

HUDSON BOARD OF SELECTMEN
Minutes of the December 28, 2004 Meeting

1. **CALL TO ORDER** by Chairman William P. Cole at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall, Hudson, NH.
2. **PLEDGE OF ALLEGIANCE** led by Selectman Kathleen MacLean.
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; Richard Gendron, Chief of Police; Shawn Murray, Fire Chief; Sean Sullivan, Director of Community Development; Brynn Campbell; Marilyn McGrath; Michelle Champion; Bill Abbott; Jim Battis; Howard Dilworth, Jr; Julia MacLean and Anne Lundregan, TEL.
4. **PUBLIC INPUT** -- Chairman Cole asked if anyone in the audience wished to address the Board. There was no response.
5. **NOMINATIONS AND APPOINTMENTS** (Applications distributed in 12/14/04 Agenda Packet)
 - A. **Building Board of Appeals** (2 Members, terms to expire 12/31/07)
Jay Gove, 48 Willow Creek Drive (Current Member) (Interviewed 12/14/04)
Motion by Selectman Stewart, seconded by Selectman Maddox, to reappoint Jay Gove to a member position with a term to expire 12/31/07 carried 5-0.
 - B. **Cable Utility Committee** (1 Member, term to expire 12/31/07. Must be a cable-user.)
Leo Bernard, 3 Bungalow Ave (Current Member) (Interviewed 12/14/04)
Jean Serino, 118 Robinson Road (Interviewed 12/14/04)
Motion by Selectman Stewart, seconded by Selectman MacLean, to reappoint Leo Bernard, term to expire 12/31/07.
 - C. **Conservation Commission** (3 Members & 1 Alternate, terms to expire 12/31/07)
James Battis, 6 Potter Road (Current Member) said he has served on this board for many years and wanted to continue.
Michelle Champion (Current Member), a long-time member, wanted to continue serving on this commission.
Ken Dickinson (Current Member) (Interviewed 12/14/04)
Raymond Orner, 8 Sand Hill Road (Interviewed 12/14/04)
 Brynn Campbell, 5 Sandwood Road, wanted to serve on the Open Space Committee, which is appointed by the Conservation Commission, not the Board of Selectmen.
Motion by Selectman Stewart, seconded by Selectman Maddox, to reappoint James Battis, Michelle Champion & Ken Dickinson to the member positions and Ray Orner to the alternate position, all terms to expire 12/31/07, carried 5-0.
 - D. **Planning Board** (2 Members & 1 Alternate, terms to expire 12/31/07)
Jeff Rider, 61 Barretts Hill Road (Current Member) (Interviewed 12/14/04)
Suellen Seabury, 50 Pelham Road (Current Member) (Interviewed 12/14/04)
William Tate, 85 Wason Road (Current Alternate) (Interviewed 12/14/04)
Timothy Boland, 2 Megan Drive (Interviewed 12/14/04)
Normand G. Martin, 3 Edgar Court (Interviewed 12/14/04)
Motion to reappoint Jeff Rider and Suellen Seabury to the member positions and William Tate to the alternate position, with terms to expire 12/31/07, carried 5-0.
 - E. **Recreation Committee** (1 Member & 1 Alternate, terms to expire 12/31/07)
Robert Logano (current Alternate) (Interviewed 12/14/04)
Timothy Boland, 2 Megan Drive (seeking Alternate position) (Interviewed 12/14/04)
Motion by Selectman Stewart, seconded by Selectman MacLean, to appoint Robert Logano to the member position and Timothy Boland to the alternate position, terms to expire 12/31/07, carried 5-0.
 - F. **Sewer Utility Committee** (2 Members, terms to expire 12/31/07. One non-sewer user allowed.
 William Abbott, 48 School Street (Current Member) (Interviewed 12/14/04)
 Howard Dilworth, Jr., 15 Sycamore Street (Current Member) (Interviewed 12/14/04)
 Normand G. Martin, 3 Edgar Court (Interviewed 12/14/04)
Motion by Selectman Stewart, seconded by Selectman Massey, to reappoint William Abbott & Howard Dilworth, Jr. to the member positions, terms to expire 12/31/07, carried 5-0.
 - G. **Solid Waste Study Committee** (1 Member, term to expire 12/31/07)

