to be. The committee is doing an excellent job of trying to build this. Selectman Cole said no one was suggesting they weren't doing an excellent job, but he had some questions. First of all, he wanted to hear about Plan B, but he has no plan in front of him. He has an outline which Selectmen Maddox and MacLean have already changed three times tonight. He didn't have a *plan* in front of him and why he has to ask the questions so that he, along with a few other people, might have a better idea of what they are trying to accomplish.

Selectman Cole asked what events the camera operators were going to be recording. Mike said the list of scheduled meetings. Selectman Cole asked about the meetings that are held outside of the Selectmen's meeting room, such as the certification public hearing for the Police Department in December. Mike said the list of meetings is, essentially, the list that was in the appendix of the original contract. It also says it includes three events, to be determined by the Board of Selectmen. They are not restricting it to this room. If they want to expand on that in the future, he wouldn't object. Selectman Cole asked if there was a job description for the camera operator. Selectman MacLean said that they operate the cameras from the control room. Selectman Cole asked if that was what was going to go in the paper. Selectman MacLean said no, not at this time. Selectman Cole said but there will be because it says, "ads in the HLN." Selectman MacLean said the facilitator will facilitate those ads. They don't know what they will actually say yet, but there will be training. Selectman Cole asked if the facilitator is going to develop the job description for the camera operator. Mike said yes. Selectman Cole asked who hires the camera operators and who they will work for. He wondered how they will be

paid and what kind of contractual agreement will be made with them. Selectman MacLean said they are paid through the Cable Utility Committee's budget. Selectman Cole asked if they have a contract, or if they are paid under the table. Selectman MacLean said they don't have anybody yet. Selectman Cole said but they were supposed to have a plan. You have to have a plan, or you are not going to go anywhere that rational people go. He said he wasn't going to be supporting this and felt that you have to be out of your mind to go along with the proposal they have in front of them.

Selectman Maddox said Selectman Cole was trying to put the cart four miles ahead of the horse. Until the Board made a decision in what direction they were going to go in, to ask a group of volunteers to come up with every conceivable plan that could be a possibility was unfair to them. Now that the Board has defined some parameters, the committee will go back and put some more of that plan together.

Vote: Motion carried 4-1. Selectman Cole voted in the negative.

Chairman Stewart appreciates Selectman Cole bringing up some of the issues that were not addressed tonight.

Motion by Selectman Maddox, seconded by Selectman MacLean, to direct the Cable Committee to have ready by the next Selectmen's meeting new job descriptions and everything that Selectman Cole has brought to their attention, to possibly come back at the first meeting in October to address the issues.

Selectman MacLean asked if the Chairman meant job description or an actual contract. Chairman Stewart said the contract, job description for camera operators, how they are going to get paid, all of the items that need to be addressed. Selectman MacLean asked for at least one meeting for the Minutes because she couldn't remember everything that Selectman Cole asked for, and the Cable Committee doesn't meet until the 18<sup>th</sup>. Chairman Stewart assumed that the Executive Assistant would have them ready by the end of the week. Selectman MacLean said even with that, the Board has budget hearings coming up, so she asked if this could be addressed at their next meeting in October. Chairman Stewart asked if the second Selectman's meeting in October, the 25<sup>th</sup>, would work. Selectman MacLean said yes. Mike asked if the Cable Utility Committee could be provided with a list of what the Board specifically would like them to present. Selectman Cole said he could do that. Selectman Maddox was sure they would be in the Minutes.

Vote: Motion carried 4-0.

**D. Fuel Consumption in Town**

Town Administrator Steve Malizia said at the last Selectmen's meeting, the Board directed the department heads to review their gasoline/diesel/heating oil budgets to identify possible shortfalls in the accounts and to prepare possible mitigation or transfer plans. From an organizational perspective, looking at the big departments that use fuel—Police, Highway and Police—there is a potential shortfall of approximately \$110,000. Depending on the winter and what needs to be done for plowing and patrol activities, that number could vary in either direction. The Highway estimate was based on what they experienced last winter, which was fairly busy. A worse-case scenario is that it could snow every day. The Police budget is based on the Chief's experience in commanding the Police Department. The least impact is the Fire Department, as they are a response organization. Their shortfall would not rise to the level of major transfers. If they look at the current per-gallon fuel cost, they are looking at a potential \$110,000 shortfall. They also looked at mitigation possibilities. They are not many, unless the Board doesn't want to plow the streets or not patrol. Possibly, patrol officers could double-up in a vehicle, but then there would be other considerations. When it snows, Highway and Police are on the road 24-seven. Fire is a response-type organization. If they look at the current budget, they could make it up from a combination of department transfers and, possibly, some savings in the legal budget, which has been running fairly lean in the past couple of years, so there may be some available money there, and some possibly contingency money. Given it's September now, and although he can't predict everything, it's a safe bet they will have money in those items, along with some funds from the departments, but the Highway doesn't have a lot of room in it to transfer money. Kevin runs a lean operation, and his job is roads—everything is geared towards the roads in Hudson. There is some money left in paving, so possibly, they might not do the second course next June. If there is a heavy winter, or a particularly brutal storm, the Town has been successful in the past getting FEMA money—if there is any left after all the hurricanes. If things really get out of hand, the Town can always petition the courts for additional appropriations for this situation, which could be made up from by the General Fund surplus. They wouldn't need to raise taxes; they would just need to get the authorization to raise the appropriation levels, but that would be the last step. The \$110,000 is predicated upon having a winter the same as last year, today's fuel prices and police and fire activities at the same level they were last year. He prepared a list of transfers, but recommended not transferring all of the money at this time, because things could shift and he didn't want to start depleting contingency just yet. He'd rather go through the department transfers first, but it's something he will keep evaluating and keep track of.

Selectman Maddox assumed that heating was done by gas, so some of those numbers needed to be increased, too. Mr. Malizia said when they looked at those numbers last year, it was bumped up in anticipation. Those don't seem to be as bad. If the prices go haywire, they will have to make it up, but it's not like the gas and diesel used out on the roads all day long. Selectman Maddox said he would think that at the first meeting on the month, the Board would get an update to see where those line items are and make adjustments as they go through the winter. Mr. Malizia said they actually get a whole budget every month. When the actuals come in, if they want to highlight them, the Board can do that, but a budget-

to-actuals is delivered to the Selectmen's Office at the beginning of the month. That is what staff is paid to do—keep track and come in to make recommendations. The Board can ask for that information, but it's something the three departments are looking at every day.

