

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

1. **CALL TO ORDER** by Chairman William P. Cole at 7:00 p.m., following an attorney-client session that started at 6:30 p.m.

2. **PLEDGE OF ALLEGIANCE** was led by Chairman Cole.

3. **ATTENDANCE**

**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; Sean Sullivan, Director of Community Development; Shawn Murray, Fire Chief; Toni Weller, Library Director; Ray Rowell; Leo Bernard; Howard Dilworth, Jr; Tim Quinn; Michelle Champion; Linda Kipnes; Elaine Brody; Jane Bowles; John Knowles; Ben Nadeau; Brynn Campbell; Sandra Rumbaugh; Jean Serino; Anne Lundregan, TEL

4. **PUBLIC INPUT**

**Elaine Brody, 148 Webster Street,** on behalf of the Library Trustees and Building Committee, spoke in favor of the petitioned article for library expansion for \$220,000. Over the past eight years, they've taken several steps in the expansion process. This article will enable them to take the next step. In 1997 and 2002, they had library needs assessments. They purchased the properties at 47 and 49 Ferry Street and engaged an architect for feasibility and conceptual drawings. The petitioned warrant article will allow them to move to the next phase, which includes schematic design, site assessment, building HazMat assessment, geotechnical assessment and design development. Passage of this article will allow them to continue working toward the completion of this long overdue expansion. The phases they will be able to complete will give them all the information necessary to present a clear and complete project to the voters in March 2006. In addition, it will give them the money to go forward with a capital campaign to raise private monies to help offset the cost of the project. The tax impact will be 9¢ per \$1,000 of assessed valuation, or \$22.50 for a home assessed at \$250,000. This is a little more than the cost of a book from a book store. She urged support of this article with a positive recommendation to the Hudson voters.

**Michelle Champion, 7 Chiswick Road,** spoke on behalf of the two petitioned warrant articles relating to conservation and land preservation. They want to put 50% of the money from the Land Use Change Tax into the Conservation Fund. They are seeking to get a reliable source of funding for open space protection and the mechanism the State has set up is the Land Use Change Tax Fund. Under this RSA, the community may vote to place all or part of the revenues collected into the Conservation Fund. Many New Hampshire communities, including most of those around Hudson, have used this method to fund their open space effort, and they have been fairly successful—much more so than Hudson. In 1999, the Town did take a step in this process by passing a warrant article to establish the Land Use Change Tax Fund. The stated intention was that, “the Selectmen propose to seek annual authorization from Town Meeting to appropriate monies from the fund to purchase open space land for conservation purposes.” The Town, over the past few years, has used money from the fund to purchase development rights to the Hills Farm and the easement on the Ingersoll property, but they have not made the annual appropriation that was intended and on the ballot. Last year, some of them put in a petitioned article to try to get last year's money. Although the article passed, it was declared illegal. She is glad that the Selectmen did support that article, but they don't want to have to submit a petitioned article year after year. They would like to make this a permanent source of funding so that there is a regular amount of money that can be used, especially as they develop their full open space plan over the next year. In the last couple of years, they proposed to put 100% of the Land Use Change Tax into the Conservation Fund. In writing it this year, they decided to compromise and put just 50% into the fund and the rest could go into the General Fund. The RSA developed by the State has a stated purpose that the protection of open space is important to the State and to communities. By not developing open space, the costs to the community are less and, therefore, it has an economic benefit. The second article is a \$2 million bond article in order to get a bigger fund because they are behind in land preservation efforts. The cost of land keeps rising. Other communities have done this successfully and they would like to follow that by having an amount of money that could be readily available as land comes up.

Selectman MacLean asked what fund the money would be in while waiting to be spent. Ms. Champion said it doesn't go into a fund. If someone goes to them and they develop an agreement they would like to purchase a particular parcel, the Selectmen then issue bonds in an amount to cover that particular parcel. That's why it is written that it could be no more than \$1 million in one year. Selectman MacLean asked if this article was more like permission to go for a bond, if the need arises. It's not actually spending \$2 million. Ms. Champion said yes, that it was either Pelham or Hollis that did it that way. If they don't find any acceptable land, and it is not something that is approved by the Selectmen, then no bonds would be issued and would have no tax impact.

Selectman Maddox asked what the plan was to assess what properties are bought. Ms. Champion said she was hesitant about putting in an article this year because they are just starting to pull together an open space plan. Their mission over the next year is to put together a very thorough plan. When she thought about it, she realized they already have several plans in place and they have identified places where they should put their priorities. They have their Conservation Plan from 1990, which specifically pointed out some places, yet they haven't done anything because they haven't had funding. They have the Master Plan that is just about complete in its rewrite and it says over and over that it's an economic benefit to preserve open space and it has suggestions for purchasing conservation easements. It talks

