

HUDSON BOARD OF SELECTMEN
Minutes of the February 22, 2005 Meeting

1. **CALL TO ORDER** by Chairman William P. Cole at 7:00 p.m. at Lions Hall.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Kathleen MacLean.

Chairman Cole asked everyone to remain standing, saying that it was with a sad heart and sense of loss that it was learned today of the passing of Myrna Reynolds in Clearwater, FL at the age of 48 from complications brought on by cancer treatments that she was receiving. Myrna worked in the Finance Department for a number of years as Accounts Payable Clerk and then as the Town Accountant before she and her husband, Mike, who was Hudson's Town Planner, and their three children moved to Clearwater in 2000. He asked for a moment of silence to Myrna Reynolds--a loving wife, devoted mother, true friend and an absolute delight to everyone privileged to know her.

3. **ATTENDANCE**

Chairman Cole stated that, because of the large turnout at the Board's February 8th meeting, due in large part to the issue of the Recreation Department's proposed re-location to Lion's Hall, the Selectmen's Meeting room was determined by the Fire Marshal to be inadequate to safely accommodate everyone present. With that in mind, the Chair felt it to be in the best interest of all interested parties to defer the Recreation Department re-location issue until tonight and change location to Lion's Hall.

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

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Dave Yates, Recreation Director; Mike Regan, Chairman of the Recreation Committee; Anne Lundregan, TEL; Len Lathrop, HLN; about 250-300 in the audience.

4. **PUBLIC INPUT**

Chairman Cole said Public Input has been an element of Town Council and Board of Selectmen meetings for a number of years, implemented to be a privilege rather than a right. It is not a question and answer session, but an opportunity for the Board to receive input from the public and residents of the Town of Hudson. Any request for clarification by any member of the Board is asked to make it through the Chair and not directly to any member of the public who is addressing the Board at that time. There are a number of rules that cover Public Input that have not necessarily been adhered to in a strict vein. It's not his intention to adhere too strictly to the rules, unless the situation requires it. The standing policy with regard to Public Input that has been established by the Board of Selectmen is as follows: Remarks are limited to five minutes per person. Public Input is limited to 30 minutes total, unless extended by the Chair. The speaker must be a Hudson resident, unless waived by the Chair for exceptional reasons. If several people are present to speak as a group on an issue, a spokesman will represent the entire group. Chairman Cole then asked if anyone wished to address the Board.

Lucille Boucher, 5 Jackson Drive, said the Seniors were present tonight to say they want to stay at Lions Hall, including the summer, all year. Several Board members stated they didn't know what went on with the Seniors. She hoped they are more enlightened with the community involvement with the Seniors from the information packet that was given to the Board two weeks ago. She puts out a new letter every month, dropping off copies at Town Hall. She also puts copies in three supermarkets, St. John's Church and Palmer's Market. This news letter tells about their activities. The HLN also has it listed on the second page, under *Scoop's Happenings*. They have been managing and volunteering at the Senior Center two days a week, Wednesdays and Thursdays, for the last 10 years. They are utilizing the closet space, along with the office area. This space area is used for various things, such as their resale shop, books, crafts, hand-made items and second-hand clothes. This area is also open to the public and the proceeds goes toward the building fund. This is also where they store very important items. They also, on occasion, ask for the hall for something special. That is a lot of volunteerism. Also, a comment was made on their (bus) trips, that they could use the schools' parking lots to pick them up. They tried that once and it was a catastrophe. When a bus is scheduled to go out at 9:00, she would open the hall between 8:00-8:15. If they were anywhere else, she could not ask anyone to sit in their car, especially in inclement weather. Being at the hall also gives the individuals a chance to go to the restroom before boarding the bus. A telephone is available for anyone to call in, in case someone has an incident and is running late. As this type of situation has happened, they were happy to have the facilities available to them. About three months ago, she dropped off in the Selectmen's Office a 10-minute video tape from Washington, DC, telling about the advantages of Senior centers and wondered if anyone had a chance to view that tape. She hoped everyone considers her comments, and those of her peers, after which they hoped the Board would waive their policy to allow their attorney, Brenda, to speak.

Dorothy Jacobs, 77-A Wason Road, said she was one of the 197 Hudson residents who were members of the Hudson Seniors. They need the large space afforded them by Lions Hall. The attendance does not go down in the summertime, it goes up. People return from Florida and others are anxious to get out, after spending most of the winter indoors. On Wednesday mornings, they have an aerobics class, with 45 Seniors signed up, which can mean 25-30 cars. At 10:30, they have line dancing, with 52 Seniors signed up for that. That means another 40 cars. During those hours, there are also other activities. In one corner, there is a foot clinic, with two-three people being worked on every 15 minutes by Hospice nurses. That means another six plus cars. Dinner is being prepared in the kitchen, another car or two. Groups socializing in other parts of the room, booking trips, paying dues, signing up membership, playing cards and games—another ten plus cars. From time to time, crafts are done to prepare for Old Home Days, or their fair in October. There are 50 Seniors that volunteer at Old Home Days. To take Lions Hall away from the Seniors would be stressful. Some of then Seniors attend the different activities as

therapy, recommended by their doctors to improve their health. The cost is minimal, so they are able to attend. \$1.50 for aerobics and \$1 for line dancing. The second and fourth Thursdays are meeting days. Members start arriving at 10:00 a.m. to sign in for trips, play cards, visit the nurse for blood pressures, etc. The meetings are 1:00 – 2:30 with an attendance of 80-120 which means 65-70 cars in the parking lot. After the meeting, Bingo is played until 4:30-5:00. All other Thursdays are Bingo days, played from 1:00-4:00 or 5:00 attended by 55-90 people, meaning another 50 cars.

Irene Tremblay, 6 Rose Drive, said she wanted to explain what the Seniors are involved with and exposed to, as Senior citizens of the community. Everyone is aware of what goes on at Lions Hall on the two days that are allotted to the Seniors. However, there are many more functions that go on there that people are probably not aware of. Every year they sponsor a flu clinic. Some years, they have had over 400 people attend. The Seniors do this on a voluntary basis and are there to direct and assist people with the paperwork. Hospice nurses administer the vaccine. Last year, for the first time, they held a medical fair, involving the two local hospitals. They let Seniors know what is available to them and perform some medical tests during their time at the hall. Last year, for the first time, they held a dance for Seniors, which was a great success. Another one is being planned. Recently, Town Assessor Jim Michaud spoke to the Seniors about the new changes on property tax exemptions that may be going into effect. He was very informative and answered all questions that were asked. They have speakers from the State on property tax exemptions and helped the Seniors fill out the forms for the State exemptions. Ruth Morgan, who is referral manager for Service Link of Hillsborough County comes to the Lions Hall once a month. Ruth is the community connection for elders, adults with disabilities and their families. She helps people with fuel assistance, utility bills, and prescription drugs. Sister Denise Charest, coordinator for RSVP, the Retired Senior Volunteer Program, is at the Lions Hall once a month. She has many members with the Hudson Seniors who, in 2004, donated 8,278 hours of volunteer time to the RSVP program. Each volunteer is valued at \$17 an hour by RSVP. This amount to \$140,726 in savings to southern NH and some non-profit organizations, such as the Police Department, the Boys and Girls Club, the Soup Kitchen, Senior Centers, etc. Members of the Police Department and Fire Department are frequently stopping in on meeting days to give them advice or safety and fraud. Services are offered to Seniors with their income tax. Seniors do not sit in rocking chairs, looking out the window, watching the days go by. They are involved, they are active and they stay young and healthy—and they are an asset to the community. She read the following, saying Lucille Boucher forget to read it. “The community dining program in Hudson is now serving two days a week. We generally serve anywhere from 10-120 meals per week to our community diners. We have also provided speakers at our dining programs. Topics included Social Security, elder laws, nutrition, etc. Last year, we served over 52 home-bound clients in Hudson. The meals we serve comprise 1/3 of the daily nutritional requirements. We also serve several diet needs and the diabetic are sodium-restricted. Studies show that elderly people with healthy diets have fewer hospital visits and are to stay home longer and not require nursing home replacements. For many of our home-bound clients, the only person they see is the driver that delivers their meal. Checking on our client’s well-being is as important as the hot meal they receive.”

