

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the April 12, 2005 Meeting**

1. **CALL TO ORDER** by Chairman Kenneth J. Massey at 7:02 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Kathleen R. MacLean
3. **ATTENDANCE**  
**Selectmen:** Kenneth J. Massey, Teresa Stewart, William P. Cole, Kathleen R. MacLean and Richard J. Maddox  
**Staff/Others:** Town Administrator Steve Malizia; Executive Assistant Priscilla Boisvert; Road Agent Kevin Burns; Fire Chief Shawn Murray; Fire Fighters Steve Benton and Pat Robertson; Joe MacLean; Leo Bernard; Ray Rowell; Howard Dilworth, Jr.

**Proclamation for National Library Week, April 10-16, 2005**

Recognize Library Director Toni Weller was recognized, and the proclamation was read to her by Chairman Massey.

4. **PUBLIC INPUT**  
There was no response when Chairman Massey asked if anyone in the audience wished to address the Board on any issue.

5. **CONSENT ITEMS**

Selectman Maddox removed Item C-3; Selectman Stewart removed Items C-1 and 2 from the consent agenda.

*Motion by Selectman MacLean, seconded by Selectman Maddox, to accept the consent items, A, B, D & E, as noted or appropriate, carried 5-0.*

A. **Assessing Items**

- 1) Yield Tax Warrant and Certification of Yield Tax Assessed, Map 141/Lot 003 Brox Industries and Map 207/Lot 012 Fitzgerald, Karen E.E., w/recommendation to sign.
- 2) Current Use Lien Release, Acorn Acres, Map 230/Lot 22-20, w/recommendation to approve
- 3) 2004 Abatements (38 Library Street, 58 Schaefer Circle) w/recommendation to deny
- 4) 2004 Abatements (13 Park Avenue, 425 Elk Run, 21 Sycamore Street, 41 Pelham Road, 39 Library Street, 37 Library Street, 36 Library Street) w/recommendation to approve
- 5) Disabled Exemption and Abatement (13 Iris Path) w/recommendation to grant
- 6) Multiple Veteran's Tax Credits/Elderly and Blind Exemptions, memo dated w/recommendation to grant

B. **Sewer/Water Utility Items**

Sewer Allocation Revocation—Blackberry Run (recommended by Town Engineer)

C. **Licenses and Permits** (The following items were acted on separately.)

- 1) **Request by Habitat for Humanity to place a sign at Taylor Falls Bridge referred to the Road Agent for coordination/placement**--Selectman Stewart had concerns because of the size of the sign until she was assured that this would be forwarded to the Road Agent for placement and coordination.

*Motion by Selectman Stewart, seconded by Selectman Cole, to approve the request and forward it to Kevin Burns carried unanimously.*

- 2) **Hawker-Peddler Request by Michael Spinelli to sell hot dogs, soda & chips at various locations in Hudson** (signed off on my appropriate staff)--Selectman Maddox pointed out that the State licenses for food service and hawker/peddler runs out in June. He was told that a provision in the license indicates that the applicant must bring in update licenses prior to their expiration or else the license will be rendered invalid.

*Motion to grant the license by Selectman Maddox, seconded by Selectman MacLean, carried unanimously.*

- 3) **Hudson Speedway License** (signed off on by appropriate staff)—Selectman Maddox questioned the September 4<sup>th</sup> racing date times of 5 – 10:45 because the ordinance says racing must stop at 5:45 p.m. after school starts in September. This year, school starts on August 30. Selectman Stewart said September 5 was a holiday, so there was no school, so she didn't have a problem with a night race. Selectman Maddox said he was just quoting the ordinance as it was written.

*Motion by Selectman Maddox, seconded by Selectman Cole, to amend the times for September 4 from 5:00 – 10:45 p.m. to 12:00 Noon – 5:45 p.m. because school starts on August 30 this year and the ordinance allows for night racing*



only prior to the date on which school starts in September failed 2-3. Selectmen Cole and Maddox voted in favor.

Motion by Selectman Stewart, seconded by Selectman MacLean, to approve the Hudson Speedway License for the 2005 season carried 5-0.

