

HUDSON, NH BOARD OF SELECTMEN
Minutes of the June 28, 2005 Meeting

1. **CALL TO ORDER** by Chairman Kenneth J. Massey at 7:00 p.m. in the Selectmen's Office at Town Hall.

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

3. **ATTENDANCE**

Selectmen: Kenneth J. Massey, Teresa Stewart, Richard J. Maddox and Kathleen R. MacLean. (Selectman Cole was out of Town.)

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Fire Chief Shawn Murray; Community Development Director Sean Sullivan; Finance Director Kathy Carpentier; Mike O'Keefe, Chairman of the Cable Utility Committee; Ray Rowell; Howard Dilworth, Jr; Jennifer Amy Myers, SUN; Ashley Smith, TEL

4. **PUBLIC INPUT** (Reminder--5 minutes per person; BOS responses are done under Other Business)

There was no response when Chairman Massey asked if anyone in the audience wished to address the Board at this time.

5. **CONSENT ITEMS**

Chairman Massey asked if any Board member wished to remove any item(s) from the consent agenda for separate consideration. Selectman Maddox noted that the Planning Board workshop scheduled for July 6 was cancelled. *Motion by Selectman MacLean, seconded by Selectman Stewart, to receive Items A-C, as noted or appropriate, carried 4-0.*

A. **Assessing Items**

1) Blind Exemption, 14 Atwood Avenue, w/recommendation to grant.

2) 2004 Abatement, 18 Hampshire Drive; 31 Flagstone Drive; 46 River Road; 9 Hampshire Drive; 14 Hampshire Drive; 22 Hampshire Drive; 5 Flagstone Drive; 10 Flagstone Drive; 24 Flagstone Drive; 9 Sagamore Park Road; 35 Sagamore Park Road; 23 Executive Drive w/recommendation to approve.

B. **Licenses and Permits**

Outdoor Gathering Permit by Hudson Historical Society for Old Home Days, August 19-21, 2005 at the Hills House on Rte 102

C. **Acceptance of Minutes**

1) Selectmen's Meeting of June 14, 2005

2) Selectmen's Special Meeting of June 21, 2005

D. **Committee Announcements**

7/04 Town Hall Closed for 4th of July Holiday

~~7/06 7:00 Planning Board Workshop in CD Meeting Room~~

7/11 6:30 School Board in BOS Meeting Room

7/12 7:00 Board of Selectmen in BOS Meeting Room

7/13 7:00 Benson's Committee in BOS Meeting Room

7/13 7:00 Planning Board in CD Meeting Room

7/14 6:30 Recreation Committee @ Rec Center

7/14 7:00 Sewer Utility Committee in BOS Meeting Room

7/14 7:30 ZBA in CD Meeting Room

7/16 Saturday--IAFF Boot Drive @ Intersection of Ferry/Chase/Derry Streets

7/18 6:30 School Board in BOS Meeting Room

7/18 7:00 Conservation Commission in CD Meeting Room

7/19 7:00 Cable Utility Committee in BOS Meeting Room

7/19 7:30 NRPC's Economic Development Forum @ (former Radisson) in Merrimack, Exit 11

7/20 5:30 Water Utility in BOS Meeting Room

7/20 6:00 Library Trustees @ Ferry Street Annex

7/26 7:00 Board of Selectmen in BOS Meeting Room

7/27 7:00 Planning Board in CD Meeting Room

7/28 7:00 Lower Merrimack River Committee—Location TBD

7/28 7:00 Open Space Committee in BOS Meeting Room

7/28 7:30 ZBA in CD Meeting Room

6. **OLD BUSINESS**

Funding for Employee Recognition

Town Administrator Steve Malizia was recognized and said this item was deferred from a previous meeting to the last meeting of the fiscal year, which ends Thursday. The Board asked him to identify where funds may be transferred from in order to fund employee recognition awards for 20 and 25 years of service. There are 15 employees for a total award amount of \$950--\$100 for 25 year employees

and \$50 for 20 year employees. There is a surplus in legal, so that is the account he recommends using to fund these awards, which would be transferred into the Selectmen's budget so it can be identified. Chairman Massey extended his congratulations to all of the individuals, who have been here a long time. What they have done has benefited the Town. He expressed the Board's sincere thanks and appreciation for all they've done and continue to do for the Town.