Rudy Lessard, 115 Bush Hill Road, said he has lived in Hudson since 1982. In that time, he has seen many ups and downs for the Seniors. The Seniors have been organized since 1974. They have grown from 120 members in 1984 to 396 members today, with 197 of those members living in Hudson. The Seniors are very valuable to the community. They run flu shots and foot clinics, medical health fairs, they help with Old Home Days and the Historical Society. They work with the children of this Town on different projects. They provide the veterans at Manchester Hospital with warm afghans made by the group members. The Seniors need their own place. As the owner and operator of a tour bus business, he works for other Senior groups, as well as Hudson Seniors. For the most part, these groups have wonderful facilities that are theirs alone. The Hudson Seniors are currently given two days a week at Lions Hall, and are in fear of losing that. He feels it is time for this Town to help out the Seniors. Many of them are approaching their Golden Years and there should be a place for them to belong. It has been a long time coming and it should be now. (Applause)

Robert Eldridge, 21 Stonewood Lane, said the Lions Hall proposal is not affecting just the Recreation Department’s summer program. He has been involved in Hudson youth sports for 27 years. During that time, the basketball program has grown from about 200 participants to today’s 1,000. Today, the winter basketball program has 76 youth teams, an instructional program and an adult league. They have had player waiting lists, due to the number of teams they can supply practice times to. There is also a volleyball league during the same time frame. The five schools are closed to them for school activities at night time, as well as one night a week, for gym cleaning, eliminating at least sixteen practice slots a week. The recreation summer program has grown over the years to 250 daily participants. That’s a large number of youth to try to keep busy in the current center on inclement days. What he is hearing from the Seniors is not what the Rec Committee is proposing. They are asking the Seniors to use the current Rec Center during the eight weeks in the summer, not to permanently give up Lions Hall as their meeting place. They will have regular use of the hall for the remaining 44 weeks a year. If local contractors are willing to help build a Senior Center, maybe they are willing to enlarge the Rec Center kitchen to help accommodate the Seniors’ needs. If renovated for recreational activities, Lions Hall will create opportunities for all youth and adults to participate in winter and summer programs offered by the Town, as well as continued usage for Hudson’s Senior citizens. What the Recreation Committee is proposing to the Selectmen is for a Town-owned facility be under the direction of the Recreation Director, under which the facility can be used to its fullest potential. He was asking the Seniors to share Lions Hall with the youth of Hudson. (Applause)

Urs Nager, 8 Par Lane, said he was a junior coach. He was speaking about the kids that are covered in the Rec program represent age groups grade two through eight. Both of his children have benefited from this great program. His daughter graduated from the program and is now playing basketball in High School, thanks to Hudson Rec. His son still plays in the league. In the program, kids learn the fundamentals of basketball but, more importantly, they learn the critical values of teamwork, respect and sportsmanship, so it’s no wonder

that so many youth in Town want to participate. The problem has become one of space and time, however. With so many participants, there is a need for more teams, which means a greater need for gym times so the teams can get adequate practice time. In Hudson, teams only receive one hour a practice a week, due to gym availability and since practices are held in schools, practices are lost to holidays, snow days, school events, theater, concerts, etc. Trying to reschedule lost practice time is next to impossible, due to the gyms being in use. As for games, only three gyms are available to Hudson Rec—Hills Garrison, Nottingham West and Memorial—due to space limitations. Increased space could mean more youth being able to participate. Lions Hall could be outfitted with portable basketball nets to make it available for basketball games, therefore helping to alleviate the space crunch that now exists. He urged the Board of Selectmen to accept the proposal to have Lions Hall available to Rec Department use. This proposal makes fair accommodation between the youth and the senior population of Town. This is a win-win for both groups. (Applause)

Shawn Jasper, 83 Old Derry Road, said it was unfortunate that they've gotten into a situation where they are pitting the senior citizens against the youth over a building. That is truly sad for the whole Town. There are a lot of issues to consider and the first was the ethics and morality of taking away something that was promised to the Seniors when the Selectmen used the money that had been put aside for them at Town Meetings for a Senior Center. When Lions Hall became available, and he was on the Board of Selectmen at the time the building was purchased, the Town promised the Seniors that when the Town did not need the building for official Town purposes, that the Seniors would have first priority, that this would be their home. Therefore, it's ethically and morally wrong to do anything that takes that away from them. They've heard the reasons why it's not practical to use the other facility, but he wanted the Selectmen to consider some other things. Lions Hall was built when he was very young, and it was built as a basketball court. But a few years ago, the Board of Selectmen decided that they were going to lower the ceilings. Now, that hasn't happened, but you have a heating system on the ceiling, which is much lower than would be required for a basketball court. He's heard that it would be covered with wire meshing, along with putting something on the walls, but they've got the lights and the TV's and all the things that goes along with that, all of which would not work well in a basketball court. Maybe they could play something other than non-regulation basketball in there, but any game he has seen, the balls go much higher than the current height. He didn't think it makes practical sense to have 250-300 kids at Lions Hall during the summer when it's 80-90 out. They can't go outside because the parking area is all blacktop. There is no grass or area to expand. To march 250-300 kids up the hill to the fields doesn't make a lot of sense. It is not safe, nor a good use of time. The schools have said they are willing to work with the Town to provide the facilities needed. They also saw a couple of years ago a proposal from the Rec Department to add a basketball court on to the building, putting a butler-style building on the Rec facility. That plan wasn't ready to go at that time, but he thinks it has merit and should be thoroughly explored. That should be the first option. He asked the Board to consider all of the ramifications of making the change. It isn't the right thing to do for the Seniors and it isn't the right thing for the children. He thinks there are better options and they can accomplish the goals so everyone can be ultimately satisfied.

Switching gears, he said he called Mr. Malizia Friday about an ad that appeared in the HLN where a Town vehicle was used in an ad. Mr. Malizia assured him that wouldn't happen again, but now he finds a 10-minute "infomercial" on cable access, using Town vehicles to promote a warrant article. He's sure Mr. Malizia wasn't aware of that, at the time. Mr. Jasper said that was wrong, people advancing political agendas, political items, items on the warrant, etc. Property of the Town of Hudson shouldn't be involved in that. He was also offended by a number of other things he saw on that "commercial," using the misfortunes of others, accidents and tragedies. He found that very distasteful and he hoped the Board would take decisive action tonight to make sure this type of behavior ends immediately. (Applause)

Sandra Rumbaugh, 39 Beechwood Road, said when she first interviewed for a position on the Conservation Commission, one of her goals was to open communication between the boards. In this case she failed, which became evident to her two weeks ago at Town Meeting when, without explanation, a vote to put funding into the Conservation fund was reversed. She did not understand a board elected to serve the people of Hudson who actively choose to ignore problems central to many people in Hudson—diminishing open space, over-development, higher municipal and school costs. The Town's Master Plan identifies open space as a priority. The sprawl report by NRPC says Hudson will be built out in 10 to 20 years. They're not talking about future generations, they are talking about her generation. Last summer, a group of people in Town came to the Board and wanted to do something about open space issues. Instead of encouragement and support, time was spent on minor issues—five or seven members; committee or subcommittee; diversity of membership or required number of Conservation members. They ignored attempts to educate the public about open space, said no to raising bonds and no to funding the Conservation fund. She is disappointed, but not resigned. There is a saying dear to her, by Gandhi: "You must be the change you wish to see in the world." She will not give up, nor be stymied by road blocks. She renews her commitment to make a difference and to continue to push conservation and open space issues. (Applause)

Jean Serino, 118 Robinson Road, hoped her friends who are on the Open Space Committee allow her to speak on their behalf. She said after Saturday's deliberative session and the Selectmen's last minute decision to rescind their support of the Conservation Committee's recommendation that 50% of the land use tax be put directly into land preservation they were, to put it mildly, perplexed. They felt betrayed. Some wanted to quit, stating that they could not work with people they could not trust. She did not think it was a surprise that these people could not be trusted; they never have been trustworthy. It is not her intention to try and change any one of the Selectmen. Reason, passion, and good sense have failed to move them. It does not matter that every single town in southern New Hampshire is trying to preserve land.