Selectman Maddox thought they should wait to see where they are before taking any action. Mr. Malizia said he would be reserving it, in case something more important came up. He didn't want to pull the trigger until they get closer to the actual need. Chairman Stewart said the money isn't going to be transferred now, only as necessary.

Motion by Selectman Cole, seconded by Selectman MacLean, to make the transfers, as necessary, as outlined in the Town Administrator's memo dated 9/21/05, Fiscal Year 2006 Estimated Fuel Costs, to cover the shortfalls totaling \$110,000 in the Police, Fire and Highway Departments' budgets, carried 3-1. Selectman Maddox voted in opposition.

**E. Amendment #1 to River Road and South Tank Design Services Contract for River Road Waterline Construction, Weston & Sampson Engineering (deferred from 9/13/05)**

Town Engineer Tom Sommers said this is for construction administrative services, some of which have already been accomplished, but have not been billed or paid for yet. The Town is beginning the construction of the River Road loop. In fact, they are mobilizing this week and expect full construction next week, once they have their street opening permit with NH DOT. There are certain items the design engineers need to assist with, and that's what this is for. They put together the bid contract, helped with the advertisement for bid, reviewed the bids, including references, and made recommendations--normal process for a consultant. The second part is the construction administration and engineering services, which are enumerated in eight items. The most important is to prepare the record, the as-built drawings, which is the largest and most significant part of that fee, so his recommendation is for a fee not to exceed \$13,700. If they don't use that amount, they don't get paid that amount. The Town already owns them some money out of this, but there still is significant work to do. There will be a savings in terms of total work because Gary Webster is going to be doing the inspections. Otherwise, the amount would be two, three times this, if they were to have full time inspections.

Selectman Maddox wondered why they wouldn't be spending the \$13,700; what would be taken away. Mr. Sommers said they had things in the contract for things like preparing change orders. If there aren't any, then there won't be a charge. They will be doing site visits only if Mr. Sommers has an issue that Gary can't handle. It's an hourly contract and they would work from that. If their services are not needed, they won't be requested.

Motion by Selectman MacLean, seconded by Selectman Cole, to approve Amendment #1 to River Road and South Tank Design Services Contract for River Road Waterline Construction, Weston & Sampson Engineering, in an amount not to exceed \$13,700, as recommended by the Town Engineer, carried 4-0.

**8. NEW BUSINESS**

**A. Request by Boy Scout Troop 20, to hold a fundraiser Spaghetti Dinner/Silent Auction at Hudson Community Center on 11/12/05, and the fee waived for use of the Hall (Discussion of this item was taken up following 7-A.)**

Chairman Stewart recognized Maria Kraemer, 24 Sutherland Drive and Debbie Preston, 917 Fox Hollow Drive, and their two sons from Troop 20 in Hudson. They were seeking authorization to use the Community Center to hold a spaghetti dinner/silent auction fundraiser, and to waive the fee for use of the hall. Troop 20, with 36 registered boys, currently meets at the hall on Wednesday evenings. There are also assistant cub masters and committee members. They checked the availability of the hall on November 12, and have been penciled in. The Board is cordially invited.

Motion by Selectman Cole, seconded by Selectman MacLean, to approve the use of the Hudson Community Center by the Boy Scouts on November 12, 2005 and that the fee for the use of the hall be waived, carried 4-0.

**B. Addendum #9 to the Burns Hill Road Landfill—Ongoing Remedial Planning and Pilot Seedings, GMP Groundwater Sampling thru 6/30/06**

Town Engineer Tom Sommers said this is the normal monitoring process the Town is going to have to do annually, and no one at DES has indicated when this is going to stop, so it will probably be forever, or until the Town shows that all levels are below EPA levels, which get more stringent every year. The second part of it includes a unique program that GZA recommended to him and he, in turn, is recommending to the Board, which is a seeding and planting program that takes the place of going out there and doing construction with equipment. He believes there will be a substantial savings. He was originally expecting this program to cost in the neighborhood of \$1/4 million if they were to go out there and do physical dirt moving, etc. This is a planting program they feel comfortable with and should keep the total project closer to a low six figures, which is a fairly conservative number. This fall, they want to get started with some of the initial plantings. They will put plantings in that have uptake of the leachate liquid out there, so there is some control. It keeps people out, because they would be creating a very big thicket, which they want to do, and it stabilizes slopes and soils in the area. DES was very pleased with this proposal and asked the Town to move it forward. Mr. Sommers was recommending the first part of that pilot program to see how it moves forward.



Selectman Maddox asked if the plantings were going to be done on the capped dome. Mr. Sommers said much more around it than on top of it. The top is OK, there is drainage off of it, and they will keep it that way. Selectman Maddox asked if there were venting pipes there. Mr. Sommers said no. They will plant different species in different areas. There are some leachate outbreaks and some wetland areas, so a different plant is put in there than on a dryer slope. Those things are all taken into consideration. There are some larger trees in there that they will have to girdle and let them die so they can be taken out. They want to let the bush-type, smaller plant to grow up and take over. Selectman Maddox asked if the forestry students at Alvirne should get involved in, to give them experience in the field. Mr. Sommers said they could be contacted to observe and learn from, but this is specialty stuff. GZA is bringing in an expert who specializes in this. To see if this is something the students could participate in in the future, which would be mutually beneficial, he'd be open to that. There is the issue of liability.

(Start Tape 3A)

Selectman Cole asked if they were going to have someone actually out there at a specific point in time doing something. Mr. Sommers said yes, this fall. Selectman Cole said he wasn't a big fan of students who are supposed to be learning things doing school projects, but as a middle ground, they could be invited and it could be set up as a field trip to go out when the experts are actually doing it. Mr. Sommers felt that was something that he could see about doing, if he knew who to contact. Chairman Stewart suggested that he talk with Jane Parkin, the head of the Voc Tech Department.

Motion by Selectman MacLean, seconded by Selectman Maddox, to approve Addendum #9, as recommended by the Town Engineer, carried 4-0.