about specific areas in Town and more specifically, they have the Regional Environmental Protection Plan, which was originally put together in the late 90's, and revised it about two years ago. That was put together by NRPC and they identified five priority areas—Robinson Pond, Musquash, Second Brook Watershed, areas remaining around Benson's, the Nadeau Farm and along the river. Those have been identified as priorities in several plans that exist in Town. The only thing remaining, and what they are working on now, is specific criteria on how, if they had two parcels, they would weigh those two parcels. That's what they would use to do a specific assessment, if they had multiple people vying for this money. The way the bond is written, it is not spent until they have criteria and parcels that meet the approval of the Board of Selectmen. Selectman Maddox asked if the documents she referred to were on the Conservation web site or NRPC's. Ms. Champion said the Master Plan draft was on the NRPC's web site. The Regional Environmental Protection Plan is, too; the version that was done five or six years ago. She didn't think the latest version was on their web site. The Conservation Plan was done in 1990, so she didn't think it was available electronically anywhere, but she'd get him a copy, if he'd like. Selectman Maddox said yes, he would. He then asked if they had worked out the procedure on how they are going to go about approaching landowners after they decided on a parcel. Ms. Champion said not how they would approach landowners. She anticipated that once the Town voted to approve a bond issue, there may be people that would come to them that would have an interest in preserving their property. Those are the ones they would look at first, particularly if they are in one of the identified target areas. They do have some people who are interested. One of them is in the Robinson Pond area, but the Board has specifically said the Conservation Commission should not talk to landowners. Selectman Maddox said that's why he was wondering what the procedures were going to be, to how they went from having \$1 million to how that is going to go through. Ms. Champion said they talked about holding a workshop for landowners, telling them the benefits and possibilities, but they want to make sure it's ok with the Board of Selectmen. Selectman Maddox asked where the Selectmen were in that procedure. Ms. Champion said they don't have any of that in place yet. Selectman Maddox said there is already considerable conservation land in Town and asked if there was a plan that would address the stewardship issue of existing land before they add more. He thinks they have jumped the gun. Everyone wants the \$2 million, but he didn't see a plan for the land, once they get it. He thought that was something the Commission should be prepared to address at the deliberative session. Ms. Champion said she agreed.

Selectman MacLean said the Conservation Commission isn't asking for \$2 million just to go buy something. It's if the opportunity arises and something presents itself, they will have the money. Chapter 9 of the Master Plan has a lot about the benefits of open space. It said the Town should consider making the Land Use Change Tax 100%. She was happy to see all the pro-Conservation Commission-open space in the forward-thinking of the Town. Chairman Cole said there already was an article in the warrant for the Land Use Change Tax Fund, which corrects an administrative problem they had last year. He asked why, on the petitioned article, the money was earmarked for the Conservation Fund, as opposed to the other fund. Ms. Champion said that is the difference between doing to every year versus just once. Chairman Cole said there are a great many things in Town that has to be done year after year. He asked if expediency was the only issue being considered. Ms. Champion said they are trying to correct something because it hasn't been done year after year. Chairman Cole wondered why they were talking about the monies in this fund, as opposed to the Capital Reserve Fund, if not for the issue of expediency. Ms. Champion said there was no difference; that's the way the law is written and what communities do.

**John Knowles, 51 Quail Run Drive**, spoke on behalf of the Library Trustees for the Adult Services Librarian petitioned warrant article. (He passed out a copy of an organizational chart.) The handout was to give a clear perspective on the position. They are looking for a top-level librarian. They have three in the library for different areas, physically and in terms of collection—a Reference Librarian, in the main floor in the Library; a Children's Librarian downstairs and a librarian in Annex 2, who deals with adult fiction, the book discussion programs, young adult programs and etc. Two of those positions are full time, but Annex 2 is only a 32-hour position, with no associated benefits. This position requires a Master's Degree, with library and supervisory experience. Individuals who apply do so only as a stop-gap. Because of this, they have lost three good people in the last two years. Last year, this article was recommended by the Selectmen, but it did not pass. That article was for \$19,000. This year, they are asking for \$10,000 because they already have someone in place. Last year, the position was vacant at the time of Town Meeting and they didn't know who they would be able to get and they had to petition an amount that would give them the maximum number of benefits. This year, they have a person in place who does not require those. If this goes through, they will get off pretty cheap. The \$10,000 is partially the additional eight hours, but it is mostly applying the basic benefits to that position. A lot of people use that part of the library and the functions it provides.

Selectman Stewart didn't recall that the Selectmen recommended this article last year. Chairman Cole said they did after the deliberative session, but not initially. Selectman Stewart asked how many active library users there were. Ms. Weller said there are 12,000-13,000 active library cards. Selectman Stewart asked what the daily usage of the library was. Ms. Bowles said circulation is 117,000 per year and, with the hours the library is opened, that averages 45.3 items per hour.