(Start Tape 1-B)

The Board has shown no respect for people who are really trying to help. As Bob Dylan said, "If you can't lend a hand, then get out of the way." She believes she is the most passionate, most emotional and most frightened of her little committee. She wakes up every morning at 4:00 a.m. It is in those wee hours, in the still of early morning, that she has her most ardent feelings and thoughts. She is sure many people her age in this room, and with her physical pain, endure nights of fear and loneliness, wondering, "What can I look backward to with pride and forward to with hope?" It hit her like a white light that what they are doing to the land is comparable to what the white men did to the Indians. They are committing a genocide upon the land. They are raping and pillaging. She would like to think that her life has somehow meant something. She would like to believe that she protected the defenseless, clothed the poor, fed the poor, that she had respected the land the way the native Americans did. Since the Selectmen have put personalities above principle, defied all that is sacred to her and hers, she only prays that, one by one, with the exception of Ms. MacLean, they are replaced with people who care more about nature and the general welfare than about getting even, holding grudges and, ultimately, trying to control everyone and everything. Now she knows how the Indians felt, and she hoped not to say, with Chief Joseph, "I will fight no more forever." She hoped the Board would say, with General Custer, "Indians, what Indians?" (Applause)

Larry Saulnier, 16 Lions Avenue, opposed the Rec Center moving to Lions Hall. There are about 500 kids who join the Rec Center per year. He was sure they could appreciate the danger of 500 cars traveling so fast on such a small street, two times a day. It is an accident waiting to happen. Would all the parents want a Rec Center in their neighborhood? He used to live on Canal Street, behind HO Smith School. On many occasions, they had issues with the Rec Center, such as trash in their yard, kids in their yard, kids trying to break into their house, rocks thrown at their dog and their house, screaming, swearing and eggs thrown at the house. On Canal Street, the school buffered the sound, but there wasn't anything at Lions Hall—and 500 kids are loud. He has neighbors who work nights. What are they supposed to do? That was one of the reasons they moved away from Canal Street. Now he finds that the Rec Center will be put next to their new house. The road was closed for the Rec summer program and he wondered if that's what they were planning to do with Lions Avenue. On many occasions their children's friends have come over on roller blades, but the Rec councilors made them take their skates off and walk in their socks until they passed the Rec Center. They lived with the Rec in their yard for 10 years, and they have the utmost respect for the program, but as parents and homeowners, they feel that this is unjust. They know from experience that it is hard to contain 500 children, who tend to wander away. Will their pet, property and children suffer again? They never had a problem with the Seniors. (Applause)

Sue LaRoche, 88 Gowing Road, said most Town residents support the fact that the Seniors have a wonderful program. They acknowledge the fact that they run many different programs and they are encouraged to continue. What they are asking is for the Board of Selectmen to look at the building to try to get the maximum amount of use out of a limited amount of space. She cannot understand what the difficulty is in sharing a building. The Seniors' activities are mostly during the day, with occasional evening activities, which will be accommodated. The Rec Department's programs are mostly evening and weekend programs, which wouldn't conflict with the Seniors. The proposed upgrades to Lions Hall would benefit everyone. She asked the Selectmen to think about maximizing the small amount of available space that the Town has, and allow the Seniors and Rec Department to share Lions Hall.

Atty. Brenda Keith of Boutin & Assoc. in Londonderry said she was speaking on behalf of the Hudson Seniors and Ms. Boucher, who jointly retained her law firm. She empathized with the Board, having served on the Town Council in the 80's. It is extraordinarily difficult to make decision where there are competing interests for scarce resources owned by the community. She referred to a letter she delivered on February 8. (Several of the Selectmen said they didn't receive a copy, so Atty. Keith gave them one.) Atty. Keith said in the letter, she points out the genesis of the building and how it came to be purchased by the Town back in 1995. A warrant article was passed by the annual Town Meeting. The appropriation was split into thirds, and 1/3 was from a Capital Reserve Fund set up earlier by several successive town meetings. In 1995, when Town Meeting voted to expend the funds, the Trustees of the Trust Funds, at that time, asked for assurances by the Board of Selectmen that the \$100,000 from the Senior Capital Reserve Fund would be released only if the Trustees had assurances that a neutral observer would affirm, if asked, that a Senior Citizens Center exists and is operational. The funds were released contingent upon the building being used, at least in part, by the Seniors. One could say that 1/3 of the building would be used for the Seniors, but the two days that the Seniors now use the building would probably meet that test, that a neutral observer would affirm that it's being used and is operational for a Senior Citizens Center. They've heard tonight that the Seniors don't want to move and she is hoping that this legal opinion gives the Board the impetus to do the right thing, on behalf of the Seniors. She offered to answer any questions, including any from the Town's attorney later in the week. (Applause)

Ben Nadeau, 15 Chase Street, said he'd like to see the Rec Department use Lions Hall more for basketball, but for the summer program, what the school offered would be a viable option, using the gym and cafeteria facilities, and not displacing the Seniors. The Seniors have all their stuff at Lions Hall and it would be a big project for them to move everything to the Rec Center for those eight weeks, and then back again. Renovations to the hall are needed, so that would be a good thing. He hoped the Seniors would be able to stay where they are, but let the Rec Department renovate the hall and use it for their basketball needs. (Applause)

Robert Dufault, 27 Central Street, said he has lived in Hudson for 38 years, but his wife's family has been here since the late 1700's, so they have an interest in the Town. He finds it disheartening that the Seniors are fighting against the kids and vice versa. These two groups should get together in order to make maximum use of the facility. He understands a Capital Fund was used to purchase part of the building, but that was still part of his tax dollars. He wants to see those tax dollars used wisely. He doesn't see why it isn't possible for

both groups to use the hall. He is closer to the 80 mark than he is to the 16 mark, but he doesn't see it as his responsibility to eliminate one group over another group. Both groups should use the facility appropriately. He has grandkids and they participate in the recreation program. He has seen hundreds of kids using the athletic field at Alvirne, using the school facilities. Lions Hall is open at night and would fit very well with the basketball program. Maybe they could arrange something with the schools so the Seniors won't have to move. They are not talking about driving 200 miles to get from Lions Hall to the Rec Center. It's not a great displacement. He is pretty set in his ways, but he wants to make sure all people get the maximum amount from his tax dollars. (Applause)

Conrad Murphy, 177 Webster Street, said he has lived in Town for over 50 years. He asked why the Town was constantly building 55 and over housing developments. There are six going up around his house. He asked where these people were going to go; they were elderly. The Seniors group was only going to get bigger. He wondered why they were authorizing all of that. Chairman Cole said that question should be addressed to the Planning Board. Mr. Murphy said the Selectmen were the people who were supposed to be running the Town, to which Chairman Cole said that was just a theory. (Applause)