Motion by Selectman Stewart, seconded by Selectman Maddox, to grant service recognition awards to 20-year and 25-year employees (26 years—Robert Gagnon, Library and Fire Capt. John Brewer; 25 years—Police Chief Richard Gendron and Joseph Anger of the Highway Department; 24 years—Deputy Fire Chief Gary Rodgers and Police Lt. Robert Tousignant; 23 years—Fire Capt. Clint Weaver; 22 years—Road Agent Kevin Burns and Lolly Coombes of the Library; 21 years—Police Capt. Bill Pease; Fire Capt. Todd Hansen and Fire Lt. Dave Morin; 20 years—Linda Corcoran of Administration; Lisa Nute of the Police Dept. and Fire Lt. Tim Kearns) in the total amount of \$950, with the funds to come from Legal Fees, line 218, carried 3-1. Selectman MacLean voted in opposition.

7. NEW BUSINESS

A. Encumbrances

Finance Director Kathy Carpentier said her request was for an encumbrance for the general fund, water fund, sewer fund, library fund and donations, as outlined in her memo of June 23. Selectman Maddox asked, if all of the money wasn't spent, if it would revert to the general fund or to the department. Ms. Carpentier said if the items get processed within the next week or two, she wouldn't encumber it; it would be an actual appropriation and would come off the list. She cannot, however, encumber more than the not to exceed amount. Selectman Maddox asked if something cost only \$17,000 instead of the encumbered amount of \$18,000, where the remaining balance would go. Ms. Carpentier said it would return to the general fund, but she has PO's for most of the things, or contracts with legal obligations that will have to be paid. Mr. Malizia said, to clarify, unexpended funds go back to the general fund. They don't get used by anyone else and they don't revert back to a department. Selectman Maddox asked why 5045-252 was being encumbered, as it had expired. Mr. Malizia said the May and June invoices were still outstanding. Chairman Massey asked if the 2002 Warrant Article, Benson's Property, was going to lapse this year. Ms. Carpentier said her understanding was that the auditors would make that decision, but because they are legally still doing something on the project, they are able to encumber the money. Mr. Malizia said the Town was still negotiating with the State. Chairman Massey asked if the Poor Farm Cemetery amount of \$500 still fell into that category. Mr. Malizia said yes, it does. They actually have an outstanding offer to someone for a piece of their land, but they haven't come in yet to sign the documents yet. There is proof, however, that they are working towards it. They just need a signature to complete the transaction.

Motion by Selectman Stewart, seconded by Selectman MacLean, to encumber the not-to-exceed amount of \$1,343,247.45 for Fiscal Year 2005, which ends of June 30, 2005, carried 4-0.

B. Water System Interconnectivity and Mutual Aid Study

Town Administrator Steve Malizia said the Town, on behalf of the Water Utility, has been participating in a regional planning exercise regarding interconnectivity of water systems. As everyone is aware, the Town is intimately linked with Pennichuck for additional supply and vice versa. This is an attempt to mutual aid for water utilities. If the Town was to experience a catastrophe or some other disaster that rendered the Town's supplies bad for a period of time, they would hopefully have agreements in place that would allow them to serve the customers. Conversely, if someone else needed assistance and the Town had capacity to assist them, this would be a pre-arranged agreement that the Town would be able to assist them by possibly selling them water, if the capacity was available. Tom Sommers has been attempting these meetings. The NRPC is the sponsor, but the communities or the companies that are participating are the drivers behind it. NRPC is, basically, a facilitator and they are asking for a proportional contribution (\$5,000) to fund an additional phase of study to look at the issues that go into this. For example, what it would cost to connect Hudson to Manchester through Litchfield—and there are issues that are like that out there. It's a good neighbor policy--a mutual aid type of thing. An additional document came in to Tom Sommers yesterday, which he copied to Mr. Malizia today, who subsequently copied to the Board. The amount hasn't changed; it's the same basic concept, but asks for a letter of commitment, stating that the Town will commit the five grand.

Motion by Selectman Stewart, seconded by Selectman MacLean, to approve continued participation in the aforementioned study and to authorize the expenditure of \$5,000 from water account 5592-225 for Phase II of the program, carried 3-1. Selectman Maddox voted in the opposition, saying he will say no to something handed to him at the last minute.