Selectman Maddox said the person they've hired could leave tomorrow and they'd have to come back in and ask for another \$10,000 for benefits. Mr. Knowles said that is always possible, but hoped that wouldn't happen. Right now, they have someone who is settled, but there is no guarantee. If someone chooses to leave, they can't tell them they can't until they find a replacement who will take minimum benefits. Selectman Maddox said he heard at the budget meeting that the bookmobile is slowly driving down a short road. By the time the warrant article becomes effective, they might not have the bookmobile, so there would be a full-time position available. In looking at the current staff, there seems to be a lot. Mr. Knowles said the circulation of books is not the only thing the library does. A lot of people come in who do not check out books. They read periodicals, newspapers, use the internet, look up things in the reference department, etc. The librarian is responsible for a lot of different functions, including selecting what goes in the bookmobile, but she doesn't physically go out

in the bookmobile. The vehicle will be gone, but the idea of the bookmobile is not dead. It is very popular, but it's very expensive to buy a new bookmobile. They told the Budget Committee they would like to take a smaller van, which would still go to pre-schools, elderly housing, places where there are shut-ins, etc. They will provide more specific services as opposed to going and parking on a street somewhere on a schedule. Most of the services will still be provided, so the person who has to schedule all of that and figure out things, keeping track of materials to be available, will still be there. It is the machine that will change. Selectman Stewart said she noticed in the paper in the last six months or so that new programs have been offered, but she didn't see where any programs were cut. Because of that, she didn't think there was a real need for a full-time position. Mr. Knowles said that was partly true. The programs haven't gone away completely.

(Start Tape 1-B)

Ms. Weller said they started programs, then had to stop because that wasn't necessarily the skill or area of interest of the next person that came in. The person there now is spending a lot of time developing young teen programming and appealing to that age group, which has been sorely overlooked for quite awhile. She is quite enthusiastic and is planning to go into the schools to do outreach. It's the person in the job at the time that lends her skills and interests to it. If they leave, they have to stop those programs and start again from ground zero, so continuity has been very poor. Mr. Knowles said they can't possibly keep every program going all the time.

Selectman Maddox asked how much of the chart was reality. Mr. Knowles said although the chart itself was a work in progress, it was reality. Selectman Maddox said there are nine full-time and 20 part-time workers. Mr. Knowles said the part-timers are frequently very part-time. That's why there are so many. The pages don't work very many hours each. Ms. Weller said they work anywhere from two to 12 hours, at the most. Mr. Knowles said even the next level up, they are talking about anywhere from eight hours to 32 hours. Selectman Maddox thought that the library could find an extra \$10,000 within the myriad of existing staff, rather than making this a full-time position. Mr. Knowles said in order to create a full-time position, it had to be done by warrant article. Selectman Maddox said he was saying to eliminate some of the part-timers in order to keep the payroll the same. Mr. Knowles said they've already done that. Selectman Maddox said then perhaps that is something that should be included so that people will see the offset, as opposed to an increase of \$10,000. Mr. Knowles said it is not a wash. The \$10,000 is a net marginal number of dollars they need, even after shifting people around. They have a hole in their coverage and their staffing. It's not that they want to just move somebody from one place to another. They are trying to fill a gap. If they move someone else into that gap, another gap is created elsewhere. It's not just the dollars. It's being authorized to have a full-time position. Legally, they could do it, but Hudson has chosen to request they not do that, so they are trying to comply.

Selectman Massey wondered if the Trustees looked at reorganizing, changing some of the full-time positions to part-time in order to have the full-time librarian. Chairman Cole said this petitioned article could only be changed on the floor of the deliberative session. Mr. Knowles said there are X number of people on the chart, but there is a minimum amount of staffing needed at any given time to keep the library open. There are three essential locations, which are physically independent. In the evening, it's a security issue, so they try to keep at least two people in each facility. To maintain their hours, they are looking at seven or eight people. They are not running 20 people all the time. If they get a new building, they will consolidate some of the physical services so they won't have some of these same problems.

**Jean Serino, 118 Robinson Road**, spoke in favor of the \$2 million bond petitioned article for the purchase of open space. She read the following into the record. "It has become a powerful reality over the course of the last decade that Hudson is in danger of losing its rural character. In fact, the Open Space Committee and I feel... and the Conservation Commission... that the rate of speed at which our open space is being developed has reached a dangerous impasse. Either we act immediately to save this land or it will be gone forever. For this reason, we have formed an Open Space Committee which, as you know, is a sub-committee of the Conservation Committee, made up of three members of the Conservation Committee and two lay members, and anyone else out there who would like to help us, we would love to have you. Our goals are to create a plan, which will enable us to educate the citizens of Hudson about the importance of saving open space. We believe that open space is beautiful. It allows us to breathe clean air and drink clean water. It creates a place where one can go to restore peace to one's soul, to see beyond the mundane, to be close to our private concept of spirituality. The purchase of open space disallows developments of housing and other buildings, which are taxing our population and will continue to add to the tax burden. So, we're going to try to make our case through letters to the editors, TV shows and events where we will be able to meet the public. So, I'm taking advantage of this opportunity. We're willing to go any place, do anything and talk to anyone because we feel so deeply that if we don't act now, Hudson will go the way of other towns, or should I say cities, in southern New Hampshire and become a blight on the landscape and a scar on the soul. We believe we have a Planning Board, Conservation Commission, Zoning Board, who are sympathetic to our cause and that this is the time to act, and to act vigorously. If not now, when? We're hoping people feel the same way, that this is an urgent matter, so we'd like a \$2 million bond, such that if someone wants to sell land or sell development rights, we have the money. We feel it's really, really urgent and that's why we're proposing this bond. I was watching TV the other night and I heard an American Masters thing about Joni Mitchell, the song writer, and I'm going to sing. One of her songs is, 'They've paved paradise and put up a parking lot,' and it's appropriate to what's going on. So, I hope you'll recommend the bond and I hope the Budget Committee sees the monetary value of saving our tax burden by purchasing the land now. Thank you very much."