**C. Hudson Police Department**

**1) NH Special Olympics**

Police Lt. Breault said the Director of the Special Olympics contacted Chief Gendron to request that the Special Olympics be held in Hudson on October 15 at Alvirne. It is usually held in Manchester, but there are no available fields there this year. With that, there is a five mile road race from the HPD, leaving at 7:45 a.m., traveling across 111 on to Old Windham Road, on to Greeley Street, to Old Derry and then down 102 to the Alvirne Field for the 9:00 a.m. ceremony. There will be 50-75 law enforcement officers volunteering to run in the road race. It won't cost any overtime. The traffic flow will be handled by officers on duty and volunteers. Selectman Maddox said he was envisioning 300 runners. Lt. Breault said that would be nice, but they don't expect that many. The actual games will take place at the Alvirne field from 9:00 a.m. till about 3:00 in the afternoon. Selectman Maddox said he heard that one lane on Greeley would be blocked off for the runners, and he didn't understand how that would be done. Lt. Breault said they would set up cruisers at different points. They plan to shut down half of one lane, so there will still be a two lane flow, but it will be pushed together. The runners won't be in a big group; by the time they get to Greeley, the runners will be single file. Chairman Stewart said she has volunteered at many Special Olympic events, and they are wonderful. She recommended that people go out to spend the day.

**2) Request by CHIPS (Children of Hudson Interacting with Police Services) to use Hudson Community Center for Fright Night on 10/28, plus set-up on 10/27**

Police Lt. Bob Tousignant said they were originally planning to hold Fright Night on October 21, but the hall was not available. They use the hall the previous night for setup. CHIPS also interacts with the kids in the Rec Department's summer program. Several years ago, they started Fight Night, which has become so popular, the hall has an overflow crowd.

Motion by Selectman MacLean, seconded by Selectman Maddox, to approve the request by CHIPS to use Hudson Community Center for Fright Night on October 28 and for set-up on October 27, carried 4-0.

**D. 2005 Tax Rate**

Finance Director Kathy Carpentier said her recommendation was to set a tax rate at approximately \$16.62 per thousand. They had budgeted to use surplus of \$1,250,000. She is also recommending an additional \$200,000 to keep the Town tax rate flat at \$4.59. The \$16.62 per thousand would be a 4.2% increase, which is about \$182 to the average homeowner. By using the \$1,450,000 this would leave 8.5% surplus. It is recommended to have between 5% and 10% of the gross appropriation. She contacted DRA last week, but they are not setting tax rate appointments at this point. They didn't have any numbers for the highway grant, nor the County numbers at this point. She used an estimate of 6.3%, based on the MS-42 document she received from the County. It was estimated the valuation would increase about \$60 million, based on the Town Assessor's recommendation, but they are only realizing a \$30 million increase, so that is one of the things driving the increase in the tax rate. She asked if there were any questions. Selectman MacLean asked if the actual budget determines what the tax rate will be. Ms. Carpentier said there are a lot of pieces that go into it—the budget, the estimated revenues, the County piece, the School piece, based on the value of the Town. Selectman MacLean said when they go through the budget and cut things back, then the budget might not be 4.2%. She asked if that was correct.

Mr. Malizia said the increase on the Town's side is zero because the Town's side, which the Selectmen control, is the same number as last year. The School is the piece that's going up. The Selectmen have no effect on the School. The

variables, the things that have shifted or changed are the assessed values of the Town. The Assessor thought we'd pick up more value, but that didn't come to fruition, so we are about \$30 million shy of the valuation. As far as the revenue estimates go, they did a pretty good job. There are a couple pieces from the State they don't know yet, and Kathy is also estimating the County piece. We get an assessment from the County for County services. If you look at the overall tax rate, there is a piece that the Selectmen propose; the other two pieces, they have no control, other than as a voter. When you take surplus, the only piece of the tax rate they affect is the Town piece. It cannot be taken against the School or the County. What Kathy is recommending is a \$1,450,000 surplus usage, which will make the tax rate *for the Town* equal to last year's tax rate. Selectman MacLean said with the \$1,450,000 amount, that still leaves them being right in the middle of where they need to be, so they could actually take a little more because 4.2% is a lot. Not a lot of people got a 4.2% salary increase this year and gas prices have gone up. Selectman Stewart said the School side has gone up; the Town has controlled its side of the house. There is nothing the Selectmen can do about the schools. The Town is trying to keep the tax rate down and offset the increases, due to the School Department getting less money from the State. Selectman MacLean said the Town could still do better and put a little extra in there because she'd like to see the 4.2% lower, even if it means taking more money out of surplus. Ms. Carpentier said if they were to take another \$100,000 from surplus, that would be 4¢ on the tax rate, so the \$16.62 would go down 4¢, or \$16.58. For the average taxpayer, that would be a savings of \$11 per thousand. The 4.2% represents about \$182 increase for the average taxpayer, based on a house value of \$272,000. Selectman MacLean asked if last year's was \$15.95. Ms. Carpentier said yes, that was the total tax rate. They budgeted to use \$1,250,000; she is recommending an additional \$200,000 of the surplus, but there was also some other things that the voters authorized to be taken from surplus--\$199,000 for radio communication system; \$200,000 for the fire pumper truck; and \$291,000 for land use change tax. All of those things will also be coming out of surplus.

Selectman Cole said there is an opportunity to add more to the surplus if the Town gets back more money than estimated. It can be used to either reduce the tax rate or go into surplus. He asked Ms. Carpentier if she was able to get some information on the newspaper article he talked to her about. Ms. Carpentier said no, she wasn't. The School might have an additional \$93,000 for catastrophic aid, so there might be some unanticipated revenues when they get up to DRA. She will be calling them weekly to get better information. Mr. Malizia said for some reason, the State is not getting off the dime this year as quickly as they have in years past. They aren't setting anyone's tax rate yet, which is a rarity for them. Selectman MacLean said if the Board passes the motion tonight, it's a baseline to work from; it's not necessarily that the tax rate is \$16.62; it could go down. Ms. Carpentier said she was recommending \$16.62 and the Board would give her a consensus that if she gets additional revenue, if it will go to lowering the tax rate or if she should use less surplus. Selectman Maddox wanted it known in big, bold letters that this is not the Town's doing, which has kept their budget as close as they can.

Motion by Selectman Cole, seconded by Selectman Maddox, to authorize the use of \$1,450,000 of the Town's \$7,247,058 surplus in support of a tax rate of approximately \$16.62 per thousand, as recommended by the Finance Director, carried 3-1. Selectman MacLean voted in the negative.