Normand G. Martin, 3 Edgar Court (Interviewed 12/14/04)

Selectman Massey moved to defer action on this and schedule for the first or second meeting of January a revisit for this committee. His rationale for so moving to defer is that he continues to hear people say they are appointed but it never meets. He thinks it is time to revisit what the Solid Waste Study Committee charter really is before any more people are appointed to the committee. The motion is to defer action on the appointment, pending a discussion of the charter of the committee on the second meeting in January. Chairman Cole asked if there was a second to the motion to defer. Selectman Maddox said he'd second it for discussion. Chairman Cole advised that there is no discussion on a motion to defer, only the date and time. He clarified that the motion was to defer, pending a meeting to discuss the charter of this committee at the second meeting in January. He asked the Recorder if she got the motion. She responded by saying that the motion was to defer until January 25th. Chairman Cole clarified that the motion was to defer appointment to the committee, pending a re-evaluation of this committee at their second meeting in January. Selectman Massey said that was correct, that that was his motion. The Recorder asked for clarification, if this item would be back on the agenda on the 25th of January. Chairman Cole said this would be back on the agenda as an appointment, possibly, sometime after the second meeting in January. Vote: Motion carried 5-0. Selectman Massey will work with the Road Agent to develop a new charge for this committee.

- H. Water Utility Committee** (2 Members, terms to expire 12/31/07; 2 members, terms to expire 12/31/06; 1 member, term to expire 12/31/05. One member who does not reside in a unit serviced by Town water allowed.)
 Brion Carroll, 4 Olde Coach Road (residence not serviced by water) (Interviewed 12/14/04)
 Doris R. Ducharme, 76 River Road (serviced by water)
 Leo Bernard, 3 Bungalow Avenue (Interviewed 12/14/04) (serviced by water)
 Jeffrey Rider, 61 Barretts Hill Road (residence not serviced by water) (Interviewed 12/14/04)
 Timothy Boland, 2 Megan Drive (Interviewed 12/14/04) (serviced by water)

Motion by Selectman Massey, seconded by Selectman MacLean, to appoint Brion Carroll and Doris Ducharme to the positions with a term ending 12/31/04 carried 3-2. Selectmen Maddox and Stewart were opposed. Selectman Massey apologized, saying he made an error, the he meant to say Jeff Rider and not Brion Carroll.

Motion by Selectman Massey, seconded by Selectman Maddox, to reconsider the vote carried 4-1. Selectman MacLean was opposed.

Motion by Selectman Massey, seconded by Selectman Stewart, to appoint Jeff Rider and Doris Ducharme to the positions with terms to expire 12/31/07 carried 4-1. Selectman MacLean was opposed.

Motion by Selectman Massey, seconded by Selectman Stewart, to appoint Timothy Boland and Leon Bernard to the positions with terms to end 12/31/06 carried 5-0. Chairman Cole stated that Selectman Massey, liaison to this committee, will schedule the organizational meeting. The vacant seat will be readvertised.

- I. Zoning Board of Adjustment** (1 Member & 2 Alternates, terms to expire 12/31/07)
 Michael Pitre (Current Alternate [term of 2005], seeking Member position) (Brad Seabury spoke on his behalf.)
 Maryellen Davis, 14 Nathaniel Drive (Current Alternate) (Brad Seabury spoke on her behalf.)
 Marilyn McGrath, 81 River Road (Current Alternate) praised the efforts and commitment of the other committee members, saying she very much wanted to continue serving on this board.
 Normand G. Martin, 3 Edgar Court (Interviewed 12/14/04)
Motion by Selectman Maddox, seconded by Selectman Stewart, to appoint Michael Pitre as member, term to expire 12/31/07, carried 5-0.
Motion by Selectman Maddox, seconded by Selectman Stewart, to reappoint Maryellen Davis and Marilyn McGrath as alternates, terms to expire 12/31/07, carried 5-0.
 Chairman Cole said Michael Pitre's alternate position opened, and Deanna Fitzpatrick resigned, so there were two alternate seats.
Motion by Selectman Stewart, seconded by Selectman MacLean, to appoint Normand Martin as an alternate, with a term to expire on 12/31/05, carried 5-0. Chairman Cole said the vacant seat will be readvertised.