**Tim Quinn, 1 Fuller Drive**, supported the two petitioned Conservation warrant articles. They discovered, in the process of building a new open space plan, that there have been plenty of such plans in the past, and all failed for two reasons. They never had an implementation procedure or the necessary funding. That's what they want to correct now and, hopefully, they can work with the Board in doing this.

They need assistance from the Board because the only stewardship plan they can find places the stewardship in the Community Development Department, not with the Conservation Commission. It's up to the Board of Selectmen if they want it developed along those lines, or if they want the Conservation Commission to manage it. Selectman Maddox asked when they would see the stewardship plan and/or the purchase. Mr. Quinn said he was shooting for late spring. They have all the information they need to put together a good plan, including plans from other towns. They are in good shape to put a comprehensive plan together that embodies all the elements needed for an open space plan.

## **5. CONSENT ITEMS**

Chairman Cole asked if any member wished to remove any item/items for separate consideration. There being no response, *motion by Selectman Stewart, seconded by Selectman MacLean, to receive consent items A-C, as noted or appropriate, carried 5-0.*

### **A. Assessing Items**

- 1) Abatement Applications, 87 Central Street, 5 Jump Lane, w/recommendation to deny
- 2) 2004 Abatements, 16 Wagner Way, 45 Kimball Hill Road, 41 Pelham Road, w/recommendation to approve
- 3) Elderly Exemption and Abatement, 40 Riverside Ave, w/recommendation to grant
- 4) Disabled Veteran's Credit, 26 Chalifoux Road, w/recommendation to grant
- 5) Yield Tax Warrant and Certification of Yield Tax Assessed, Map 124/Lot 015, w/recommendation to sign
- 6) Current Use Lien Releases, Map 230/Lots 22-23 and 22-22, w/recommendation to approve

### **B. Acceptance of Minutes**

Board of Selectmen's Minutes of December 28, 2004 Accept, as presented, and refer to file.

### **C. Committee Announcements Any changes or additions?**

Jan 12 7:00 Planning Board in CD Meeting Room  
 Jan 12 7:00 Benson's Committee in BOS Meeting Room  
 Jan 12 7:30 Budget Committee @ Library Street School  
 Jan 13 7:00 Public Hearing @ Library Street School on bond articles  
 Jan 13 7:30 Budget Committee Public Hearing @ Library Street School  
 Jan 13 6:30 Rec Committee @ Rec Center  
 Jan 13 7:00 Sewer Utility in BOS Meeting Room  
 Jan 13 7:30 ZBA in CD Meeting Room  
 Jan 17 MLK Day—Town Hall Closed  
 Jan 18 7:00 Cable Utility Committee in BOS Meeting Room  
 Jan 19 5:00 Water Utility Committee in BOS Meeting Room  
 Jan 19 6:00 Library Trustees @ Ferry Street Annex  
 Jan 19 – 28 Time period to file for candidacy  
 Jan 20 7:00 Open Space Subcommittee Meeting @ Robinson Road Fire Station  
 Jan 24 6:30 School Board in BOS Meeting Room  
 Jan 24 7:30 Conservation Commission in CD Meeting Room  
 Jan 25 7:00 BOS in BOS Meeting Room  
 Jan 26 7:00 Planning Board in CD Meeting Room  
 Jan 27 7:00 Lower Merrimack River Committee @ NRPC  
 Jan 27 7:30 ZBA in CD Meeting Room  
 Jan 31 Last day to post the warrant and budget  
 Feb 5 School District Meeting  
 Feb 12 Annual Town Meeting at Lions Hall  
 Mar 8 Annual Elections

## **6. OLD BUSINESS**

### **Public Hearing on Ordinance 05-01, Amending Chapter 249 of the Town Code, "Noise"**

Selectman Massey said the definition of a commercial contractor is very clear now and the proposed language is appropriate. Chairman Cole opened the public hearing at 7:50 p.m. and asked if anyone wished to speak. There being no response, he closed the hearing.

*Motion by Selectman Stewart, seconded by Selectman Maddox, to send Ordinance 05-01 to a second public hearing/reading and possible adoption on January 25, 2005 carried 5-0.*

## **7. NEW BUSINESS**

### **A. Public Hearing/Acceptance of Homeland Security Grant in the amount of \$76,196 for the Fire Department**

Fire Chief Shawn Murray said in October, they applied through the State of NH, Department of Safety, for a Homeland Security Grant in the amount of \$143,473.25 to go towards the radio upgrade project. The State has awarded the Town of Hudson \$76,196 as part of the \$143,000 grant. He extended appreciation to Senator Clegg for his work on the Town's behalf, which also included a \$200,000 grant for the Police Department. Selectman Maddox asked if the \$76,000 was for specific items. Chief Murray said no. They got the last of the money that was divided among other communities. Selectman Maddox asked if the Chief could update the breakdown sheet, so they know where they are. He asked if there was about \$100,000. Chief Murray said it was close to that. They are in the process of revising the whole sheet so he would be able to provide a more definitive number. Selectman Maddox asked if there was going to be Homeland III. Chief Murray said he was hopeful there would be. If so, they would be pursuing that money, as well. Chairman Cole opened the public hearing at 7:54 p.m.