In the event the Town receives more revenues than anticipated, the 3-1 consensus of the Board was to direct the Finance Director to put it towards reducing the tax rate. Selectman Maddox preferred putting it towards the surplus.

**E. Budget Committee Meeting Schedule for FY2007**

Motion by Selectman Maddox, seconded by Selectman Cole, that the Board of Selectmen set the date for the Annual Town Meeting as February 4, 2006, carried 4-0.

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

Community Development Director Sean Sullivan passed out a revised document. The third column of proposed fee increases which shows the percentage increase was not calculated properly. What they are finding in his department is the duration, complexity and frequency of inspections as they relate primarily to building are becoming more complex. The rules are changing; the electrical code has been revised; the plumbing code gets revised every two years; the Town inspectors take classes and educate themselves on the latest rule changes and attempt to apply that knowledge in the field. As the frequency and duration of the inspection increases, it takes more time for staff. They strive to service the public as best they can and are able to accommodate folks in a very efficient manner. But it's not unusual for a homeowner, if they are doing a pool themselves, to be back three times for the same inspection. The role of an electrical inspector is not to educate the public; it's to tell them whether or not the work was done properly. Commercial contractors are not perfect, either. The Town is very fortunate to have the electrical inspector it does, a retired State inspector. He works very hard on behalf of the Town of Hudson. Most of the issues are handled within the department and don't rise to the level of having to come to discuss them with the Board. The same thing with building inspections, which are about 75-100 a month in prime season. Each applications generates a minimum of two or three inspections, depending on the quality of the work and the quality of the contractor and the quality of the owner of the property. They did a comparative analysis of fees, as they relate to community development that other towns have done. Hudson is on the low end, less than average. For a 2,000 sq. ft. home, they looked at the existing fees and what other towns charge, then tried to plug in a fair and equitable fee to the taxpayer and then calculate the new numbers on a colored graph so the Board could see where Hudson is, and where they would be. The fees are generally modest in nature. Other towns are capturing the development boom and capturing some of the cost associated to run the department. The cost to provide the services still exceeds the proposed

fees, given the time and effort put forth by the Community Development Department on a daily basis and, most importantly, to provide the services to those who live and work in Hudson. He hoped the Board would consider the proposed fee structure and to send it to a public hearing at a future date. The last time fees were increased was 2001.

Chairman Stewart asked if Merrimack was so high because they have fewer or no impact fees on construction, so they make it up that way instead. Mr. Sullivan said they didn't ask why; they just asked what the fees were. However, he assumed the answer to her question was yes.

Selectman Maddox thought the three Certificate of Occupancy fees were incredibly low. Mr. Sullivan said part of the theory was that there currently is zero fee., but it is up to the Board. The paperwork alone exceeds \$25 for any one of those fees. Chairman Stewart asked for a motion to send this to a public hearing on October 25. Selectman MacLean so moved. Selectman Cole asked what they were sending to a public hearing; if something had been amended. Selectman Maddox said he was asking the Community Development Director to look at those numbers. Selectman Cole said then they can't send it to a public hearing. Mr. Sullivan said they could utilize the same fee structure they use for a demolition permit for the CO for year one. Selectman Cole asked if there were dollar figures attached to that. Mr. Sullivan said yes. A residential CO was \$25; a commercial CO would be \$75 and an industrial CO would be \$150. Selectman Cole said he wanted that to be an amendment and asked Selectman Maddox if that addressed his concern. Selectman Maddox said no because residential is about 65% of their CO's. This isn't something they need to do tonight. He'd like Mr. Sullivan to go back and look and the numbers and come back to the Board, then they can send it to a public hearing.

*Motion by Selectman Maddox, seconded by Selectman Cole, to defer until October 11, 2005, to have the Community Development Director adjust the fees for Certificate of Occupancies, carried 4-0.*

Selectman Cole asked Mr. Sullivan if he could have given them the numbers tonight. Mr. Sullivan said he could have. Selectman Cole said that was his point; this could have been solved this evening. Selectman Maddox didn't want to put him under the gun to come up with an answer. Selectman Cole said all he had to do was ask.

**G. Professional Services Agreement, CDBG Sewer & Water Feasibility Grant (Ottarnic Pond)**

Community Development Director Sean Sullivan said his department has solicited qualifications from engineering firms in NH and were able to obtain three packets. A committee met and reviewed them. The value of the grant that they have is \$10,000.

(Start Tape 3-B)

*Motion by Selectman Maddox, seconded by Selectman MacLean, to appoint Clough Harbour & Associates as the engineering firm to conduct a sewer and water feasibility study for the Ottarnic Pond Cooperative Mobile Home Park and to authorize the Town Administrator to sign the Professional Services Agreement, in an amount not to exceed \$10,000, as recommended by the Director of Community Development, carried 4-0.*

**H. Code Enforcement Issues**

Community Development Director Sean Sullivan said he wanted to discuss some issues that pertain to code enforcement and the authority of the Planning Board, as it relates to code enforcement. It is his contention that code enforcement is an administrative act, not subject to oversight by the Planning Board. RSA 676-17A reads in part that a local legislative body (in the case of Hudson, that would be Town Meeting) would have to approve an ordinance or resolution to authorize the Planning Board to act as an enforcement authority. To the best of his knowledge, Town Meeting has not done that. He wanted to ask the Selectmen to consider voting to advise the Planning Board that code enforcement is, in fact, an administrative action. It falls under the jurisdiction of the Community Development Director, with oversight from the Town Administrator and Board of Selectmen. They have been operating that way for the last five years, since he has been here, and to the best of his knowledge, they have had a reasonable degree of success. He is finding that at every Planning Board meeting, it seems that there is a list of alleged code enforcement issues that may or may not meet the Planning Board's satisfaction. If the code enforcement action does not meet the Planning Board's satisfaction, then the Planning Board votes to request a zoning determination. That takes it out of an administrative issue, under the oversight of the Town Administrator and the Board, and places it back in the Planning Board's lap because if the Planning Board doesn't like the answer they get—and it is oftentimes pretty hard to please them—then they appeal that decision and end up before the Zoning Board and then the Zoning Board ends up as the adjudicating authority that the State Legislature has given them. Mr. Sullivan contends it is a code enforcement issue, not a zoning issue or a zoning determination. It's a way to back into a situation that is administrative. He is happy to share any information he has with anybody; he has a responsibility to do that. But it seems that the Planning Board is going beyond their authority. He has been in this business a lot of years and has never said this to a Board before, so he takes that statement pretty seriously. In the last five years, he has tried to get along with everybody and work with people—and they have come a long way. He is not suggesting they are Utopian, perfect or omniscient, but he thinks they do a pretty good job at what they do—and if they don't he hopes people will tell them so they can improve. Quite honestly, the cat chasing it's tail continuously wears the Town Planner down and it's beginning to wear him down. He thought it raises to the level of needing to discuss it with