6. CONSENT ITEMS

Motion by Selectman MacLean, seconded by Selectman Massey, to receive consent items A-D, as indicated or appropriate, carried 5-0.

- A. Assessing Items**
 1)2004 Abatements, 1 Heritage Circle, 25 Federal St, 8 St. Francis Place, w/recommendation to approve.
 2)2004 Abatements, 8 Westchester Court, 6 Westchester Court, 7 Berkeley Dr, w/recommendation to deny.
- B. Sewer Utility/Water Utility Items**
 1)Sewer Abatement Applications Ref # S-05-04 (S-UTL-05-07, 49 Derry Road; S-UTL-05-08, 17 Blackstone Street; S-UTL-05-09, 9 Megan Drive) w/recommendation to grant.
 2)Sewer Abatements Ref # S-05-04A (S-UTL-05-10, 56 Rangers Dr; S-UTL-05-11, 35 Sousa Blvd) recommendation to grant.
- C. Acceptance of Minutes**

Board of Selectmen's Minutes of December 14, 2004.

D. Committee Announcements

Dec 29 3:00 Swearing in of new Police Officers @ HPD
 Dec 29 7:00 Budget Committee in BOS Meeting Room
 Dec 30 7:00 Open Space Subcommittee Meeting @ Robinson Road Fire Station
 Dec 31 New Year's Eve--Town Hall Closed
 Jan 3 7:00 Budget Committee in BOS Meeting Room
 Jan 4 7:00 Budget Committee in BOS Meeting Room
 Jan 6 7:00 Budget Committee in BOS Meeting Room
 Jan 10 6:30 School Board in BOS Meeting Room
 Jan 11 7:00 BOS in BOS Meeting Room
 Jan 11 Last day to submit petitioned warrant articles
 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 13 7:30 Budget Committee Public Hearing @ Library Street School
 Jan 17 MLK Day—Town Hall Closed
 Jan 18 7:00 Cable 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 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
 March 8 Town Elections

7. OLD BUSINESS

A. Noise Ordinance

Community Development Director Sean Sullivan said in response to some questions and concerns the Board had at their last meeting, the Community Development Department has taken another look at the ordinance. There are current definitions in the Noise Ordinance that define both commercial power equipment and construction. Keeping that in mind, they have recommended a definition for “commercial contractor” as: “A skilled or commercial contractor that uses commercial power equipment for the purpose of conducting construction activity.” Commercial power equipment is defined, as is construction. They also changed “Outdoor construction by commercial contractors shall be permitted during both daytime and nighttime hours. Such construction shall not exceed the noise limits set forth in Chapter 249-4 B & C,” to, “Outdoor construction by commercial contractors shall only be permitted Monday through Saturday between the hours of 7:00 a.m. to 7:00 p.m. Such construction shall not exceed the noise limits set forth in Chapter 249 B & C. Outdoor construction by commercial contractors shall be prohibited on Sundays and all national holidays. Government operations, including contracted government operations, are exempt from this ordinance. Waivers to this section may be granted by the Board of Selectmen, upon written request.” Specifying the days and hours makes it clear and removes some of the ambiguity for the enforcing officer. The Road Agent, after the last meeting, had a concern about road pavement or improvements or water main breaks that may occur on a Sunday or holiday, so he included the exemption. The Board had also expressed an interest about being allowed to grant waivers, so he included the last sentence.