**Howard Dilworth, Jr.**, 15 Sycamore Street, V-Chair of the Budget Committee, said \$76,196 was a lot of money. There is a request for an appropriation in the FY06 budget for about \$75,000 for radio equipment. He asked if any of the items requested in the FY06 budget was covered by this and, if so, if they can remove those items from the FY06 budget. Selectman Massey said there is \$143,000 in on-going projects, of which they got a grant for \$76,000. The money in the FY06 budget is to cover the remaining amount. It is the Chief's intention to get as much of the remaining \$75,000 as he can through Homeland III, if it materializes. There being no further speakers, Chairman Cole closed the hearing at 7:55 p.m.

*Motion by Selectman Stewart, seconded by Selectman Maddox, to accept the grant, with the Board's appreciation, carried 5-0.*

**B. Marsh Road Booster Station**

Selectman Massey spoke to this issue, on behalf of the Town Engineer. In December, Pennichuck did some work at the Marsh Road booster station and determined that there is a malfunction in the valves, so they turned off one valve. As a result, the other valve is working full time. The failure occurred at a very low usage time. If it occurred in the summertime, they would have had to have an emergency repair. This project is to replace one of the valves and do the appropriate software enhancement.

*Motion by Selectman Massey, seconded by Selectman Stewart, to approve repairs to the Marsh Road Booster Station in the amount of \$11,400, as recommended by the Town Engineer in his 21 December 2004 Memorandum to the Board, subject: Marsh Road Booster Station, carried 5-0.*

**C. NH Department of Human Services Interim Assistance Agreement**

Town Administrator Steve Malizia spoke on this issue, recommending that the Board readopt the agreement. He said four years ago, the Board entered into an agreement with the NH Department of Human Services for reimbursement for certain Town welfare clients who qualify for Social Security-type income. Frequently, there is a delay in getting those clients their payments, so the Town provides interim assistance, while waiting for reimbursement from the system. The Department of Health and Human Services has asked the Town to readopt the agreement.

(Start Tape 2-A)

*Motion by Selectman MacLean, seconded by Selectman Massey, to readopt the Interim Assistance Agreement between the Town of Hudson and the State of NH Department of Health & Human Services carried 5-0.*

**D. Property Liability Insurance/Workers' Comp Insurance Renewal**

Town Administrator Steve Malizia spoke on this issue, w/a recommendation to the Board to accept the offer and extend current participation in the program. He said, prior to his tenure, the Town contracted their property and liability insurance with NHMA, now called the Local Government Trust. Six years ago, they offered a program to lock into a rate for a three-year period, which the Town accepted. Three years ago, they locked into another three-year program. Once again, the Trust has offered another three year renewal plan, which he was recommending. Secondary, Primex, the Town's Workers' Comp provider, under the name of Comp Funds NH, has also offered a multi-year discount for the next three years. These two insurance programs stabilize the Town's rate and give a predictable number for the next three years for each of the two types of coverage. There has been some effort by both concerns to get each other's business, so that's why they are getting aggressive in offering plans to lock in rates.

Selectman Maddox asked if the modifier has gone up or down. Mr. Malizia said it is excellent and has actually gone down because the Town has an active safety committee. The Workers' Comp rates have actually dropped a little because of the Town's experience factor and modifications. Comp Funds comes in and does seminars on occasion. The Town utilizes that resource and has an active safety committee, which gives the Town points. The Town has been fairly stable in property liability. When the water utility was added, that bumped up the rates, but if you add an exposure, they aren't going to keep the rates the same. As far as service goes, they have been excellent. The Town has a good rapport and relationship with them and it seems to have worked for the Town's benefit. Selectman Maddox asked if the price over the next three years reflect the modifier

reduction. Mr. Malizia said it was his understanding that it did. They actually look at your rate and your experience, but they will lock in the same rate. The only thing that may be different is if you experience a big spike in something, you may pay more for that piece of it. Selectman Maddox asked if this rate is the same or less than what they paid three years ago. Mr. Malizia said that was correct.

Selectman MacLean said the enrollment eligibility was no later than January 1, 2005. Mr. Malizia said he received a memo, saying that if the Town accepted by the end of March, they would still qualify. The item didn't get in in time for the last meeting, so that's why it's before them tonight.