**D. Acceptance of Minutes**

Board of Selectmen Minutes of March 22, 2005 (referred to file)

**E. Committee Announcements**

4/13 7:00 Planning Board in CD Meeting Room  
 4/13 7:00 Benson's Committee in BOS Meeting Room  
 4/14 6:30 Recreation Committee at Rec Center  
 4/14 7:00 Sewer Utility Committee in BOS Meeting Room  
 4/14 7:30 ZBA in CD Meeting Room  
 4/18 Boston Marathon  
 4/18 7:00 Conservation Commission in CD Meeting Room  
 4/18 6:30 School Board in BOS Meeting Room  
 4/19 7:00 Cable Utility Committee in BOS Meeting Room  
 4/20 5:30 Water Utility Committee in BOS Meeting Room  
 4/21 6:00 CIP in CD Meeting Room  
 4/21 7:30 Budget Committee in BOS Meeting Room  
 4/26 7:00 Board of Selectmen in BOS Meeting Room  
 4/27 7:00 Planning Board in CD Meeting Room  
 4/28 7:00 Lower Merrimack River Committee @ NRPC  
 4/28 7:00 CIP in BOS Meeting Room  
 4/28 7:30 ZBA in CD Meeting Room  
 4/30 Fire Fighters Ball @ Hudson Community Building

**6. OLD BUSINESS**

**A. Fire Call Pay Policy (Deferred from March 22, 2005)**

Fire Chief Shawn Murray said at the last meeting, Selectman Maddox asked that the Fire Department provide the Board with a document that shows the changes and additions made to the Call policy, and that is before them tonight. As a reminder, the changes were to the pay rates of the Call Firefighters. The Call Firefighter Trainee pay rate was changed to Call Firefighter Probation rate. They made a pay adjustment by adding Call Captain. The overall result is that Capt. Brough and Lt. Rudolph would receive a 75¢ per hour increase.

Selectman Maddox said he met with the Chief today to go over some of the things he had concerns with, such as format and punctuation issues. The two substantive issues with this policy, however, is the lack of definitions for "career firefighter" and "specialist." The Chief said those definitions would be included.

Motion by Selectman Cole, seconded by Selectman Stewart, to approve the revised Call Firefighter pay rates and pay adjustments in the Hudson Fire Department General Order Call-1 Call Force Response Attendance Requirements dated 23 March 05, as recommended by the Fire Chief.

Amendment by Selectman Maddox, seconded by Selectman Cole, to include the definitions of Career Firefighter and Specialist.

Selectman Cole asked what the definitions were. Chief Murray said the Career Firefighter is a State of NH certification level, so that will be defined as such. The Specialist category was created a number of years ago for Lt. Rudolph, who is a Call Firefighter and the Department's part-time EMS Coordinator. Another individual, former Captain/Deputy Chief Harry Chesnulevitch, was included in this category because there was no pay scale, at that time, for a Call Capt. It is a category that was created for unique situations, such as the two examples listed. They may end up eliminating it altogether, as long as it doesn't affect any of the pay rates.

Vote on the amendment carried 5-0.

Vote on the main motion, as amended, carried 5-0.

**B. Fire Department Clothing (Uniform) Policy**

Fire Chief Murray said this item was deferred from March 22, as well. The Board had been previously provided with copies of the changes, delineated in color so they would be easily identifiable. This change authorizes "IAFF Local 3154" to be placed on polo shirts, Reubens and T-shirts, as noted in the arbitrator's decision of February 16, 2005. It reduces redundant language to reduce the physical size of the policy; it clarifies and details approved clothing and accessories; and it adds a graphics page that details the authorized makup of the approved logo design on the embroidery of clothing. Selectman Maddox hoped that everyone town-wide would utilize a consistent pattern to format documents that are in outline form, the Gregg System of numbering documents. In this document, sometimes capital letters are used, and on other pages, it's numbers. The proper number and lettering sequence should be used, instead of haphazardly using letters sometimes and numbers at other times. It's easier to look things up when there is consistency. Earlier today, he reviewed some "happy to glad" changes with the Chief. On Page 12, Item 6, the words, "polo shirts" will be included. The Chief had also told him he'd look into the "belt buckle thing."