Selectman Stewart said these notes should be made clear to the Planning Board during the planning process on new construction. She asked if this ordinance, or a memo outlining it, could be sent out in the Spring to the major contractors that do business in this area so they can't say they didn't know about the regulation. Mr. Sullivan said it certainly could. Selectman Massey apologized for not catching it before now, but there was a circular logic on definitions. Commercial power equipment is used by commercial or skilled operators. A skilled operator that uses commercial power equipment seems to him that is a circular definition and, because of that, it hasn't been defined at all. Because of the circular logic, a commercial operator hasn't been defined at all. They need to determine how to define someone who is skilled, or commercial. If someone knows how to run a Bobcat, that's a skill, but they are not a commercial operator if they rent one to plow up their back yard to do some landscaping. Circular logic has been used to define a job because, by that definition, that person would be considered a commercial operator because they are a skilled operator of a piece of equipment that is used for construction. No one in their right minds would think a homeowner, who rents a Bobcat, which is a small, four-wheeled bucket loader, would qualify as a commercial operator, but if you don't know how to use one of those, if you aren't a skilled operator, you are going to hurt yourself. Selectman MacLean

thought a homeowner would be subject to the same rules, as far as noise goes. Selectman Massey said no, that that was the whole purpose of the amendment. Selectman MacLean asked if, then, that a homeowner could make all the noise they want, all hours of the day. Chairman Cole said no, that was a different violation of the Noise Ordinance. The Board was responding to Mr. Kreider's complaint, which dealt with a commercial entity.

Mr. Sullivan said he considered using the phrase, "for a fee," but someone may play games by saying he's doing something for his buddy and is donating his time. The responding Town official needs to use common sense. If there is a subdivision being built, or a site plan being developed on a Sunday or a national holiday, that's simply prohibited. If it's a homeowner doing work in his or her back yard, the decibel level is pretty clear. If you're a business owner, putting on an addition to your building and you're having framing done on a Sunday or national holiday, you would be in direct violation of this ordinance. Selectman Massey said they want to wind up with an ordinance that can be uniformly and consistently enforced. This is saying that commercial power equipment is equipment that's used by a skilled or commercial operator; and they say a commercial operator, contractor, is a skilled or commercial user that uses commercial power equipment. That is circular logic and, as a result, it really says nothing. Chairman Cole said that is only a part of the Noise Ordinance. The average citizen who rents a piece of equipment and makes noise at 3:00 a.m. is violating the Noise Ordinance, totally divorced from what they are trying to do here. Selectman Massey said his point is he doesn't think they've defined either of the terms by implying the other item is what defines it. One or other of the definitions has to change to make it crystal clear what is being defined. He doesn't want to try to wordsmith it tonight on the fly. Chairman Cole asked if he'd be able to have something for the Board at their next meeting because two public hearings needs to be held to amend this. He'd like to be able to discuss that change before they go into the public hearings in order to get a consensus by the Board. If they don't have a consensus, they will just have to defer the public hearing. Selectman Massey said yes, he would work with Mr. Sullivan to do that. Otherwise, he's afraid an attorney could poke holes through it. Chairman Cole questioned the sentence referring to the waiver. Selectman Maddox said he believed it had to do with road paving. Chairman Cole asked why State or Federal projects needed a waiver. Selectman Massey said the way the amendment was worded now, a waiver wouldn't be needed. Chairman Cole said then they would delete the sentence about waivers because he didn't want to open the door for every resident to come in for a waiver. The consensus was to scratch the sentence concerning waivers. Chairman Cole clarified that Selectman Massey's proposed language would be taken up prior to a public hearing.

Motion by Selectman Massey, seconded by Selectman Maddox, to forward the proposed amendment to Chapter 249 "Noise" of the Town Code to two public hearings, January 11 & 25, 2005, carried 5-0.

B. Public Hearing on Ordinance 04-06, No Parking on Able Street

Chairman Cole said the RSA's allow the Selectmen to handle matters such as this by holding only one public hearing. Police Chief Gendron said by allowing parking on one side of Able Street, they created a problem with everyone trying to park on just one side of the street. People who attended Bingo games were parking on homeowners' lawns and were walking through their front yards, even though there was plenty of room for parking in the Kiwanis lot. The Fire Department found it very difficult to make the turn with the vehicles parked on one side of the street. No parking on either side of the street will clear up a safety issue and will force the people who attend functions at the Kiwanis Hall to use the parking lot. Chairman Cole opened the public hearing at 7:45 p.m. and asked if anyone in the audience wished to speak. There being no response, he closed the hearing.

Motion by Selectman Stewart, seconded by Selectman MacLean, to adopt 04-06, which prohibits parking on the both sides of Able Street, as recommended by the Highway Safety Committee, carried 5-0.