Pat Robertson, Professional Fire Fighters of Hudson, stated he was an out-of-town resident, and wanted to speak on behalf of the Seniors. (Chairman Cole had thought he was going to speak on behalf of the youth, so he recognized FF Robinson, since he afforded the same courtesy to Atty. Keith. When the Chairman realized that "the other side" wasn't going to be addressed, he disallowed the speaker's right to address the Board. However, the audience protested and, at Selectman Massey's request, the Board's 4-1 consensus was to overrule the Chairman, so FF Robinson was allowed to speak.) FF Robinson said he works in Town and the fire fighters deal with the Seniors on a daily basis, including going to their homes for whatever issues they have. From the perspective of his job, it would be taking days off their time if anything is done to disrupt their pattern or take away their activities. They have a routine. They get up at a certain time; they take their medication at a certain time; they take their meals at a certain time. To upset that routine, to move them to the Rec Center for eight weeks, isn't good for them. The fire fighters, as a group, are worried about the Seniors' medical welfare more than anything. On a personal note, the Seniors are the parents of yesterday, who built the Rec Center to what it is today. To displace them isn't right. (Applause)

John Breen, 6 Derry Lane, President of the Hudson Seniors, said they are interested in the youth of the community. In the past, he managed Little League baseball, he managed American Legion baseball and on the Recreation Committee, he fought for the little green building that was there for years for equipment. He and his brother installed the net for the tennis court with a bumper jack. That might not be much by today's standards, but back then, it was a big deal. He worked on the swimming pool on Water Street his last year on the Board and was able to keep it open that season. It closed the next year. He has now reached the so-called "Golden Years," and his life style has changed, especially since his wife of 55 years passed away in June. If it wasn't for his friends in the Hudson Seniors, he doubted that he would be talking tonight. (Applause)

There being no further speakers wanting to address the Board, Chairman Cole declared Public Input closed. Motion by Selectman Stewart, seconded by Selectman Massey, for a recess at 7:55 p.m. carried 5-0. The meeting resumed at 8:05 p.m.

5. CONSENT ITEMS

There was no response when Chairman Cole asked if any Selectman wished to remove any item(s) for separate consideration. Motion by Selectman Stewart, seconded by Selectman MacLean, to receive the Consent items, A-C, as indicated or appropriate, carried unanimously.

A. Assessing Items

- 1) Abatements for 2002, 2003 & 2004 (13 Adelaide Street; 4 Ferry Avenue; 120 Central Street; 39 Greeley Street) w/recommendation to grant.
- 2) 2004 Abatements (14 Village Lane; 17-B Holly Lane; 19 Alpine Avenue; 201 Lowell Road; 137 Ferry Street; 8 St. Anthony Drive; 29-B Lund Dr; 12 Vernon St; 8 Sheffield St; 21 Copeland Dr) w/recommendation to approve.
- 3) 2004 Abatements (14 St. Francis Place; 37 Cottonwood Drive) w/recommendation to deny.
- 4) Veterans Tax Credits (6 Ponderosa Dr; 3 Madeleine Ct; 20 Blackstone St; 43 Old Derry Rd; 3 Stonewood La) w/recommendation to grant.
- 5) Elderly Exemptions (21 Scottsdale Drive; 35 Krystal Drive; 15 Amanda Drive) w/recommendation to grant.

B. Acceptance of Minutes

- 1) Minutes of the Selectmen's Meeting of February 8, 2005 (Refer to file.)
- 2) Minutes of the Special Board of Selectmen's Meeting of February 12, 2005 (Refer to file.)

C. Committee Announcements

Feb 23 7:00 Planning Board in CD Meeting Room
 Feb 24 7:30 ZBA in CD Meeting Room
 Feb 24 NRPC's Legislative Forum @ Anheuser Busch
 Feb 24 7:00 Lower Merrimack Rvr Cmt @ NRPC
 Mar 01 7:00 Library Building Cmt in CD Meeting Rm
 Mar 02 7:00 Planning Board in CD Meeting Room
 Mar 07 7:00 Selectmen in BOS Meeting Room

Mar 08 7:00 a.m.–8:00 p.m. Elections @ Lions Hall
 Mar 09 6:00 Benson Committee in BOS Meeting Rm
 Mar 09 7:00 Planning Board in CD Meeting Room
 Mar 10 6:30 Recreation Committee @ Rec Center
 Mar 10 7:00 Sewer Utility Cmt in BOS Meeting Rm
 Mar 10 7:30 ZBA in CD Meeting Room
 Mar 11 3:00 Library Trustees in CD Meeting Room
 Mar 11 Chamber Dinner
 Mar 15 7:00 Cable Utility in BOS Meeting Room
 Mar 16 5:00 Water Utility in BOS Meeting Rm
 Mar 17 7:30 Budget Committee in BOS Meeting Rm
 Mar 21 3:00 Library Building Cmt in CD Meeting Rm
 Mar 21 6:30 School Board in BOS Meeting Room
 Mar 21 7:30 Conservation Cmsn in CD Meeting Rm
 Mar 22 3:00 Library Bldg Committee in CD Mtg Rm
 Mar 22 Board of Selectmen in BOS Meeting Room
 Mar 23 7:00 Planning Board in CD Meeting Room
 Mar 24 7:00 Lower Merrimack River Cmt @ NRPC
 Mar 24 7:30 ZBA in CD Meeting Room

6. OLD BUSINESS

(Start Tape 2-A)

A. Recognition of 15-Year Anniversary Employee

Nancy Meier, Deputy Town Clerk/Tax Collector, who was hired February 26, 1990, was recognized for being employed for 15 years by the Town of Hudson. Chairman Cole said this was the kickoff of a program the Board instituted at their last meeting, which was to recognize employees who are celebrating key anniversaries with their employment in Town--five, 10, 15, 20 and 25 years. Unfortunately, Nancy was unable to be present this evening, as she was pulling 'grandma duty' this evening with her four grandchildren, which includes a set of triplets. Chairman Cole congratulated Nancy, thanking her for her 15 years of service, adding that they look forward to her continued outstanding performance on behalf of the community. (Applause)

B. Lions Hall/Recreation Center

Recreation Director Dave Yates was recognized, along with Mick Regan, Chairman of the Recreation Department. (Applause) Chairman Cole asked Mr. Yates for a brief overview of the proposal that the Rec Department brought to the Board of Selectmen several weeks ago. Mr. Yates said they started this process in 2002 with a department head feasibility study done that included the Police Chief, Director of Community Development and Fire Chief. They went to different Senior Centers to see what they have to offer. The plan back then was to completely switch the two buildings. The Rec Center was responsible for a greater number of people than the number of Seniors. The present plan has changed and they are now asking the Seniors to trade buildings for just eight weeks in the summer. In March 2004, there was a petitioned article for a \$350,000 addition to the Rec Center, but that was defeated. In October 2004, they proposed a Recreation Center expansion that didn't make it through the Selectman's budget process. That is when he came up with this proposal. They have tried other alternatives, to no avail. They need to do something to accommodate the growing number of youth that want to participate in Town programs. They get some cooperation from the schools, but it's not enough. On January 25, he brought up the issue of overcrowding. Last year, the summer program had 560 children with an average attendance of 250 per day; some days, over 300. The occupancy limit at the Rec Center is 200. To exceed that is just asking for problems, with safety being the number one issue. When he took over the basketball program seven years ago, there were 520 children playing. This year, they had 860 and the number continues to grow. The schools give what they can, but the Rec Department is constantly bumped out. The soccer program is not an issue because they have the use of Alvirne's outdoor fields. The Rec Dept. uses Lions Hall for youth dances, adult comedy nights and movie nights. Over 400 children attend the dances and there were close to 350 people at the last comedy night. Nothing will change at Lions Hall, with the exception of the eight weeks in the summer, which would affect the Seniors. Lions Hall will still be used by the Quilters, Women, Infants & Children, Fright Night, blood drives, Boy Scouts, Town Meeting, Town voting, Santa's visits. They are asking to use Lions Hall on evenings, weekends and the eight weeks in the summer.