Motion by Selectman MacLean, seconded by Selectman Cole, to approve the changes to Fire Department General Order ADMN-21 Uniform Policy, dated 22 March 05, effective 1 April 05, as recommended by the Fire Chief.

Amendment by Selectman Maddox, seconded by Selectman MacLean, to Page 12-6-c, to add the words Polo Shirt to the list of clothing on which a logo may be placed, carried unanimously.

Vote on the main motion, as amended, carried unanimously.

### C. **Policy on the use of Town-owned Equipment or Facilities for Fundraising Purposes**

Selectman MacLean said at the meeting on March 22 she had brought up this subject and the Chairman at that time asked her and Selectman Stewart to have a meeting of the minds and then to bring this back. They had some discussions on it, but didn't meet. Selectman Stewart preferred to keep the motion the way it was when it was voted on on February 22. The part that Selectman MacLean objected to was "by any group in the Town" because, to her, that makes the policy unenforceable because they don't have the right to tell people they can't stand where they want to stand, or video what they want to video.

Motion by Selectman MacLean to change the policy, as follows—No town committee or committee member, or town board or board member may use town property, time or equipment in any advertisements, photos or videos to promote any political issue or candidate or to solicit funds for any political purpose or to influence the outcome of any election without the express written consent of the Board of Selectmen. Selectman Maddox seconded the motion. Selectman MacLean said the original motion reflects poorly on the Board, on the Town in general, and bordered on being unconstitutional. Selectman Maddox thought they should revoke the vote taken on February 22 and make all go away because it is unenforceable. The Town policy already covers the issue they were concerned about. The intentions were good at the time, but it's probably not enforceable, nor would they want to. This is still America and he can stand where he wants to stand and, for the most part, say what he wants to say. Selectman MacLean withdrew her motion; Selectman Maddox withdrew his second.

Motion by Selectman Maddox, seconded by Selectman MacLean, to rescind the policy adopted on 2/22/05, To not allow the use of any town owned equipment, trucks, recordings, photos or town facilities in any ads or videos or fundraising activities by any group in the town without the express written consent of the Board of Selectmen, carried 5-0.

(Start Tape 1-B)

## 7. **NEW BUSINESS**

### A. **Public Hearing, pursuant to RSA 31:95-b, relative to the receipt of monetary donations**

Chairman Massey opened the public hearing at 7:31 p.m. and asked if anyone in the audience wished to speak on this. There was no response, so he closed the hearing.

#### 1) **Community Development Block Grant in the amount of \$12,000, issued through the NH Community Development Finance Authority for the purpose of an Ottarnic Pond Cooperative Feasibility Study**

Motion by Selectman MacLean, seconded by Selectman Cole, to accept the grant carried 5-0.

#### 2) **Federal Grant of Approximately \$3,500 in support of the Police Department's participation in a highway safety project, NH Clique Seat Belt Campaign**

Motion by Selectman Stewart, seconded by Selectman MacLean, to accept the grant carried 5-0.

#### 3) **2004 Assistance to Fire Fighters' Grant from the US Department of Homeland Security in the amount of**

**\$142,380 for diesel exhaust systems for Hudson's three fire stations and fixed emergency generators for Burns Hill and Robinson Road stations**

Chief Murray said this grant is for the installation of diesel exhaust systems in all three fire stations and for two fixed emergency generators for the Burns Hill and Robinson Road stations. This is a 90-10 matching grant, so the Fire Department would be responsible for \$15,820. There is currently \$48,000 budgeted in the 5715-224 account for a diesel exhaust system. Part of those funds could be used to match the 10% requirement. They are in the process of sending out an RFP for the work. When they come in, the Chief will come back to the Board to authorize having the work done. The total cost of the work is \$158,200. Selectman Stewart asked how many companies did this type of work. Chief Murray said about four or five and numerous companies for the fixed generators. They have already received a lot of inquiries. Selectman Maddox asked if the generator at Leonard Smith Central Station needed to be upgraded in size. Chief Murray said that generator is sized properly. Selectman Cole congratulated the Fire Department on the work that has gone into putting all of the details together. It's a good job on everybody's part; Deputy Chief Rodgers was heavily involved, as were a number of the other command staff. Chairman Massey echoed those sentiments.