8. NEW BUSINESS

A. Public Hearing on Receipt of Monetary Donations (\$200,000 Homeland Security Grant to HPD; \$500 to Recreation Dept)

Police Chief Gendron said in October, the Board authorized the Police Department to apply for the Homeland Security Grant through the State of NH for the purpose of obtaining any available funds to assist them in purchasing a replacement radio system for the Police Department. They are looking at a VHS digital radio system, which would allow them to have compatibility with the Fire Department, as well as State-wide. The Hudson Police Department is the only police department that is operating on a UHF system, thereby creating some problems for them. They respond to seven other communities for critical incidents and they are on the third tier level for responding to the Manchester Airport. Without communications directly with other agencies, it becomes a safety issue. The system they are using was put in place in 1987, and needs to be replaced. They applied for and, on December 6, received written notification from the State that they were granted \$200,000—one of the largest grants issues to any law enforcement agency in the State. This grant is reimbursement-based, which means they are allowed to purchase equipment up to \$200,000 and then submit the invoices and cancelled checks and then will get reimbursed immediately through the State. He has been working with Motorola on a seven-page document that is detailed in the grant. The equipment was previously approved by the State of NH through Homeland Security. The prices are based on last year, so if they take advantage of the system now, they will save money.

Selectman Stewart thanked Bob Clegg and Chief Gendron's hard work in securing this grant. Chairman Cole echoed Selectman Stewart's in both regards. Selectman Massey suggested that a letter of appreciation be sent to Governor Benson, the Executive Council, Commissioner Murray and Senator Clegg. He will draft a letter for the Chairman's approval. Chairman Cole opened the public hearing at 7:50 p.m. and asked if anyone in the audience wished to speak. There being no response, he closed the hearing.

Motion by Selectman Stewart, seconded by Selectman MacLean, to accept the \$200,000 Homeland Security Grant for the Police Department and the \$500 donation to the Recreation Department from the So NH Radio Control Club carried 5-0.

B. Revised Warrant Articles

1) Police Replacement Communications System

Police Chief Gendron said based on the information they received from the State of NH that this is a reimbursement-based program, and authorizing them to make the purchases as soon as they would like to, i.e., January 2005, he recommended amending the warrant article for a replacement radio system, as opposed to radio interoperability, in the amount of \$199,000 versus the \$400,000 previously recommended. Selectman Stewart asked if the Chief still supported the future of combined dispatch. Chief Gendron said yes, he did. Selectman Maddox asked how this would work with combined dispatch, if this was all set to slide in, once they build the combined dispatch. Chief Gendron said they would be buying a radio system for the Police Department. Combined dispatch is another project of moving the Fire Department to the Police Department and expanding the current facilities and retraining personnel. You'd have to buy the radio system anyway. This will allow them to have interoperability that they've been talking about for a few years. Interoperability has to be outside, in the field, where the officers and fire fighters are working. This is just one step towards combined dispatch, and it's the first step. Selectman Maddox said the Fire Chief gave them a report about a month and a half ago that said he expended \$20,000 to loan radios to the Police Department for the SOU. He asked how that fit into this budget. Chief Gendron said the purchase was a radio that allowed them, when they go outside the community, to communicate. Chief Murray bought a piece of equipment that allowed the Police Department to eliminate from their list. It addressed an immediate problem by allowing the responding officers to talk to that community on their radio station. However, it doesn't work in reverse, if someone comes into this community. Selectman Maddox said he thought they were radios. Chief Gendron said Chief Murray had ordered some portable radios for the SWAT team so when they are out in the field, they can also communicate with other officers from other communities. The most recent purchase was a mobile radio for the SWAT van. Selectman Maddox asked if that \$20,000 was part of the \$199,000. Chief Gendron said no, it is not. That has already been deducted. The \$199,000 is what he needs now to continue with the project. Selectman Massey said during the budget process, he erroneously stated that this was a matching grant. If anyone heard that, he wanted to correct the record. This is a reimbursable grant; not a matching grant.