C. Request by Community Development to Apply for CMAQ Grant for Traffic Signal Interconnectivity

Community Development Director Sean Sullivan said he was present to request authorization from the Board to apply for a CMAQ grant for a traffic signal interconnectivity. The goal would be to apply for a grant in the amount of \$150,000 of which it would be an 80/20 split—a 20% match from the Town of \$30,000. If the grant is approved, and NRPC would help gather the information, the goal would be to interconnect the three existing signals at Ferry and Library, Chase and Ferry, Library and Derry and Highland Street, with the future signals that are currently under design at Library and Central and Chase and Central Street intersections. Average daily volume of the three existing signalized intersections of approximately 30,000 cars a day. When they applied for a similar grant last year, it did include the geometric and signal installation at both Library and Central

and Chase and Central. That grant was not approved. This Board recently authorized an expenditure of money from the corridor account for Route 111 to begin the engineering design of both geometric and traffic signal installation at Library and Central and Chase and Central. They'd like to continue with that project, as it has been approved by the Board and a contract has been signed with the consultant, and then apply for this grant in the interim. He would come back to the Board after a bid to install signals at Library and Central and Chase and Central, presumably with funding from the Route 111 corridor account, with sufficient monies to do so. Then, ideally, this grant will be improved in the interim, and then use this money with the \$30,000 match from the Town to interconnect five sets of traffic signals. The grant is due in August; NRPC has asked that it be forwarded to them within the next month or so. Selectman Stewart asked if the lights at Central and Lowell should be included in the connectivity. Mr. Sullivan said if the traffic engineer determined that it was needed, they would include it, as well. He thought the money they were applying for was sufficient to include that intersection. Selectman MacLean asked what the Board was actually being asked to approve. Mr. Sullivan said authorization to submit the application, which would commit the Town to a \$30,000 expenditure from the corridor account. If approved, they would go through a design and bid process. Selectman MacLean said if the Board approves the application they are basically saying they want to do the project and if they get it approved, they are going ahead with the project. She thinks there are already too many lights and this will just make things worse. If they include one other light, as Selectman Stewart suggested, what will prevent them from moving up one more light, then another and so on. Mr. Sullivan said the CMAQ monies are transportation-funded. It encourages traffic signals to be used for the maximum efficiency, so there will be less idling time in traffic. Theoretically, the air quality is not as bad as it could be. The southern NH region is in the non-attainment area for air quality. These funds would help communities reach attainment. Traffic is moving, so the air quality is better, but he understands her point. Signals can be a drag. Selectman MacLean said she voted against the other traffic study because it seems to her that it will just make things worse. The Master Plan, however, did talk about the traffic in those areas, so she said she would vote in favor of this issue.

Motion by Selectman Stewart, seconded by Selectman MacLean, to authorize the Community Development Department to apply for a \$150,000 CMAQ grant, of which the Town will contribute 20% of the requested grant amount in an amount not to exceed \$30,000; proposed funds will be used to design and implement traffic signal interconnectivity at the proposed Library and Central and Chase and Central signalized intersections and at the existing Library Park intersections, carried 4-0.

D. Sidewalk Engineering Project, Route 102, Megan Drive to Evergreen Drive

Community Development Director Sean Sullivan said this request was to seek authorization from the Board of Selectmen to hire the low bidder, CLD Engineering, in the amount of \$61,670 to begin the design of a 4,500 linear foot sidewalk beginning at Megan Drive, extending to Evergreen Drive. This is a transportation enhancement grant that has been awarded by the State of NH through NH DOT. The total grant request was for \$401,000 submitted in FY2002. They received authorization to proceed in January 2004. There is a 70% transportation grant award of \$280,700 with a 30% match from the Town of Hudson, from the Route 102 corridor account of \$120,300. This grant was authored by former grant writer Gerry Coogan, with assistance from the Community Development Department, and has now come to fruition. They advertised and received bids for engineering and would like to begin the services of the low bidder. The goal of this project was to install a sidewalk from Megan to Evergreen, with the theory being that those youngsters who live along that stretch of Route 102 and the streets off of it, would have access for both a bike lane, which will be constructed between the curb and fog line, and the sidewalk itself, where they will have access to both Hills Garrison School and Alvirne. This does not include a pedestrian signal at this time. That may be an option the engineer recommends in their study. Selectman Maddox said it took three years to get it, but this is the results of what a grant writer can do. He wanted to know why the low bidder was so low, compared to the other bids. Mr. Sullivan said he anticipated that question, but he was unable to connect with each of the two high bidders. He and the Town Engineer went through the bids to try to determine an answer to that. One advantage to the low bidder was their familiarity with the Town of Hudson, but he'd hesitate to say that it would have a \$30,000 effect. They did meet the specs and the criteria. Selectman MacLean asked how wide the sidewalk would be. Mr. Sullivan said sidewalks are typically 3'-4' plus an additional 3'-4' bicycle lane.