*Motion by Selectman MacLean, seconded by Selectman Maddox, to accept the grant carried 5-0.*

**B. Request by IAFF Local 3154 to hold Boot Drives**

Firefighter Steve Benton, President of Local 3154 and Firefighter Pat Robertson, Local 3154 Secretary-Treasurer were present to get authorization from the Board of Selectmen to do three boot drives this summer to benefit MDA. In 2004, the donations totaled \$23,498. For the first time, another Town collected more than Hudson. The boys in Windham did a great job—they raised \$25,000 part of which came from a breakfast they held, as opposed to Hudson, who does only the boot drives. At the Telethon, he promised to double the collections this year. He thinks he may have spoken out of turn, but they'd like to do a couple of thousand over, anyway. Selectman Stewart pointed out that August 20<sup>th</sup> was Old Home Days, so Mr. Benton said they'd change it to the 27<sup>th</sup>. Selectman Maddox asked if it was going to be the same as last year, the signs, etc. Mr. Benton said yes--the vests, the signs, etc., everything. Mr. Robertson said with the amount raised this year, total collections from Hudson are over \$100,000 in seven years. No other town is even close to that.

*Motion by Selectman Stewart, seconded by Selectman Cole, to approve the MDA boot drives for June 4, 2005, July 16, 2005 and August 27, 2005 at the intersection of Derry, Chase and Ferry Street intersection, carried unanimously.*

**C. Acceptance of a \$250 Gift from Nottingham West Lions Club to the Police Department's Animal Control Shelter**

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

**D. Legal Services Contract**

Town Administrator Steve Malizia said it's the policy of the Board of Selectmen that legal services will be reviewed at the first Board meeting in April. The Board has the option of going out to bid for legal services, or renew with the current law firm. The Town currently uses Bossie, Hodes, Buckley, McGrath & LeFevre and they have submitted a proposal to the Town for a two-year contract, starting FY2006, which is July 1, 2005 and would take them through June 30, 2007. Their current contract will expire after June 30, 2005. His recommendation was to renew the contract, in looking at the quality of their work for the Town. They have done an excellent job in litigating. In tracking their history, there is a level of stability, if not a downward trend. The Selectmen have been very judicious in how they used the firm's services, nor has the Town been as litigious as in the past. The last time the Town went out to bid, several packages were received by area firms, and the rates were about the same. He didn't think they would gain anything by going out to bid, from a rate perspective. A lot of what drives the legal costs is how much litigation the Town involves itself in. The proposed contract has a retainer clause, up to 26 hours per month of general legal service at a reduced rate, at \$135 an hour. Anything above that, or in other cases (such as going to court) would be at \$145 an hour. Those two rates are both up \$10 from the contract signed two years ago. This firm has a range of lawyers that deal in various areas, all of whom have served the Town well. The last time the Town switched firms, legal costs doubled for two years because of having two firms. The previous firm kept their cases and new business went to the new firm. Clearly, they wouldn't do that again in that manner, but there would be some overlap because there are cases in litigation that would stay with the current firm. Selectman Maddox asked if there was any rollover, if all of the hours aren't used in a month. Mr. Malizia said no; they are billed for 26. Selectman Maddox asked if that was being watched. Mr. Malizia said yes and most of the time they get the value because they are at 26. Selectman Maddox said, being on the Planning Board the past few years, he has seen a dramatic increase in the level of service from this law firm, so he supported the motion.

*Motion by Selectman Stewart, seconded by Selectman Maddox, to enter into a contract for legal services with the law firm of*

Bossie, Hodes, Buckley, McGrath & LeFevre for the period 1 July 2005 through 30 June 2007, for the terms specified in the Contract of Employment dated 5 April 2005 carried 5-0.

## 8. OTHER BUSINESS/REMARKS BY THE SELECTMEN

**Terry Stewart** said yesterday, she watched Fenway Park on TV was a thrill and she wished she had been there. She knows that Mrs. McGraw is watching tonight because the Red Sox are not on. She is looking forward to a great Red Sox season.