Motion by Selectman Stewart, seconded by Selectman Massey, to forward to the warrant a revised article for the replacement of the Police Radio Communications System in the amount of \$199,000 carried 5-0.

2) Water Utility Capital Improvement

Selectman Massey said during the budget meetings, at which time the water utility was heard, the Budget Committee said unanimously that they would support a warrant article that cut the \$4.9 million bond into two parts. Instead of having bonding authority for the three major projects that were identified in the original discussions, this proposal is to only go for bonding authority for two of those projects, which would be the south end water tank and the looping system and the Compass Point pumping station upgrade. Between the two of them, they total \$2.35 million. Based on his conversations with the Budget Committee, and understanding what the majority of them are thinking, and knowing that it's absolutely critical to get the water tank and the Compass Point done, Selectman Massey formulated the following motion:

Motion by Selectman Massey, seconded by Selectman Stewart, to forward to the warrant a revised article for Water Utility Capital Improvements in the amount of \$2,350,000.

Selectman Maddox said they need to do both parts and they need to tell the voters that it all needs to be done. Otherwise, they will go back to the voters in two years for the rest of it. They should tell them what it costs and where it should go. The Budget Committee was concerned about the rate increase. Now the estimate is 5.88 and 9% is for the whole bond. Going through the exercise twice and telling people to buy one part, but two years later we're going to come down and ask you for the rest of it—what it is is what it is and he's not going to vote for it. They should go for the entire thing and explain why it needs to be bought. He didn't disagree with Mr. Massey's assessment, but he will not vote for this.

Selectman MacLean asked if there was a financial benefit to going for the \$4.9 million. Selectman Massey said they would save a little in that the amount of money they could put out on a short term investment would cover some portion of the interest cost, but you wouldn't save enough to make it worthwhile. He originally thought the same that Selectman Maddox thinks. If the Board moves to go forward at the \$2.35 million, they will continue to tell the Town it's going to be \$4.9 million plus, that they are not finished, that there is one more section of this, and will most certainly be back in 2006 or 2007 for the next project. This is a win-win for everybody.

(Start Tape 2A)

Selectman MacLean asked if the 9% increase on the water rates, as opposed to the 5.88, would be paid for by the water rate, not by taxes. Mr. Malizia said that was the intent. Selectman Massey said these were the most conservative estimates they could apply. They are still looking at other avenues of revenue enhancement that are invariably going to drive that cost down. The first one is a potential two-tiered water rate. The second one is we're recovering more monies from Pennichuck because of the installation of the water meters that were put in at the Litchfield and Pelham and Nashua town lines. He hopes the newly constituted Water Utility Committee will look at some areas where they could be innovative in doing this. The last thing they want to do is go out to the voters and sell this on "we can do this for 4%" and then get a 9% increase in their rate. Selectman MacLean said the whole project is a necessity, but they are hoping that it would be an easier sell to do it in two parts. However, there is always the chance that part two won't come through. If all three components of this has to be done, then maybe they should try to convince people to do all three. Selectman Massey said all three are absolutely necessary, but the reality is that the ability to do them all at once would severely strain and probably cause them not to meet the quality they need. It was always intended to be a three-step project, step one being the south end upgrade; step two being the Compass Point station; and step three being the north end, the additional looping and water tower. Even if they were to go for the whole bond, they still would be doing it in steps. This way, they have a better chance of convincing the voters. He'd rather go to Town Meeting with an article approved by both the Board of Selectmen and the Budget Committee, instead of approval by just one of the bodies. Because of the size of the bond issue, it is critical that they do what they need to do to get started. The people have to know that they will be coming with more. Selectman MacLean said if this article passes and this work is completed, and the second half doesn't pass, she asked if they still would be better off. Selectman Massey said yes, that if only the south end gets done, that is still better than doing nothing. In full disclosure, he lives in the south end, but there have been five entities outside the Town of Hudson who have recognized the problem in the south end and have urged the Town to fix it.