this Board, as the people who hired him five years ago. He is asking the Board of Selectmen to tell the Planning Board to back off and not micromanage the Community Development Office. Let them do their job and, if they are not doing it, it's up to the Board of Selectmen to tell him they are not, and they will fix it. Code enforcement is administrative. If the Planning Board chooses to appeal the issuance of a building permit, it's kind of unusual in a government sense, but it's within their authority. He didn't dispute that. That process will play out. Selectman Cole has mentioned before the Hudson v. Hudson case with the Lowell Road coffee shop years ago. When he was hired one of the things he was led to believe was to try to prevent that from happening again. That is done through teamwork. Working together. This is being divisive. It divides a department and then it divides a full-time employee appointed official with a part-time board member. Nobody wins. It just creates more work, more heartache, more displeasure and it's contrary to the mission of government. He wanted the Board to hear this from him, what he thinks the problem is and how it can be solved.

Chairman Stewart asked if this was a new plan that has come before the Planning Board and they are saying there are code enforcement issues on it and they are sending it to the ZBA. Mr. Sullivan said there are at least three occasions that pertain—one is a former site plan that has already gone through the Planning Board process, and two others that are sites that are older and haven't been through the Planning Board. The first one is there is a site in Town that the Planning Board had approved, with certain conditions. By the time the CO was issued, he estimated eight out of the 10 conditions were complied with. There are one or two that linger and that is the cat chasing it's tail again. They talked to the guy. He moved the particular piece of equipment; comes into conformance. A month later, he's got another one out there in a separate location. They go back out and talk to him. They were on the phone with him again today and today he says he is going to put a dumpster behind his fence. The Town has chased him on that, too. That's not the only property in Town they have potential problems on. He could drive down Route 111 and point out eight different site plans and probably seven of them won't be in full compliance. But they are in substantial compliance. There is some degree of discretion, but you have to have some discretion. With the other two sites, the question is if the use has expanded, because the Zoning Ordinance says if there is an expansion of use, site plan approval is required. They are both in the G-1 zone; they are industrial sort of commercial building. Tenants come and go. If you don't require an occupancy permit, and they don't—there are not enough hours in a day every time a tenant goes out to require a new permit—it's hard to track. They guys are out in the field every day, and if they see something that is unreasonably expansive, or is contrary to zoning, they will hear from the Town. Oftentimes the folks that live in the neighborhood have better eyes and ears than the Town has, so a friendly heads up helps. On the two sites the Planning Board has specifically asked for via the minutes is a zoning determination. His contention is that is not a zoning determination. That is a code enforcement issue. If he says a site plan isn't required, they aren't going to like it and will appeal that decision and end up at the Zoning Board. They will have to put residents who have been waiting in line, on hold, and have them sit through a two-hour deliberative issue with the Zoning Board, which is all statutorily acceptable, but a waste of government's time. They should be able to do it through code enforcement. If they can't, then he'd elevate it to the level of the Board of Selectmen, through the Town Administrator, and recommend that the Town Attorney be hired to put a case together and then go to court... and win. They spend a fair amount of time in the court system in Nashua. If you don't have an iron-clad case, and sometimes when you do, you don't always prevail. He'd like to go to court with cases he thinks the Town can win. That doesn't mean they won't fight a battle if one needs to be fought, but you need to pick your battles. They don't need the Planning Board looking over their shoulders, saying, "what about that guy over there, and this guy over here." If someone has an issue, he's willing to listen, but if they don't get an answer they like—and sometimes it's pretty difficult to answer the Planning Board with an acceptable answer that they do like—it wears you down and then you throw your hands up. The Planner gets up-tight from the meetings because he is spending all day trying to put planning reports together and now he's got to go to Mr. Sullivan with code enforcement issues in the interim. He went through this cycle a few years ago, and ended up losing a Town Planner over it. He'd like to avoid that this time. He's more familiar with the Board of Selectmen, and they are with him. There is a better way to handle this—for the Board of Selectmen to tell the Planning Board code enforcement is under Mr. Sullivan's jurisdiction, with oversight from the Town Administrator and the Board of Selectmen.

*Motion by Selectman Cole, seconded by Selectman MacLean, that the Board of Selectmen tell the Planning Board that code enforcement is under Mr. Sullivan's jurisdiction, with oversight from the Town Administrator and the Selectmen.*

Selectman Maddox was torn. As Selectmen's rep to the Planning Board, he voted against those motions because he feels it is not the Planning Board's need. On the other side, having been a member of the Planning Board for eight years, he sees the frustration of good people trying to do the best they can, as volunteers, for hundreds of hours. They hammer out a deal for a site plan or subdivision and, three months, three years, etc., later, they see things that aren't supposed to be. He was bringing some of those things to the Community Development Director. The Planning Board just doesn't see things happening soon enough. They see people doing things they said they wouldn't do. They see code enforcement as a nebulous occupation in the Town of Hudson. A report was sent out at the end of the year with 57 items on it. For a guy that works 40 hours a week, it doesn't seem like a lot. He does inspections and whatever. This Board needs to take a look at what this gentleman does as far as if the Town really has a Code Enforcement Officer, or the Assistant Building Inspector, and how to address that. He can convey the Selectmen's wish not to bring this to the Community Development Director's attention through the Planning Board, which it shouldn't go, but that won't stop some members from coming in and doing it at the counter, personally, as is their right. They need to find a mid ground. Is the Code Enforcement Officer so overwhelmed by inspections that he doesn't see issues he should be seeing by being pulled away. He doesn't disagree that the Board of Selectmen should be in charge of code enforcement through department heads and staff, but when the Planning Board, the appointed volunteers, goes through the process of things that are being done that were

agreed not to, they do have a level of frustration that also needs to be addressed. This motion won't change anything but who applies. The Board of Selectmen needs to address what is happening with code enforcement, why it takes so long to get from Point A to Point B. He agrees that it shouldn't be Hudson v. Hudson, but he sees both sides. They can't say to the people who sit hundreds of hours on the Planning Board room that, once it leaves that room, it doesn't matter that code enforcement is not doing enough. It's a bigger picture than just telling the Planning Board to back off.