*Motion by Selectman Massey, seconded by Selectman MacLean, to accept the offer of the Local Government Center Property Liability Trust to enter into the Trust's Multi-Year Rate Guarantee Program for Property Liability Insurance for Fiscal Year 2006 through Fiscal Year 2008, carried 5-0.*

*Motion by Selectman Maddox, seconded by Selectman MacLean, to extend participation in the Primex Workers' Comp Multi-Year discount program for Fiscal year 2005 through Fiscal Year 2007, carried 5-0.*

*Motion by Selectman Stewart, seconded by Selectman Maddox, for a recess at 8:07 p.m. carried 5-0.* The meeting resumed at 8:17 p.m.

## **E. Warrant Articles**

### **1) Designation of Selectmen to speak on the Articles**

Unanimous consensus to accept the liaison speakers, as indicated on the paperwork provided in the agenda packet. Chairman Cole said the four valid, petitioned warrant articles submitted to the Board of Selectmen will automatically go to the ballot, so their mission tonight is only to determine whether it is accompanied with designation to recommend or to not recommend.

### **2) Petitioned Article—Hills Memorial Library Expansion Expenses**

Selectman Maddox thought this was the third time they've come before the Town, asking for monies to do this design—1995 and 2000. They went to the voters, and they received. He asked what has been done to this point and why they need an additional \$220,000. Elaine Brody said she can't speak to those because she wasn't involved with the library's building project at that time. Her understanding is that the monies that the Trustees received for this project in the past have been expended for the purpose for which they were originally intended. The money to get a conceptual and a feasibility study, the money for a needs assessment by a specialized professional librarian and then the two properties that were purchased, adjacent to the library. There was never an allotment of funds to continue and have full architectural services, full schematic design, all of the site testing, etc., which is necessary for going forward. Those monies have never been appropriated. Ms. Bowles said the money appropriated in 2000 for the feasibility study and conceptual drawing was expended for those purposes and those conceptual drawings were brought before the Selectmen. Selectman Maddox asked about the \$30,000 in 1995. Selectman Massey said of the original money, up to \$22,000 was returned back to the Capital Reserve Expansion Fund. Selectman Maddox asked why, then, couldn't they use some of that money, rather than asking for \$220,000. Mr. Boles said there is only \$22,000 in the Capital Reserve Fund. Selectman Maddox said one of the things that needs to be done is the asbestos evaluation on the property. The Library Trustees went to the Planning Board at least three years ago, looking for the release of those monies. He asked if that function has been done yet. He didn't know how they could design something without knowing what they would have to deal with relative to the asbestos on the site. Ms. Brody said the test borings have not been done, but it is currently in process. Part of the monies from this warrant article will go to continuing that and to make sure they have everything appropriate in place. \$35,000 is to review all of the available DES files pertaining to asbestos contained soil for the three sites, preparing the asbestos soil work plan, to perform the assessment by excavating test pits, estimated to be 50 test pits on the three sites and performing tests on the samples and to make design recommendations pertaining to the excavation and capping of the soil and reports that will go to the architect and NH DES. That's part of the \$220,000 that they are asking for. The biggest piece is the architectural engineering fees and the design development fees. There is no way they can go forward to a bond issue in 2006 without having complete design and building plans so they will know exactly how much the project will cost. In addition, they can't go to people who have expressed interest in participating in a capital campaign until they can show exactly what will be provided. Selectman Maddox asked what happened to the money that the Planning Board collects for the library. The Trustees asked for that money, saying they needed it in a hurry to do the test borings, at least three years ago—and they still haven't been done. It sounds like they keep saying they need, they need, they need, but they haven't done the work from three years ago. How can they do a design until they know what the asbestos issue is? Mr. Knowles said they haven't done that yet, although it was the intent at that time. One of the biggest issues was that they did not own both of the properties that were there. They hoped it would happen soon, so they put off the digging until they had both of them so it could be done more

efficiently. If they were to get this money, there is no reason why they couldn't take the existing fee money and cut the amount needed here. That would go against part of what they were asking the money for right now; he thought it was \$9,000. Selectman Maddox thought it more like \$12,000 or \$13,000. He thinks they have already gotten a lot of the money and they were asking for it again. Mr. Knowles said not at all; this is a much larger sum than anything they have gotten in the past, except for land purchase. They are not asking for it again, except maybe for the money for the asbestos. To a certain extent, there is a duplication there. Other than that, there is none. Selectman Maddox said then why don't they take the money that is still in the Capital, and the money from the Planning Board, and now three years later, there is even more money, and put it towards reducing the amount from \$220,000 to \$180,000. Selectman Massey said the agents to expend the money in the Capital Reserve Fund are the voters. The only way to get the money out is to have another warrant article. That's one of the articles they are bringing forward; it's on the list to change the agent to expend on the Capital Reserve Fund. As a matter of disclosure, he is on the Library Building Committee, but not in his capacity as a Selectman. The problem they are running into now is that any money they want to get out of the Capital Reserve Fund to do some of the things they are talking about, they can't, because they are not the agents to expend. Selectman Maddox said the Town deliberative session would be the place to change the number to reflect that they already have monies to take out of the Capital Reserve, as well as the Planning Board monies, wherever that may be sitting. Mr. Knowles said they have that money right now. Selectman Maddox said if they reduce this number, it wouldn't look like they were going back, asking for the same thing.