Motion by Selectman Maddox, seconded by Selectman MacLean, to award the sidewalk engineering project on Route 102—Megan Drive to Evergreen Drive—to the lowest bidder, CLD, in the amount of \$61,670 as recommended by the Community Development Director and Finance Director, carried 4-0.

E. Award of Bid for a Fire Engine

Chairman Massey said, at the request of the Fire Chief, this item was being removed from the agenda in order for the Chief to provide additional information that several members of the Board have requested in regard to the ability to increase the height doors of the fire station. Selectman Stewart asked when this would be taken up. Chairman Massey said probably on July 26.

8. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Rick Maddox said he, Chief Murray and other Fire Department personnel went to Springfield, which turned out to be an interesting day. It was informative and fascinating to see the amount of equipment out there. Fire trucks are getting taller, but the station, unfortunately, as alluded to earlier, is not. As much as this is a bump in the road, it's not going to go away. Fire trucks are getting taller and taller to take

care of all of the equipment on them. They need to get a handle on this because this isn't something they are going to buy every day. Selectman Maddox said at the last meeting, Chairman Massey said the cable service contract will have a review period on September 13. He thinks it would be unfair to the Board and to the contractor not to have some sort of metric before that date. They should have a method by which to assess this, other than perception. Chairman Massey said he met with the Chairman of the Cable Utility Committee and the committee liaison, Selectman MacLean, last Friday and they addressed that very issue. He believed there would be some efforts made during the month of July to quantify those issues, which the Board will probably visit at one of their meetings in August, where they are relative to any progress—probably August 9. He shared Selectman Maddox' feelings. He didn't think that on September 13 they want to arbitrarily say yea or nay.

Terry Stewart said yesterday was the first day the Hudson Rec Department used the Community Center building for the summer program. It is pretty awesome what they've been able to accomplish, with a lot of volunteer help and DPW. The transformation is unbelievable and definitely a benefit for the Town in the future.

Happy 4th of July to everyone, time to celebrate our independence and our freedom.

(Start Tape 1-B)

Kathleen MacLean said everyone was given a copy tonight of the Adelpia/Southern NH Cable Television Consortium. She apologized for the last minute submittal, but she just received it. and they don't have to act on it tonight. Michael O'Keefe, Chairman of the Cable Utility Committee, was not listed as being present at that meeting but, in fact, he was. There is a Form 394 that needs to be filled out, and everything that was done before. Instead of the Town of Hudson hiring their attorney to go over everything, because it's a consortium, the attorney will do it once for all the towns. The attorney said he fee would be about \$10,000, but Hudson's cost will probably be less than \$1,000 because there are more than 10 towns involved. The document before them that the Town needs to sign says Hudson will be responsible for their share. If there are issues relating strictly to Hudson, there would be an additional charge for that, but the Cable Chairman didn't foresee anything like that. Chairman Massey asked Mr. O'Keefe if there would be a problem if the Board deferred action on this until July 12. Mr. O'Keefe said no, and the agreement is actually with Londonderry, not with the attorney. The people from Londonderry were hoping to get it back before the next consortium meeting, which is July 5, but they recognize that a lot of the towns won't be able to approve the agreement on such short notice. Chairman Massey said since it is a legal document they are being asked to sign, and knowing how some members feel about acting on something they get on the same night, he thought it would be prudent for them to take this up on July 12. Selectman Stewart asked if the Town attorney has looked at it yet. Mr. Malizia said it just came in today, but he would forward it to the attorney. Chairman Massey asked Mr. O'Keefe to get the not-to-exceed costs from the consortium. Mr. O'Keefe said that issue was raised at the consortium meeting and was something that would be tough to define. It's not like one town would say they wouldn't pay something; they could withdraw, and then be responsible for costs only to that point. Chairman Massey said the previous time this was done, the on-going process lasted for several years. Mr. O'Keefe said the franchise renewal was a much more involved process. Chairman Massey asked Mr. O'Keefe to give the Board the expected time frame (people talking over each other). They have 120 days to respond from the date they received the document, which was around June 10. It can be extended if both they and Adelpia agree, but it's their intention to have it done within the 120-day time frame. Chairman Massey said this would be postponed until the 12th, so the attorney can review it. Mr. O'Keefe said at the consortium meeting on the 5th, Peter Epstein will be in attendance, so maybe he can get a better feel that the costs won't exceed what they already expect—not that he will say for sure. Selectman Maddox asked if Atty. Epstein was going to be the attorney. Mr. O'Keefe said that was the current plan. Selectman Maddox said that answered all of his questions.