They have \$114,000 in the Planning Board Recreation Fund for site improvements at Lions Hall. They would put in a new floor, move the duct work up over the ceiling, where it should be, which would take about two weeks to accomplish. Metal grating would be installed over the lighting and they would use portable basketball hoops, so there wouldn't be anything attached to the ceiling. They can be wheeled away and stored in a back room. If the Board approves the Rec staff relocating to Lions Hall, they would improve the offices, such as painting, carpeting, replacement windows, etc. The proposal, if approved, would expand the youth and adult recreational programs and it would improve the facility, which is way underutilized. The building will be fixed up with no additional cost to the taxpayer. The current revenue of Lions Hall is about \$15,000 and he is confident they can cover

the cost with the revenue they bring in. The proposal stipulated that the hall would be turned over to the Rec Department's control, effective May 1, 2005. At their previous meeting, the Board's reaction seemed positive. They had some questions and wanted the Rec people to speak with the Seniors, which they did. The Seniors were firm in wanting to remain at Lions Hall. The Rec people were firm, too, believing that the proposal was a fair compromise. The Selectman had also asked for an itemized list of the improvement costs, which he supplied. Anything over \$10,000 will go out to bid, but the estimates were pretty close. The total cost of the improvements is estimated to be \$91,000.

Another issue that came up at the previous Selectmen's meeting was the use of the current Rec Center. He thought that could be used as a meeting center for different smaller groups in Town—Hudson Snowmen, Recreation Committee, Boy Scouts, Girls Softball, Youth Baseball, Hudson Bee Keepers, etc. Between the two buildings, they can accommodate all recreational uses for now. Five years from now, Lions Hall may be too small. Mr. Regan said the last thing they want is to battle with the Seniors. They are all a part of the Town and want to use Lions Hall in the best possible way.

Selectman MacLean asked Mr. Yates to tell the Board about the discussions he had with the Principal at HO Smith School and the School Board about using the school. Mr. Yates said yes, he did speak to the Principal about using HO Smith School for the summer program, if the Board did not approve his proposal. They would use the gym because it is sealed off from the rest of the school, but not the cafeteria, which opens up the whole school, and they don't need the children running around the school. They could use it for the first seven weeks of the summer program. After that, they need to start cleaning it for the upcoming school year. Selectman MacLean the alternative offered by the school would be a big improvement over the previous summer. Mr. Yates said even on a non-rainy day, the current Rec Center building is too small. They try to do a movie day, but are turning kids away. They continue to stay outside and play. Using the school could possibly work, but that is just another quick Band-Aid fix.

Motion by Selectman Stewart, seconded by Selectman Maddox, to approve the Rec Committee's proposal dated February 2, 2005 for the first day of the Rec usage of Lions Hall June 29, 2005.

Selectman MacLean asked if this meant this would be the Rec Department's facility, starting June 29, full-time, year-round. Selectman Stewart said no, just for the summer program, as stated in the proposal. Selectman MacLean asked if the motion didn't, then, include the renovations. Selectman Stewart said yes, it did. Chairman Cole asked Mr. Yates to refresh everyone's memory of what the proposal was. Mr. Yates said the Rec Center program would begin this year on June 29 and run through August 24. However, he didn't know if Selectman Stewart was going to make another motion for use on evenings and weekends. Selectman Stewart said that was all covered within the proposal—winter basketball, renovations, etc. Selectman MacLean said she would support making the renovations for the Rec Department to use the hall. It would be a great asset and worth doing, but after hearing the fire fighter from out of Town, she adjusted her thinking a bit. Kids are much more adaptable. They want to run around and have fun and don't care where the summer program is. She knows it would be just for one summer, but it is more stressful for Seniors to have to move around--and feel they have been kicked out, although that wouldn't be the case. She thinks the Rec Center would be a great place for their group, for the first summer, a nice transition, and the kids would be happy. She applauded Dave for trying to do what is best for everybody. During the year, perhaps the Rec Department could sponsor programs for the Seniors at the Rec Center, so the Seniors would feel welcomed on a friendly basis, see and use the building, and they might find that they love it. They could do things together, so it wouldn't be two groups, but one group—a town, a community. She would like to see the kids stay at the Rec Center; use the school, a great place to play, a great improvement over last year. They will love it, and they can use Lions Hall to play basketball and all the other things.

Selectman Massey said, for the record, in the early 1990's, the Town created a Senior Center Capital Reserve Fund and over several years, voted to put tax money into that fund. In 1995, when the Town purchased Lions Hall for \$300,000 the Board of Selectmen, at that time, opted to fund it from three sources—the 1996 budget; the available monies in the Senior Center Capital Reserve Fund; and the Town Surplus, at the end of June 1995. In April and May of 1995, the Trustees of the Trust Funds wrote a letter to the Board of Selectmen, indicating they would only release the funds from the Capital Reserve Fund for the Senior Center if the Board of Selectmen would approve stipulations indicated by the Trustees, the key stipulation being that a neutral observer would affirm that there was a Senior Center--but additional information was that because the Senior Center Capital Reserve Fund was only producing some portion of the money, it would be available on a regular basis. So the Seniors do have a legitimate right to the facility, but it's not exclusive and it's not 24/7. Fridays are available during the daytime, if the Seniors choose to ask for it. Mondays and Tuesdays are theirs for the asking, with the exception of the committed dates for other organizations, such as the Police blood drives, Town elections, Hannah Dustin Quilters and the Women and Infants program. Other than that, all other time is available on a first-come, first served basis. At this point, he is in favor of moving to the Rec Center, but he's mindful of conversations he has had with members of the Board over the last two years. He does not want to act in haste and repent in leisure. Tonight is the first time he saw Atty. Keith's letter, so he is not prepared to make a final decision without having an opinion from the Town's attorney. There is a need for both groups to be accommodated. No matter what goes forward, he will only support this as being the Hudson Community Center, not the Recreation Center Building, and would continue to be scheduled by the Community Development Department. He would prefer to bifurcate the motion and have it treated in two pieces. The first would be to vote on September 1 to June 29 (for basketball), and after a discussion, he'd ask to

postpone until they get a ruling from the Town's legal counsel on the summer program.

Chairman Cole said there already was a motion on the floor, but he would accept an amendment to defer. Selectman Massey said that wouldn't suffice because they want to accommodate the basketball program. Chairman Cole asked if he wanted to offer an amendment. Selectman Massey said his motion would be to approve the use of this facility for the Recreation Department from September 1 to June 30. If that passes, he'd be prepared for another motion. Otherwise he will vote no on the motion, without a legal opinion. Chairman Cole asked Selectman Massey to restate his amendment. Selectman Massey moved to defer until March 7, pending a legal opinion. No one seconded it, so the Chair did not accept the motion. Selectman Massey said there was information presented tonight, and he didn't want to wind up in uncharted waters. The School Board did have a consensus that they were willing to expand the summer program. On that basis, the dynamics changed considerably and was unwilling to support the motion. The information brought to them tonight would compel him to say they shouldn't act in haste tonight.

Selectman Maddox feels that the numbers are the real driving force. He understands that the Seniors use the building, but there is a drastic need to expand the Rec program. There are around 2,500 school kids between Grades 1 – 8 that could use the Rec summer program, by the Seniors working with the Board to relocate for those summer weeks—not an unrealistic expectation. It's a case of a private club using this facility. For 44 weeks, the Seniors can use Lions Hall for as many days during the week as they so desire, if it's available, and to give the building to the Rec Department for a much-needed expansion of their programs.

Chairman Cole asked for a clarification of the motion by Selectman Stewart. She said her motion was to approve the Rec Committee's proposal dated February 2, 2005 for the first day of the Rec usage of Lions Hall to commence on June 27, 2005 through August 19, 2005. Chairman Cole asked if that would include the renovations. Selectman Stewart said everything. Chairman Cole asked if her second motion related to Lions Hall becoming the base of operations for the Rec Department. Selectman Stewart said no. Chairman Cole said the proposal was for the Rec Department to move its operation, in total, to this building. He asked if that was included in her motion, because that was part of the documentation in the memo she referred to.