Motion by Selectman Massey, seconded by Selectman MacLean, to recommend the article.

Selectman Massey said this is a Catch-22. Without some of the more detailed architectural information, plus the things Selectman Maddox already brought up, it's difficult to go to the voters next year with a bond request to do the building. In all the previous requests that went to the voters, starting as early as 1975, is there is a very strong building committee now, with people on it who have been on previous building committees in Town and they have been successful in moving the projects forward. They have a very well thought out and well organized plan to solicit naming rights and other similar kinds of major fundraising activities to offset the total cost. One of the problems you face when you go to people to ask them for money is the first thing they are going to ask is what are you doing. In the absence of a real concrete set of plans that they can show people, it's going to be difficult to ask some of these major contributors to do things like the naming rights. On top of that, the Town has consistently, over the last 10 years, been supportive of the efforts. This \$220,000, it might be worthwhile between now and the deliberative session to examine whether or not the number could be modified, based on available monies, such as the impact fees. Given the fact that they now have a very good plan for moving forward, that is well thought out and they are marching to a very consistent set of milestone dates that they have been meeting over the last 12 months, they ought to given the voters a chance to say yea or nay.

Selectman MacLean said the \$220,000 is not the end of the project. If the other warrant doesn't pass where the Trustees become the agents to expend, then they will be short. If it does pass, and they have \$30,000 left over, they will use it eventually because there is plenty more to do. As far as sending it to the warrant with a recommended or not recommended, she didn't like to be in that position because she thinks people should decide for themselves. If they think of the cost of the whole project, they might not recommend it. This is a good thing. It's not a bad thing. It's not evil. There is good intent here. Everything is good about it. A beautiful library in Town, if that's what the voters want, has the potential to be a wonderful thing for Hudson. In that spirit, she will vote to recommend the article.

Chairman Cole asked if this article already came before them during the budget process. He recalled that it did, with a price tag of about \$400,000. Mr. Knowles said yes, it did, although at that time, they hadn't finalized the number. It was much higher when it was first presented. They were trying to pin down a number to determine how little they could get away with. Chairman Cole remembered that the Board had decided against sending it to the warrant 4-1.

Selectman Maddox applauded their effort, but he will be consistent. A library in that location is an awful expense. They haven't told them an exact number, but are saying seven to eight, which probably means nine because they haven't done the asbestos abatement yet. He's not against a library; he's against a library at that expense at that location. Selectman Stewart said, as she has said in previous years, they have a lot of life-safety issues to deal with before they deal with a library. A new library is a luxury. Hopefully, next year this Board will support combined dispatch. They have fire trucks that are literally breaking down. These are life-safety issues. Unless they are putting combined dispatch in the library, she will not support a library expansion. This isn't anything new; she has repeated this year after year, and life-safety comes first.

Vote: Motion failed 2-3. Selectmen Massey and MacLean were in favor.

Motion by Selectman Maddox, seconded by Selectman Stewart, to not recommend the article carried 4-1. Selectman MacLean voted in opposition.

(Start Tape 2-B)

**3) Petitioned Article—\$2 Million Bond for Land Conservation**

Selectman MacLean said, like the library, this is a good thing; it's not a bad thing and the people of Hudson should have the opportunity to vote on it. Selectman Massey said, in its present form, it would be inappropriate to recommend. Chairman Cole said in listening to Mr. Quinn's comments on the procedures being worked up, that's something he'd like to see as a prelude to something next year, possibly. They should have a plan before they start talking about funding. The stewardship procedures should include a basis from which to judge. Selectman Maddox said he would be voting in favor of the 50% current use tax, so they would be putting something in there. There may be a way to tell the landowner that you can put some money down with a penalty clause to it. There is a number of things that could still be done. To bond \$2 million to buy something, without a plan, is not good practice.

*Motion by Selectman MacLean, seconded by Selectman Maddox, to recommend failed by a vote of 1-4.* Selectman MacLean voted in favor.

*Motion by Selectman Stewart, seconded by Selectman Maddox, to not recommend carried 4-1.* Selectman MacLean voted in opposition.

**4) Other petitioned articles submitted by January 11, 2005****a) Full-time Adult Services Librarian**

*Motion by Selectman Maddox, seconded by Selectman Stewart, to not recommend.*

Selectman MacLean opposed the motion because she felt this was a valuable position and, in order to keep people, it should be full time. She is sure the Trustees thought a lot about it and she trusts them when they say this is what they need. Selectman Massey thought there were still a lot of unanswered questions about the staffing and, given the short notice on looking at this, he is not inclined to support creating a full-time position. Once you do that, you now incur a whole lot of future liabilities that aren't there with part-time help. He appreciates the fact they are having a problem keeping the part-timer, but until a full look at other options is done, or other avenues that would allow them to look at their current staffing, it's premature to convert this to a full-time position. He will support the motion.

*Vote: Motion carried 4-1.* Selectman MacLean voted in opposition.