Selectman MacLean said the 4th of July is not a holy day, but it is a day to count one's blessings for living here, and wished everyone Happy Independence Day.

Ken Massey said relative to the 4th of July, if anyone has the chance, they should read the book called, *Founding Brothers*, and it does more to explain how the country came to be the country it is today than anything he has read in the recent past. It's an excellent story. Of particular interest to him is the founding brothers were presented warts and all, not as saints. He would recommend to anyone who wants to understand how the country and Constitution came to be formed, and what great foresight our forefathers' had. The 4th is a day to stop and reflect on the many blessings, and especially think about the servicemen overseas in harm's way, who are helping to defend freedom. Finally, good news. The Route 102 construction from McDonald's is moving along. There will be a final pre-construction meeting with all of the participants at the DOT in Concord on July 20 with the intention to send out to bid for the work in early August, with the hope that the work can be started this construction season. They may actually see something happen this year.

Chairman Massey said he contacted Nancy Mayville last week, once again, asking her what the status was of the Benson's Quit Claim Deed. He said, to paraphrase, "The check is in the mail." She is reviewing the document and the Town's issues with the Department of Justice attorney today and tomorrow. She hopes to have a response back to the Town by the end of the week as to when something will be sent back to the Town. However, they've heard that story many times. They only thing they can take at face value is they are going to review the document with the attorney today and tomorrow. Both she and the attorney are aware of the Town's concerns and they are going to try and respond to them on the basis of what they know the Town wants to see happen.

9. **NONPUBLIC SESSION**

Motion by Selectman MacLean, seconded by Selectman Stewart, to enter Nonpublic Session pursuant to 91-A:3 II (a) Dismissal, promotion or compensation of a public employee or disciplining of such employee or the investigation of any charges against him, unless

the employee affected has a right to a meeting and requests that the meeting be open, in which case it shall be granted and (e) pending claims or litigation threatened in writing or filed against the body or agency or any subdivision thereof, or against any member because of his membership in such body, until the claim or litigation has been fully adjudicated or otherwise settled carried 4-0 by roll call vote.

Nonpublic Session was entered into at 7:40 p.m. and was terminated at 7:55 p.m.

Motion by Selectman MacLean, seconded by Selectman Stewart, to grant the following five employees with a merit award in the amount of \$200 each for exceptional performance of their duties, in accordance with the Hudson Police, Fire and Town Supervisors Association —Captain William Pease, Jr; Captain Ray Mello; Executive Secretary Dorothy Carey; Support Services Manager Lisa Nute; and Animal Control Supervisor Jana McMillan, carried 4-0.

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10. ADJOURNMENT

Motion by Selectman Stewart, seconded by Selectman MacLean, to adjourn at 7:56 p.m. carried unanimously.

Recorded and transcribed by Priscilla Boisvert
Executive Assistant

HUDSON, NH BOARD OF SELECTMEN

Kenneth J. Massey, Chairman

Teresa Stewart, Vice-Chairman

William P. Cole, Selectman

Kathleen R. MacLean, Selectman

Richard J. Maddox, Selectman