(Start Tape 2-B)

Selectman Stewart said her second motion was to rename Lions Hall to the Hudson Community Building. The winter basketball program would be here. Some of the Rec activities would still happen at the Rec Center, such as the Tots play group, the Merrimack Valley Bee Keepers, etc. Chairman Cole said what he was trying to get at was the basketball program which has implications for evenings and weekends. Selectman Stewart said that was included in her original motion.

Selectman MacLean wanted to divide the motion because she supports half of it, along with Selectman Massey. Chairman Cole asked if she was making an amendment and, if so, to state it. Selectman MacLean said the motion on the table is to convert the hall beginning June 29, the date it changes, which she supports, but she does not support the part about the summer program. She is trying to make it clear so people understand there are two issues—making the building the Recreation Center and having the summer program here, and putting the Seniors in the Rec. Those are two separate issues. Chairman Cole wasn't quite sure of the amendment, and asked Selectman MacLean to state it. Selectman MacLean said she wanted to amend the motion to a shorter version start and have it to be to move the summer Rec Center program to Lions Hall, and have the Seniors go to the Rec Center for the weeks of June 27 to August 29. There was no second, so the Chairman did not accept it. Selectman MacLean said she wanted to go on record as supporting Lions Hall becoming a recreational facility, but she didn't support having the Seniors go to the Recreation Center, as it is now down the street, for the summer. (Applause) Selectman Massey asked, if the motion passed, if they were talking about moving the Rec Center offices to Lions Hall. Chairman Cole said yes, that was part of the proposal.

Amendment by Selectman Massey, seconded by Selectman Maddox, that the Rec Center main offices will continue to be in the existing Rec Center building.

Selectman Massey said he wanted to make it very clear that this should be called the Hudson Community Building, and in order to make sure there is no ambiguity as to who is the tenant of that building, he didn't want it to ever become the Rec Center as the defacto owner of the building. (Applause) As long as they are talking about continuing to use the Rec Center building as a Rec Center facility, they should keep their main offices there. Selectman Stewart said during the weeks that the Rec Center is at Lions Hall, they need to maintain the children's records, so they do need access to office space for about eight weeks. Some of their documents are confidential and can't be in a file cabinet in the back corner. She supported keeping the main office at the Rec Center for the rest of the year. Selectman Massey said there was no problem to locate a satellite office at Lions Hall.

Vote on the Amendment carried 3-1. Chairman Cole was opposed; Selectman MacLean abstained.

Chairman Cole said the resolution by the Town Council that established the Capital Reserve Fund back in 1992 was sponsored by none other than him and it talks about acquiring a building for a Senior Citizens center. It was never his intention, nor the intention of the majority of the Council in those days, to split a building into portions. He recalled that later on, when the Board of Selectmen purchased Lions Hall, he thought it was an idiotic idea to take money from the Seniors Capital Reserve Fund to fund a portion of the building; there is no such thing. He always thought the goal was for a separate, stand-alone facility for the

Seniors. He didn't think anyone in their right mind was against that. He always felt it was foolish of the Board of Selectmen, at that time, to do that, which violated the spirit of the resolution, if not the letter, which says, "the acquiring or building of a Senior Citizens Center." It doesn't say 30% of one or 40%. It says "Center"—100%. He echoed the sentiments of Selectman Maddox. The Town has a problem. They are bursting at the seams. He has heard that this is a battle between the elderly and the young folks. That's hogwash. There are individuals out there, trying to set that up in the public's mind, but that is hogwash. That is not the issue. He believed that the Seniors have love, admiration, respect and hope for a future for the youth. (Applause) He also believed that the youth have the highest regard and respect for the Seniors. (Applause) But there is a problem that has been around for a long time, and they have to take some action on it. He has been involved in this issue, on and off, since the early 1990's. They are bursting at the seams and they have to make some accommodations, hopefully, for the short term. The Board and the Town have to come to grips with facilities, activities and opportunities for the youth and for the Seniors. That's a fact of life for this and subsequent boards who will be responsible for making that happen. He will be supporting the motion.

Vote: The amended motion to approve the Rec Committee's proposal dated February 2, 2005 for the first day of the Rec usage of Lions Hall June 29, 2005 through August 19, 2005 and that the Rec Center main offices will continue to be in the existing Rec Center building carried 3-2. Selectmen Massey and MacLean voted in opposition.

Applause followed the vote. Chairman Cole hoped the applause was for the entire community and they can, in the future, possible solve the problem so that it accommodates everyone's interests and leaves no negative feelings in anyone's mind.

Motion by Selectman Stewart, seconded by Selectman Maddox for a recess from 8:50-9:00 p.m. carried unanimously.

Motion by Selectman Stewart, seconded by Selectman Massey, to rename Lions Hall the Hudson Community Building, effective immediately, carried unanimously.

Selectman Stewart said it was with a heavy heart that she made the motion, because she remembers the 60's when the Lions Club built it, so this will probably still be called Lions Hall, although the name may be officially changed.

C. Public Hearing for Receipt of a Donation (\$1,700 from Kevin McGuire for Animal Control Facility)

Chairman Cole opened the public hearing at 9:00 p.m. and asked if anyone wished to speak. No one did, so he closed the hearing.

Motion by Selectman Stewart, seconded by Selectman MacLean, to accept the donation to Hudson's Animal Control Facility, with the Board's thanks and appreciation.

Chairman Cole said this amount represents the nickels, dimes, quarters of countless people, given over the years for the animal shelter. Whether it is called a shelter or a facility, it is the same. This represents the honest endeavors by a great many people to do something for Hudson's furry friends. Selectman Maddox asked what fund this would go into. Chairman Cole said into a designated donation fund; not part of the Police Department's budget. Selectman Massey said the Chief has in mind some additions to the building that weren't able to be done with the original funding that needs to be done, some fencing, etc., so it will be for that type of work. The donors were told that's what it would be used for, not for food or other similar things.

Vote: Motion carried 5-0.

7. NEW BUSINESS

A. Request to apply for a Grant to fund the Hudson Police Department's participation in the "Join the NH Clique" Seat Belt Enforcement Program

Town Administrator Steve Malizia said this was an annual program the Police Department has participated in, recommended by the Highway Safety Committee, which is an effort to ensure people comply with the seat belt law for the safety of children.

Motion by Selectman Stewart, seconded by Selectman MacLean, to authorize the Police Department to apply for the aforementioned grant carried unanimously.

B. Conservation Commission Grant Agreement—Ottarnic Pond

Chairman Cole recognized Conservation Commission members Jim Battis and Linda Kipnes, along with Carol Dolloff from the Ottarnic Pond group. Selectman Massey understood this was a matching funds grant, with half from the Town in the form of the Conservation Fund and the other half from the group that applied for the grant that they listened to last fall and the money itself, the match, is coming from the State. Mr. Battis said that was correct. Selectman MacLean didn't think it was the group that