Selectman Cole said everything Selectman Maddox said seemed logical, but he was mixing apples and oranges. It's a valid thing for this Board to look at the Code Enforcement Office and when they do, whether they are under-worked or overworked, in conjunction with the Director of Community Development. But tonight they are talking about the Planning Board, which was somewhat dormant over the last three or four years, that has started to wander off the reservation lately. When the Planning Board starts formalizing their requests for information on code enforcement via motions. That's a bit extreme. It's one thing for Member A or Member B to go to Selectman Maddox, as the Selectmen's representative, or Mr. Sullivan, and ask a question, but when the entire Planning Board formalizes the request in a motion and then, when they don't get the answer, makes another motion two weeks later. They are starting to wander off the reservation, which is not taking away from them all of the hard work that they do. They do yeomen's work. He was on the Planning Board years ago and he knows what it is like to be there until midnight or 1:00 a.m. They are not talking about the dedication of individuals. They are talking about an institutional mindset that may have just wandered off just a little bit. This motion is just to let the Planning Board know that the Board of Selectmen supports the Department of Community Development/Code Enforcement. If Code Enforcement is an issue Selectman Maddox wants to discuss, Selectman MacLean is the liaison to that department, and the Selectmen can look at it. But tonight, they shouldn't mix the two issues. Tonight, it is about the Planning Board wandering a little too far afield and he'd like to stop it because he didn't want to have another workshop like they did four years ago. That's why he supports the motion. It might be a meaningless motion without any teeth, but at least it says to the Planning Board that the Selectmen have been appraised of the situation and this is the Board of Selectmen's feeling in regard to it. They need to back up the department head, in this case.

Selectman Maddox said he'd like to have the Community Development Director put on the next agenda a breakdown of what the Code Enforcement Officer's duties are and the time spent on code enforcement—and, maybe, a viable solution, rather than just telling the Planning Board to go away. Chairman Stewart asked if that was an amendment. Selectman Maddox said no, it was just a request to get something on the next agenda so he can tell the Planning Board the Board of Selectmen is looking at that issue. He doesn't want to just tell them to get back on the reservation; they want to resolve it.

*Vote: Motion carried 4-0.*

**I. Public Hearing to accept a donation to the Recreation Department of materials and labor from Gariepy Vinyl Siding with an estimated value of \$4,000 to install vinyl siding on the two front gables at the Community Center**

Dave Yates, Recreation Director, he had contacted Gariepy Siding to check out a price for siding the front two gables on the Community Center. During that discussion, Mr. Gariepy offered to donate the materials and the installation to the Town.

Chairman Stewart opened the Public Hearing at 9:50 p.m. and asked if anyone in the audience wished to speak on this. There being no response, she closed the hearing.

*Motion by Selectman Maddox, seconded by Selectman MacLean, to accept a donation to the Hudson Recreation Department of materials and labor from Gariepy Vinyl Siding that carries an estimated value of \$4,000 to install vinyl siding on the two front gables at the Hudson Community Center, with the Board's appreciation, carried 4-0.*

**J. Award of Bid for Flooring at Hudson Community Center**

Dave Yates, Recreation Director, said he sent out an RFP to five contractors. Six bids came in, with a total of nine different bids. A couple of companies sent two separate bids because they had different products. He was recommending awarding the bid to the low bidder. He had a sample of the plastic tile that is very durable, low maintenance and met all of the specifications. There will be a three mm padding under the tiles. Selectman Maddox said the current flooring was not level. Mr. Yates said the company will do any prep work that needs to be done, including the two big cracks in the floor. Some of the other products were poured floors, so the cracks and un-levelness would eventually resurface. This choice is a little more forgiving than the poured floors. Tabernacle Church has this same flooring, so he, the Town Administrator and the Town Hall Custodian went to look at it. They've had it for 10 years, during which time they had a couple of floods, and they praised it. Even after 10 years, it still looked like a new floor. The tiles are interlocking, so they are easy to replace. Mr. Malizia said their floor was in the gymnasium, which is also used for a banquet hall. They use it for athletics, and they put in tables and chairs—their use is much like the Town's proposed usage. Chairman Stewart said the first big test would be Fright Night. Selectman Maddox said the tile looked very shiny. He asked if it was slippery, if falling was something they should worry about with events notn-gymnastically-related. Mr. Yates said he plays basketball on a surface like that and they don't have any problems. He hasn't walked on it with wet shoes, though. There will be mats at the front entrance at the Community Center. Selectman MacLean asked if the floor was guaranteed. Mr. Yates said yes, for one year with the snap cork component for 12 years—and they are a local company out of Candia.

Mr. Malizia said they would probably get some extra boxes of tiles in the off chance something happened. This is the low bidder and it seemed like a reasonable solution to make the building more aesthetically appealing and more conducive to some of the activities in the building. Mr. Yates said the building looks really nice and the floor will be the final finishing touch. Selectman Maddox didn't like the ductwork. Chairman Stewart pointed out that the tile would be just in the main hall, not the bathrooms or kitchen. Mr. Yates said the kitchen will have a similar tile, but it will have little ridges to prevent slippage. Mr. Malizia compared it to an industrial stair tread. Mr. Yates said the front entry way will have a screen tile, so the dirt will fall through and cleaned with a shop vac. Mr. Malizia said the restrooms, at some point, would be ceramic tile because of maintenance issues.

Motion by Selectman Cole, seconded by Selectman MacLean, to award the project to install a multi-purpose floor at the Hudson Community Center to the lowest bidder, All Courts Unlimited, in the amount of \$34,676, as recommended by the Recreation Director and Finance Director, carried 4-0.