**b) 50% of Revenues of future Payments from Land Use Change Tax Fund go into Conservation Fund**

*Motion by Selectman Maddox, seconded by Selectman Stewart, to recommend*

Selectman MacLean said the Master Plan recommended that 100% of the revenues should go into the Conservation Fund, so 50% seems very reasonable. Selectman Maddox said the Master Plan was just a draft. He thought that the Conservation Commission needed some money and this was a way to fund it and it was a reasonable amount, at this time. Once they see a plan, maybe the bond issue is something they want to look at. This puts the Selectmen on record as supporting open space by using this funding method. Chairman Cole asked if the \$2 million bond money would have gone into a Capital Reserve Fund, or back to Town Meeting. Mr. Malizia said no, it would be used to procure property directly from people.

*Vote: Motion carried 4-1.* Selectman Cole voted in opposition.

**8. OTHER BUSINESS/REMARKS BY THE SELECTMEN**

**Teresa Stewart** said kudos and a big thank you to the Hudson DPW. They have been out in every storm until 2:00-3:00 a.m., clearing the roads while everyone else is sleeping. Tomorrow is supposed to be messy. She is sure they will be out bright and early to plow again. The DPW workers have a contract to be voted on on March 8 that she hopes the voters supports this year.

**Ken Massey** said the Water Utility Committee's organizational meeting is scheduled for January 19 at 5:00 in the BOS Meeting Room.

**Kathleen MacLean** she asked for direction relative to the Cable Committee because they are having trouble getting a School Board representative. They have asked, begged and pleaded for them to assign someone or appoint someone. It appears there is an apparent lack of interest. Cable Utility Chairman Michael O'Keefe would really like somebody from the School Board, but it seems like it isn't being



filled. She asked if the Board thought it could be filled with a regular citizen member for the next year, at least, until appointments come up again. She asked for direction. Chairman Cole asked if he was correct in assuming that she didn't get an answer to her e-mail from Chairman Alukonis. Selectman MacLean said that was correct, as late as today. Chairman Cole said perhaps he is out of Town. Selectman Maddox said they may not yet see the value of sending someone to another meeting. By the Cable Utility Committee showing direction and enthusiasm, they now see that there is something that is going to happen; someone will come along who will see the value in going. It's a matter of inertia. Hopefully, they will come on board. He didn't think they should do anything. The ordinance states that position is for a School Board person and if they don't assign anyone, that is within their purview. Chairman Cole said when the committee was put together, he assumed they would have someone from the School side of the house, but there may be legitimate reasons. He hasn't spoken to either the Superintendent or the School Board Chairman. Selectman Massey's feeling was that they will come to the party when they see that, if they don't come, they are going to be left out and decisions will have been made for which they could have had input. They will also find out that they will be a lot of fun. Once the committee gets going, the School Board will fall in. Chairman Cole asked Selectman MacLean to be patient a little while longer and, hopefully, Chairman Alukonis will contact her in response to her e-mail.

**Rick Maddox** said, in response to the people with the open space fund, some wisdom from being on the Planning Board for many years—patience is a virtue. Sometimes government doesn't work very quickly, so maybe they will be back with the same enthusiasm next year, with a plan. He didn't think the Board wouldn't support it; they just need more information.

**Bill Cole** reminded everyone that the public hearing for the bond articles--\$2 million open space petitioned article and the water capital improvements project--will be held on Thursday, January 13, 2005 at Library Street School at 7:00 p.m., prior to the Budget Committee's public hearing on the budget.

*Motion by Selectman Stewart, seconded by Selectman MacLean, to acknowledge the resignation of Ray Noel from the Trustees of the Trust Funds, with the Board's regret, but deep thanks and appreciation for a job well done carried 5-0.* Chairman Cole pointed out that pretty soon, there will be three vacancies on a three-slot board. Mr. Wozniak's term is up in March and Mr. Dearborn recently resigned. The Town Clerk is aware of this, so it will be reflected on the ballot.

The Benson's Committee meeting, scheduled for tomorrow night, has been postponed. Date has not yet been determined.

Coleman Kelly mentioned to him that tonight is the 5th anniversary of the first televised Selectmen's meeting—which lasted 33 minutes. That tape will be replayed at the end of tonight's meeting when it's shown in the next three days. The community extends its appreciation and thanks to Coleman for the outstanding work he has done in the past five years, over and above what he is compensated for.

## 9. **NONPUBLIC SESSION**

*Motion by Selectman Stewart, seconded by Selectman MacLean, to enter Nonpublic Session under RSA 91-A:3 II (d) 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 4-1. Selectman Maddox voted in opposition.*

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*Nonpublic Session was entered into at 9:00 p.m. and was terminated at 9:27 p.m.*

## 10. **ADJOURNMENT**

*Motion by Selectman Stewart, seconded by Selectman Maddox, to adjourn at 9:28 p.m. carried 5-0.*

Recorded and Transcribed by Priscilla Boisvert  
Executive Assistant

## **HUDSON BOARD OF SELECTMEN**

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**William P. Cole, Chairman**

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**Teresa Stewart, Vice-Chairman**

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**Kathleen R. MacLean, Selectman**

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**Richard J. Maddox, Selectman**

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**Kenneth J. Massey, Selectman**