came before them the last time for a feasibility grant. This is separate. She was told that was correct. Mr. Battis said, as with Robinson Pond, there is a group that is establishing itself as the Friends of Ottarnic Pond and they are the people who will be working on issues for that area. This is part of their efforts. Selectman MacLean thought it was great. Chairman Cole asked who would administer the grant. Mr. Battis said the Town. There are two contractors who are authorized to do this type of work, so a contract will be let with one of those two companies. Chairman Cole asked if the total was \$10,000. Mr. Battis said that was correct. The Conservation Commission voted to put in no more than \$5,000. Chairman Cole said he had an abutters notice from Aquatic Control Technology, which is one of those two companies, saying that the Hudson Conservation Commission has contracted with them. He asked if there was a contract for \$10,000. Mr. Battis said not that he knew of. Ms. Dolloff said yes, there was. They did put the job up for bid because the State was matching the funds, so they were forced to take the lowest bidder, which was Aquatic Control. The contract was signed and they applied for the proper permits. Chairman Cole asked, if the contract didn't materialize, if the Conservation Commission would kick in another \$5,000. Ms. Dolloff said their group asked the Conservation Commission for half of the amount, but she was unaware that the State does not give the funds until the project is completed. Therefore, she had to go back to the Conservation Commission and explained that her group may need all of the money, but the Conservation Commission would be the recipient of the grant. Chairman Cole said they had a contract with a company for \$10,000 but the Conservation Commission authorized only \$5,000. He wondered who paid the other \$5,000 if the grant was not awarded. Mr. Battis believed the motion was that expenditure of the \$5,000 would be contingent on obtaining the other \$5,000 non-Town of Hudson funds. The implication was that if the group could produce \$5,000 through the State grant, then they would expend \$5,000. If they do not get the grant, the Conservation Commission would not authorize the \$5,000, unless the group can raise it by other means. Chairman Cole asked who signed the contract with Aquatic Technologies. Ms. Dolloff believed either Mr. Quinn or Mr. Sommers did. Chairman Cole said his concern was that they have a contract for \$10,000 but they only have \$5,000 for sure. Ms. Dolloff said they have the promise of matching funds in writing. Selectman Maddox said the grant agreement limitation is \$4,780.50 so they still are going to be short. Ms. Dolloff said the contract price is \$9,575. They just rounded it off to \$10,000 for convenience. Chairman Cole asked when the grants will be awarded. Ms. Dolloff said they were awarded in January, but they don't have any paperwork, other than the commitment from DES.

Motion by Selectman Stewart, seconded by Selectman Massey, to authorize the Conservation Commission to enter into a grant agreement with NHDES for the purpose of controlling exotic aquatic weeds at Ottarnic Pond, carried unanimously.

8. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Terry Stewart, counting the days to her vacation, was concerned about a video that was shown on the local access channel last night that former Selectman-State Rep-Budget Committee member Shawn Jasper alluded to it earlier. She thought the past practice of "giving it to Coleman and he will show it" was discontinued. This video used Town-equipment to support a warrant article. This is poor practice and sets a bad precedent and should be addressed this evening. Selectman Massey said there have been two infomercials using Town property. One has been addressed and the Fire Chief needs to address the second one.

(Start Tape 3-A)

Ken Massey said the schedule for the entire contract negotiations with Pennichuck Water is such that they will be bringing to the Board's first meeting in April the terms and conditions that the negotiating team has worked out with Pennichuck. The details of the contract have been completed and they are expecting to get a proposal from Pennichuck on March 1. They anticipate bringing the original terms and conditions to the Board's first meeting in April, with a signed agreement no later than July 15.

Progress is being made with the intersections of Chase and Central and Library and Central. They received 10 proposals to do the design and feasibility work, evaluated by Town staff and him, winnowed down to three. Those three companies will be notified to bring in their best shot at getting the business. Right now, the anticipation is for the contracts to go before the Board at their last meeting in April. The 10 proposals, and the three recommendations, are in the Selectmen's Office. They also reviewed the proposal for extending sidewalks from Megan Drive to Evergreen Drive. 12 companies sent proposals, winnowed down to three, also in the Selectmen's Office. The intention is to bring them to the Board at the second meeting in April. The price will be negotiated by the State with the winning design team.

Kathleen MacLean thanked everyone for guiding her so patiently this past year.

Relative to cable, she read the following prepared statement: "As the liaison to the Cable Committee, I wanted to inform the Board that, although the new policy and procedures have not been adopted, the access channels have been airing tapes under the old policy which, technically, is no policy. However, the Cable Committee has conferred with the Cable Consultant, and he has informed us that he has been accepting tapes and airing them under the common practices used in the past. In general, the Consultant uses his good judgement in upholding the First Amendment. The Cable Utility Committee unanimously voted that 'until a new cable policy has been approved, the business of the cable community access channels should be done under what was considered common practice for the past five years.' There has recently been questions about possibly airing an informational tape, submitted by the Conservation Commission, and the actual airing of a political message from the fire fighters. Keep in mind that these actions reflect the past common practice of the Consultant. I would like to remind the Board that the Consultant is contracted to be an independent contractor and is not regarded as an employee of the Town or the Selectmen. I want to be sure that the Consultant, who is directly subordinate to the Board of Selectmen, and not the Cable Utility Committee, is fully aware that the Board of Selectmen is in agreement with the aforementioned motion and does not prohibit, nor

will prohibit the airing of any tapes the Consultant, in his past common practice, would find acceptable.”

Motion by Selectman MacLean, seconded by Selectman Massey, that until a new cable policy has been approved, the business of the Cable Community Access channels should be done under what was considered common practice for the past five years.

Selectman Massey said, given what he has learned over the last three or four months, he is not inclined to say no to any tape right now, simply because he didn't want to wind up in a Donnybrook over suppression of free speech. He thinks the Cable Committee needs to exercise some very strong and impartial jurisdiction. It has to be absolutely clear that when somebody sees something on those three channels, they know whether it is an official action of the governing body, whether it be the school or Town, or public input. The only way to guarantee that is that all public taping, or broadcasting/cablecasting, for public articles should be on a single channel, so it's very clear that if you're looking at that channel, you are seeing something that does not reflect the position or opinions of either the school or the Town. Right now, they get put on any channel and he's concerned that they are confusing what those three channels are supposed to be about. He would not necessarily say they should confine it to a single channel, but he thinks that throughout the entire cablecast, there should be a stringer on the bottom of the screen that says, "The views expressed here are those of the producer and they do not necessarily reflect, nor embody the policies and opinions of the governing body." He would support the motion because he is not in a position to say no, given that they've apparently been saying yes. Over the last three months, he assumed—and shame on him for assuming—that they had suspended all activity. That's why he supports the motions; and urges the Cable Committee to get that policy as fast as possible.

Amendment by Selectman Maddox, seconded by Selectman Massey, that the Producer Liability Statement is filled out, effective February 22, 2005, carried unanimously.

Chairman Cole said he, too assumed they were maintaining a status quo until such time as the policy and procedures were approved by the Board. He was shocked to learn they were putting additional tapes on the air, and is sadly disappointed in the Cable Utility Committee, which was established with the hopes of giving some teeth, responsibility, direction, authority, etc. to do a job that had been neglected in the community since access TV began. It is very disappointed that they decided to leave it up to something called 'past practice,' which he wasn't sure what it meant. While he is sympathetic to Selectman Massey's philosophy, he's not sure he wants to accept any and all tapes that come in because of possibly bumping of heads with the First Amendment, or the Ethics Committee.

Selectman MacLean said the Consultant receives tapes and uses his good judgement in airing them. That is the status quo. She said she is guilty, herself, and the reason why she raised this issue in the first place about the Conservation Commission tape. Right now, there is no tape, and she didn't know if there was one, but somebody asked about the possibility of giving it. She didn't know because they didn't have any adopted policy—and that is what started this question. The fire fighter tape came in today or yesterday. At their last meeting, the Consultant was quoted as saying that that policy has worked for the past five years. She said the new policy is ready and can come before the Board on March 7, and if that was in effect now, the tapes would be accepted and aired. Whether they go by past practice or future practice, tapes would be aired. She will vote in favor of the amended motion. Selectman Maddox didn't think they wanted to play with the First Amendment, but there needs to be clear identification on public access television that they are the opinions of the producer and not of the Town or any of the governing bodies. They need to put that as a crawl on the bottom or as a routine screen as it comes forward.

Amendment by Selectman Maddox, seconded by Selectman MacLean, that any tapes of a non-educational or governmental nature will be played on the public access channel and clearly denoted that this is the public access channel and the opinions are those of the producer and not of the Town of Hudson or any of its governing bodies.