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

**Bill Cole** said earlier this evening they heard public input from former Selectman Jasper talking with regard to his feelings on how the majority of the Board treated the Cable Utility Service Provider. Mr. Jasper used terms similar to what Selectman Cole used two weeks ago when this action was taken. Mr. Jasper used shameful; Selectman Cole used disgraceful and distasteful. For awhile he thought he and Shawn were going to experience a magic moment, since they were both in agreement. Unfortunately, Shawn veered off into a disingenuous diatribe with regard to the fire truck and how it's the Board's fault they have to wait a year. But, he'll talk about that at a later time. Getting back to the Cable Service Provider, Selectman Cole said he never really got an answer to a question he asked before, and maybe these are rhetorical questions and no one is going to answer them, but why was the Cable Utility Service Provider fired by the Board of Selectmen at its 13 September meeting? Selectman MacLean said that answer should be in nonpublic, but if he wanted to get into it, they could. Selectman Cole said it didn't matter to him. He just wanted to know why he was fired—the objective facts the Board used to fire this individual. Selectman Maddox said they didn't fire that individual. Selectman Cole said they can hocus-pocus all they want. (Talking over each other.) Selectman Maddox said the individual was not fired. They had an option in the contract to review it on 13 September, and they did. Selectman Cole asked if it was the contract or the performance. Selectman Maddox said the Contractor's performance. Selectman Cole asked if the contract was terminated, based on some sub-standard performance. Selectman Maddox said he voted to go along with the project, as it was. Selectman Cole said they fired him. Two members of the Board felt the monthly reports for July and August that the Service Provider turned in were unsatisfactory. Selectman MacLean was quoted as saying we were not getting what we were paying for, but there was no elaboration as to what exactly the items were that they felt were unsatisfactorily. He wanted to know which items they were and if they spoke with the Service Provider about those items prior to the meeting.

(Start Tape 4-A)

The Chairman of the Cable Utility Committee felt that from the first of July until the 13<sup>th</sup> of September the Service Provider's performance was satisfactory. Selectman MacLean said she can't speak for the Chairman of the committee, but because he was in public, that's about all he could say. Selectman Cole said the same time the Chairman of the Cable Utility Committee agreed that there was more activity and programming taking place and that, overall, the system has improved since 1 July, which takes him back to his question—why did this Board fire the Cable Utility Service Provider? The Chairman of the Cable Utility said he can't speak for the entire committee. He asked if that was a fair statement. Selectman MacLean said it depends on the question he is asking. Selectman Cole said that segues into what he can speak for, and that has to do with the time sheet reports, since he is responsible for reviewing those and determining if they are accurate or not. Is there any indication they are inaccurate? Selectman MacLean said yes, they do. Selectman Cole asked what items those would be. Selectman MacLean didn't know that this issue was going to be scrutinized, so she didn't have them in front of her, but she highlighted numerous items. Selectman Cole said when you go out and fire someone without any just cause, you can expect it's going to be scrutinized. Continuing reading from the Minutes, Selectman Cole said Selectman Maddox agreed that the Board of Selectmen had not set up any standards to judge the Service Provider's performance. Selectman Maddox said he agreed with that statement. Selectman Cole said Selectman Maddox had said the only metric available in the back of the contract dealt with the Library Trustees being televised, and Selectman Maddox was not aware that they had been televised. Selectman Maddox said it was correct that they were not televised. Selectman Cole they also have back there the Conservation Commission. His question was, "Did these groups request to be televised from sometime in July until they met on 13 September? Did they come to the Service Provider and try to set up dates being televised?" Selectman Maddox said Selectman Cole was asking rhetorical questions. Selectman Cole said Selectman Maddox had said the only metric he could vote on was the fact that the Library Trustees were supposed to be televised, but as far as he knew, they hadn't been. He asked Selectman Maddox if he knew that that metric was based on the fact that they were refused? Had they come and asked to be televised? Did the Service Provider ignore them? If that's the only metric Selectman Maddox had, Selectman Cole was trying to figure out that metric went against the Service Provider. Did he refuse to televise them? Selectman Maddox did not know. Selectman Cole said, in that case, it is a rhetorical question. The Cable Utility Committee apparently never discussed his performance at any of their meetings during July and August and they had no recommendation for the Board, even knowing it was going to be taken up on the 13<sup>th</sup> of September. He asked if that was a fair statement. Selectman MacLean said no because they talked about it at one of their meetings. Selectman Cole said he asked for a recommendation two weeks ago and recalled that the Chairman didn't have one. He asked if the committee had a recommendation on the Service Provider. Selectman MacLean said they wanted program logs and time sheets. They wanted to see the activity. How can they make a judgement if they couldn't even see the activity that was happening? Selectman Cole said in addition to his words of two weeks ago, which were that this was a distasteful episode, this was disgraceful conduct on the part of the Board. He agreed with former Selectman Jasper that this was entirely shameful.

**Kathleen MacLean** believed a lot of Selectman Cole's behavior this evening was helping it become shameful by asking questions that are derailing the whole process. She wasn't prepared to speak on this subject, but she is perfectly fine in her mind and does not feel she has to justify her position, but what they judged on, and she is on record as saying, is that they needed to be getting what they were paying for. She could go into detail with some things on that, but in nonpublic. Relative to a metric, even the Hudson-Litchfield News outlined it—A, B, C, etc. You can go down the list—accomplished/not accomplished. There were things that were not done. The additional programming on the channels is due to the Cable Utility Committee, period. It is their hard work and dedication that there is more programming on the air.

Selectman MacLean said she prepared a statement on another subject they love to discuss, the Joint Committee. She wanted to let the tax-paying public know the status of that and that Chairman Massey did meet with the Superintendent of Schools and the Town Administrator on September 14 to discuss opportunities to collaborate on joint projects and to discuss the direction of the Joint Committee. She was disappointed by the Chairman's report, mostly because it did not state any area in which the Chairman had previously stated as being key issues and she quoted from the Minutes of the July 27<sup>th</sup> meeting. "The key issues would be joint purchasing, telecommunications and IT infrastructure." It appears they now want to work on routine, shared business opportunities and spur of the moment opportunities. Again, she quoted, "This collaboration would eliminate the need for a Joint Committee." What exactly are routine, shared business opportunities and spur of the moment opportunities? It sounds like activities that have been collaborated upon in the past. The Budget Committee is crucial to the collaboration process because they are the ones who see both budget books. And, as successful as the housing-land project is in the process of being, with all due respect to both committees, this project is not necessarily new and it is fairly routine for the school to go through this process. She is disappointed to see the opportunity for tax savings deliberately stifled, to disengage the people who are willing to look below the surface for shared opportunity, rather than to wait for it to come knocking on the spur of the moment is a disservice to the taxpayers.