**Rick Maddox** said in an effort to increase his knowledge about some things in Town, he spent yesterday afternoon at the Fire Department, learning about the various trucks that he, the Chief and Selectman Cole will go over on Thursday, as part of the proposal he sent to the Selectmen. He doubted that many people knew that Hudson has one of the best Explorer programs in the State, with 16 Cadets coming from all over. It is a well run, well organized program that gives them a chance to see what the fire service is. He met two of the Cadets, who were very enthusiastic—one from Tyngsboro and one from Dunstable. He also thanked the firefighters who helped him learn about all kinds of stuff on fire trucks.

Last week, they had their goals meeting, which was a good start. He hoped they could continue to move forward on those issues and look at the goals for the Town, rather than reacting to them.

Motion by Selectman Maddox that prior to the Police Department purchasing the speed trailer that's in the FY2006 budget, that the Chief explains how the device will be transported and how that funding will be provided. During the budget season, it was an item of contention. He'd like to see that before they go and buy a piece of equipment for \$7,500 he'd like to see if it is going to cost \$2,500 to move it around. He'd like to see the mechanics of how that is going to work. Selectman Cole seconded, for discussion. Selectman Maddox said during the budget cycle, they moved pretty quickly. He has thought more about it and wants to know what vehicles will be needed, if it is an overtime situation, if the trailer has to be set up and then retrieved at the end of the night, etc. He wondered if Kevin Burns could set it up with his crew, or if it had to be a patrolman. He didn't want to go out and buy it and then find out that it cost a lot to maintain and operate. Selectman Cole didn't have a problem with getting more information, but making a motion was a bit of overkill. He preferred just asking the Town Administrator to ask the Police Chief to provide that information. Selectman Maddox said that was fine, as long as they had the information for the next meeting, or whenever it was available, prior to July 1. Selectman Maddox withdrew his motion. Chairman Massey believed the Chief gave a very detailed explanations before the Selectmen and before the Budget Committee.

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

**Kathleen MacLean**—said 3-year old Ethan Smith from Nashua is battling cancer. This young boy, who has ties to Hudson, had only one wish—to ride in a fire truck. Thanks to the behind-the-scenes efforts of Hudson Fire Chief Shawn Murray and Deputy Fire Chief Gary Rodgers, this boy got his wish and he was taken for a ride in a Nashua fire truck, with lights and sirens. Last night, there was a fundraiser at Charman's to help with his medical costs. It was nice to see the community reach out to help people in need. She asked everyone to keep Ethan and his family in their prayers for a full and speedy recovery. A big thank you to the Chief and Deputy Chief for portraying the Fire Department and, in essence, the Town in a caring and compassionate light.

**Ken Massey** said Jess Forrence was not present tonight because he was off on a cruise, but he was recently awarded a Level 1 Roads Scholar Certificate from the UNH Technology Transfer Center. Jess, an eighteen year plus employee, is a key part of the Highway Department as a supervisor. He keeps the drains and pipes in good shape. Congratulations to Jess.

Motion by Selectman Stewart, seconded by Selectman MacLean to set the dates for the Board's budget hearings as October 14, 17 & 18 carried unanimously.

## 9. 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 5-0 by roll call vote.

..... Nonpublic Session was entered into at 8:00 p.m. and was terminated at 8:12 p.m.

..... Motion by Selectman Maddox, seconded by Selectman MacLean, to hire Timothy Greenwood as Truck Driver-Laborer in the Highway Department at a rate of \$13.94, Grave VIII, Step Minimum, effective May 1, 2005, carried 5-0.

## 10. ADJOURNMENT

Motion by Selectman MacLean, seconded by Selectman Maddox, to adjourn at 8:14 p.m. carried 5-0.

Recorded and Transcribed by Priscilla Boisvert  
Executive Assistant

**HUDSON, NH BOARD OF SELECTMEN**

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**Kenneth J. Massey, Chairman**

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**Teresa Stewart, Vice-Chairman**

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**William P. Cole, Selectman**

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**Kathleen R. MacLean, Selectman**

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**Richard J. Maddox, Selectman**