Selectman Maddox said they do have a quasi-process right now, but it needs to be balanced with the need to make people aware that it's not sponsored by Town Government. It needs to be clearly identified as public access. He is sure the Cable Utility Committee can find a way to do that, and whatever comes forward, comes forward. Selectman MacLean asked the Consultant if that was doable. Mr. Kelly indicated in the affirmative. Selectman Massey said however the Cable Committee implements it, it has to be absolutely crystal clear that when something is being broadcast it is either a public cablecast or it is the official workings of the governmental agencies--any Board of Selectmen meeting, any ad hoc meetings they choose to have broadcast, the Planning Board or the Conservation Commission, those would be a governing body action. But if one of those entities wanted to pursue a specific course of action, such as promoting a warrant article, that is outside the bounds of a governing body and it becomes a public access point. It has to be very clear to someone who is watching it that they are watching something that is someone's private opinion, or they are watching something that is an official government act.

Chairman Cole said the status quo he was referring to had to do with what they were currently showing on the channels--School Board meetings, Selectmen's meetings, the Baptist Church tapes, etc. One of the reasons the Cable Utility Committee was brought into being was to take the onus off of the consultant of having to make those decisions. While the Board was waiting for the policies and procedures document to be approved, it was his hope that the Committee would be running the show, with regard to what was getting on. He disagreed that these tapes would have been played if the policies and procedures were in place right now. The tape submitted by the fire fighters union might not have gotten by the Cable Committee, since it used Town equipment. It was inappropriate, shameless and should never have been on. He will be talking to the Fire Chief and the President of the local union with regard to this issue. He asked for a

consensus of the Board, until there is an approved policies and procedures in place, who they wanted to be making the decision of what gets shown—the Cable Utility Committee, the Consultant or the Selectmen. Selectman Stewart said the Cable Utility Committee; Selectman Maddox said the Cable Utility Committee; Selectman Massey said “the motion, as on the table;” Selectman MacLean supported the motion that was on the table; Chairman Cole said the Cable Utility Committee, adding that he thought that was one of the reasons they were brought into order.

Selectman MacLean said the Chairman said the reason the Cable Utility Committee was formed was to take the onus off of the Consultant to make all of the decisions. She thought the Cable Utility Committee has worked hard and did a magnificent job in putting everything all together, but to keep in mind that the Consultant, making decisions in the past, never ran into any problem. It wasn't until the decision was made for the Consultant that they ran into the big problem. Selectman Massey said, even if this passes, he didn't want to hear that the Conservation Commission can't put their tape on the channels.

Vote on the amendment carried 5-0.

Chairman Cole asked the Recorder to read back the amended motion. She deferred to Selectman MacLean, who complied. Chairman Cole asked if she meant by “past practice” that the Consultant would be the person who made the decision on whether or not to play a tape. Selectman MacLean said yes, that is the way it was done in the past.

Vote on the twice-amended motion that until a new cable policy has been approved, the business of the Cable Community Access channels should be done under what was considered common practice for the past five years; that the Producer Liability Statement must be filled out, effective February 22, 2005; and that tapes of a non-educational or governmental nature will be played on the public access channel, clearly denoted that this is the public access channel and the opinions are those of the producer and not of the Town of Hudson or any of its governing bodies carried 4-1. Chairman Cole voted in opposition.

Motion by Selectman Stewart, seconded by Selectman MacLean, that effective immediately to not allow the use of any Town-owned equipment, trucks, recordings, photos or Town facilities be used in any ads or videos or fundraising activities by any group in the Town.

Selectman Stewart said they had this discussion a few years back when one unit wanted to use their union banner on Town-owned equipment for fund raising. It was disallowed, but it wasn't clarified to cover everything. The video over the weekend is a good example of why they have to button this up. Another group showed Town equipment in an ad. This covers the whole gamut. Selectman MacLean asked if this should be incorporated in the Cable policy. Selectman Stewart said no, this was a Board policy, putting all Town groups on notice relative to this issue. Selectman MacLean asked if someone submits a tape, and they sign the producer's liability form, how they were to be made aware of the policy because she sees ads in the paper, people who are running for office. Selectman Stewart said this is basically addressing the video that was shown on TV over the weekend, and the print ad that was in the newspaper over the weekend. Those are two good examples of Town-owned equipment/facilities, or recordings—tape recordings—are also property of the Town of Hudson, whether it's the Fire or Police Dispatch. Town property should not be used in any advertisement, print or video. Selectman MacLean understands the concept, but asked what would happen if someone gives a tape to the Consultant or the Cable Utility Committee, and they sign off on it, and it airs, and then they find out there is something in there. Chairman Cole said this could possibly be included as a parameter in the Policies and Procedures manual, but they can't cover the other side, the print media. Selectman MacLean asked if they should impose fines. Chairman Cole said that could go on the next agenda.

Selectman Maddox agreed that what happened probably wasn't the best idea, but trying to put a policy in place tonight might not be, either. He suggested that the Town Administrator meet with the department heads and come up with a plan. They may want a piece of Town equipment behind something for a fund raiser. The motion is too all-encompassing. Mr. Malizia suggested adding, “without the express written consent of the Board of Selectmen,” so if someone has a legitimate request, it can come to the Board. Selectman Stewart accepted that as an amendment to her motion. Selectman Massey said he has an ad that shows the Town Seal, which he plans to remove.

(Start Tape 3-B)

Vote on the amended motion that, effective immediately 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.

Rick Maddox said there was a point raised earlier about older persons housing; it's the market and the developers are responding. About two years ago, the School Committee was invited to use the Selectmen's meeting room so their meetings could be broadcast. He thinks it is now time to invite the Library Trustees are invited to do the same, since they, too, use taxpayer funds. They are a separate elected body, separate from the Board of Selectmen, and it might be good to have their meetings televised. Chairman Cole asked if that was a motion. Selectman Maddox said it was a suggestion to the Library/Cable liaison. Chairman Cole felt that if the Library Trustees were interested, they could submit a written request to the Board for consideration. The Board of Selectmen voted unanimously to raise the tax exemption for Veterans, so he was confused when he read the HLN's *Thumbs* column. It was nice to see all of the seats filled tonight. It was a shame that it was of the contentious types, but it was nice to see that democracy works, even though it might not be fast, or beautiful.

Bill Cole said the Sgt. Bianchi of the Police Department has been selected as the 2004 Officer of the Year by the Hudson Junior Woman's Club. Sgt. Bianchi is being recognized for his sustained outstanding performance of duty as a member of the Police Department, most notably his work with the Explorers and the Department's Technical Accident Reconstruction Team. There will be a presentation to honor Sgt. Bianchi on Wednesday, 9 March at 7:45 in the Police Community Room. Chairman Cole extended congratulations to Sgt. Bianchi.

Chairman Cole asked for consensus about scheduling a goal-setting workshop for April 5 at 6:30 to begin looking at pro-active activities, instead of following the historic trend of being a reactive board. The Board agreed with the date, time and concept. It will be an open meeting, but primarily for the Board and Town Administrator. Subsequent meetings would include other boards. Chairman Cole said neither he nor Selectman MacLean will be at the March 7 meeting. Selectman Maddox asked the Chairman to put in a plug for Candidate's Night, which he did. It is tomorrow night, Wednesday, February 23, at 7:30 at the Hudson Community Building, the former Lions Hall.

9. NONPUBLIC SESSION

Motion by Selectman Stewart, seconded by Selectman MacLean, to enter Nonpublic Session pursuant to RSA 91-A:3 II 91-A:3 II (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community, carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:57 p.m. and was terminated at 10:30 p.m.

10. ADJOURNMENT

Motion by Selectman Stewart, seconded by Selectman MacLean, to adjourn at 10:30 p.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert, Executive Assistant

HUDSON, NH BOARD OF SELECTMEN

William P. Cole, Chairman

Teresa Stewart, Vice-Chairman

Kathleen R. MacLean, Selectman

Richard J. Maddox, Selectman

Kenneth J. Massey, Selectman