Chairman Stewart said the house project is not routine. They do build houses, but this is a whole new venture, actually putting it on a site, finishing it, working with local contractors.

**Rick Maddox** stated that everyone has taken their grumpy pills tonight. Last Friday night, he went by Alvirne to take a look at the Cable Utility Committee filming their first football game. It cost only \$4 to go to the game and it was a great, two-band night. The tough part was parking, so get there early. It was an enjoyable evening.

Some of the questions Selectman Cole asked could probably not be answered because they were asked in a manner in which he already knew the answer. The Board made a decision. They don't always make the right one; they don't always make it the first time. He didn't like the cable contract from the get-go, and he didn't see any improvement from his very limited perspective for continuing it forward. To move it off of that, he was willing to go with a new plan. Is there a plan firmly in place now? No, but there is a start of one and, at best, this group of volunteers will do a great job.

Not having all the information for things brought before them, they don't have time to reflect on them. Last meeting's decision to appoint the Acting Lieutenant and Captain in the Fire Department was shortsighted. Four months for one individual in each position is too long. They should be looking at a number of candidates. He hoped that somebody on the prevailing side would vote to reconsider to change that to a shorter time frame so they could look at a number of different applicants in those positions.

*Motion by Selectman MacLean to reconsider the vote taken on September 13, seconded by Selectman Maddox* (Dave Morin appointed temporary acting Captain in Fire Department, for four months, eff 9/18/05, Step I, \$26.79/hr IAW Supervisors Union and Allan Dube appointed as temporary acting Lieutenant, for four months, eff 9/18/05, Step I, \$19.10/hr IAW IAFF Local)

Selectman MacLean said her thinking at the time was that four months was better than being open-ended. Selectman Maddox said they have an opportunity to try a number of people in that position. They went with four months on a very quick decision. The Police Department is doing a rotation on those levels. The decision they made was done quickly and after reflecting on it, he looks at it a different way. He hopes to get it down to a shorter period and the Chief will bring them another set of names for the next two months and the two months after that to give them a look at a number of different candidates as they progresses forward. He hoped they would change four months to two months and that the Chief would bring a recommendation for the next two Acting Captain and Lieutenant at the Board's next meeting. Selectman Cole said they're not talking about something abstract, here, or about the Town Clerk's Office or the Engineer's Office. They are talking about front line, first responders to safety. It's imperative that the leadership be stable, as much as possible, to work with their people, to train with their people so they trust each other when they are put into a potentially dangerous situation. This is not a social experiment to rotate people in and out every 30, 40, 50 or 60 days. He didn't think they made a quick decision. It was something he and the Chief discussed many, many times after Capt. Weaver took sick. They looked at the realities. It wasn't a spur-of-the-moment decision. They are dealing with life and death situations. This isn't a social laboratory, putting Captain X in for 60 days, then Captain Y in for 60 days. The troops, the firefighters, have to have some stability in their chain of command, and the people that were recommended by the Fire Chief are the best people for the job at this time and it gives the Board a chance to look at them at a higher level, with an eye to the future, either as a result of Capt. Weaver's situation or just natural rotations in the years to come. The Fire Chief made the recommendation and he supported him. The Board should stop trying to be Fire Chiefs. There are enough of those in this Town. The Chief has made his decision and made his recommendation to the Board and the Board supported it. This is life and death, not a social laboratory. The firefighters need stability in their chain of command, not musical chairs. Chairman Stewart said at the last meeting, she stated that the Town would be best served if they rotate the qualified Lieutenants into the Action Captain's position to possibly get a good feel on the next promotion round. All three of the current Lieutenants applied for the most recent Captain's position. So, at that time, they were considered to be Captains. She still stands by her word that they should be rotating them through. The individuals may find they

don't want to be Captain. That's the only way they are going to find out. Selectman MacLean said she didn't see the harm as far as safety goes because these men and women know each other now, so if one is promoted to a Captain, she didn't think it would change anyone's respect for someone else. She'd be willing to move it to three months. That would give an opportunity for four people in one year.

*Vote: Motion to reconsider carried 3-1.* Selectman Cole voted in opposition.

*Selectman Maddox said he'd like to change it to three months from their last meeting and then the Chief, at the next meeting, have the next two names for Acting Captain and Acting Lieutenant for the next cycle, so they will have plenty of time to be prepared. The Police Department is doing the same thing, and they also deal with safety, life and death situations. Selectman MacLean seconded the motion, which carried 3-1.* Selectman Cole voted in opposition.

**Terry Stewart** said the Wal-Mart grand re-opening is scheduled for Friday, September 30 at 8:00 a.m. The Chief of Police has advised her that the CALEA on-site assessment has been scheduled for December 11-14. If all goes well, the Hudson Police Department will be officially re-accredited in Jacksonville, FL on March 22-25, 2006.

*Motion by Selectman Maddox, seconded by Selectman MacLean, to approve and forward to the Road Agent for placement the request by the Nottingham West Lion's Club to place a temporary sign by the bridges to advertise a Texas Hold 'em event at King's Court to benefit NH Youth Development, carried 4-0.*

**10. NONPUBLIC SESSION**

*Motion by Selectman Cole, seconded by Selectman Maddox, to enter Nonpublic Session pursuant to 91-A:3 II (b) The hiring of any person as a public employee, carried 4-0.*

Nonpublic Session was entered into at 10:20 p.m. and was terminated at 10:33 p.m.

*Motion by Selectman MacLean, seconded by Selectman Maddox, to hire the following individuals for the 2005-2006 season: Ed Peterson as the Instructional Program Basketball Director for the fee of \$850; Dave Yates as the Basketball Director for the fee of \$2,000; Ceferno Torres as Assistant Basketball Director for \$1,500; and Patricia Barry as Basketball Administrator for the fee of \$400 carried 4-0.*

**11. ADJOURNMENT**

*Motion by Selectman MacLean, seconded by Selectman Maddox, to adjourn at 10:35 p.m. carried 4-0.*

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

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Richard J. Maddox, Selectman