Chairman Cole said the water company the Town bought in 1998 was not in very good shape. The system is on the verge of severe failure, causing economic problems for the Town. The system in the south end is on the verge of operational failure. That's a safety concern. He has lived in the south end for 22 years. Is everything necessary according to the experts who have looked at the system over and over throughout the years? Yes. Are any of them critical for safety? Right now, the south. They lost another year last year because they didn't get the 60% voter approval required. He understands Selectman Maddox' opinion to go whole hog, which is what they did last year, and he can see the handwriting on the wall. If they go for part of it, the Budget Committee will be on board 100%. The reality is, phase three is three or four years down the road, so they would be going to the voters again, asking for more, but not for three or four years, anyway. The bottom line is they are bordering on criminal negligence with regard to the situation in south Hudson—and it has to be addressed—and this Board is the only one that can do it. He's hoping that if they do the right thing this evening, the Budget Committee will get on board and they will get this passed at Town Meeting and get the south end project started.

Vote: Motion carried 4-1. Selectman Maddox voted in the opposition.

3) **Replacement Pumper Fire Truck**

Selectman Massey said at the Budget Committee hearing for the Fire Department, he asked the Budget Committee for their input because he sensed that they were more in favor of supporting a warrant article if it did not involve lease purchase and to buy it outright instead of financing it, thereby saving the finance costs. He had a consensus of the committee that they would support a warrant article that was an outright purchase, but there was no consensus on what the amount would be. There was a lot of discussion, but no numbers were ever put on the table.

Motion by Selectman Massey, seconded by Selectman MacLean, to forward to the warrant a revised article for the purchase of a replacement Fire Pumper Truck in the amount of \$350,000.

Selectman Massey said he's heard all kinds of numbers about what you can and can't do. They know that Hudson is different than some of the other towns in the surrounding areas, especially in that Hudson has a lot of hills to navigate. In talking with the Chief as late as today, Windham has just received a spec bid and the information that came back from one of the fire apparatus manufacturers was \$345,000. On the basis they started with \$385,000 and the fact that they have some recent data that would indicate a truck with the general specifications that Chief Murray has indicated

over the past several weeks, he felt that \$350,000 was a reasonable number to put in.

Selectman Stewart asked Chief Murray if he still supported combined dispatch. Chief Murray said yes, he did. Selectman Stewart said comparing Hudson to Hooksett, Hooksett has a lot of hills. She asked what type of truck they bought for \$300,000. Chief Murray said it would have been a 1,500 gallon per minute pump with 1,000 gallon per minute tank. Selectman Stewart asked him if they were comparing apples to apples when looking at \$385,000. Everyone tells her not to compare Hudson to Litchfield because Litchfield is flatter and Hudson needs something that can go up hills. Selectman Massey said the motion was for \$350,000. Selectman Stewart said she was very familiar with Hooksett; her brother lives on Hackett Hill Road, which is a very hilly area. She will support the motion. Selectman Massey said if this is forwarded to the warrant as an amended article of \$350,000 it would be \$200,000 out of the surplus and \$150,000 out of the Capital Reserve Fund. There would be no net impact on the tax rate.

Selectman Maddox asked if the Chief had a spec. Chief Murray said they have a general spec. He has not sat down and spec'ed out the truck. Selectman Massey said he has a spec bid from Windham for a system similar to the one the Chief has talked about, and that bid from the manufacturer just came in for a first quarter price of \$345,000. Selectman Maddox said until they tell him what they are getting—is this a rescue pumper? When you see Litchfield, and he knows they can't compare a part-time fire chief that went to the show and got a great deal, but if he paid \$265,000 for that vehicle, he is just trying to figure out where they are. The Chief will hear these questions at a later date. Do you need, rather than the 350 horsepower that Litchfield got, do you need a 450? How much does that really bring? He is concerned that he doesn't know what he is buying and is concerned about saying go ahead and take \$200,000 out of unencumbered; it's still his money, whether it's a tax raise or not. He didn't want to fall into the trap of it's really 385, so I'm going to take \$35,000 from some other account. Selectman Massey said if this warrant article passes, they would not be able to spend more money for a truck. Chairman Cole agreed, saying they can't spend over what is appropriated by the voters at Town Meeting. Selectman Maddox asked how, then, could they have done it for the Scott Air Packs, which was the exact same thing. It was \$185,000 yet they went and spent another \$20,000 for fewer units. He didn't see how that logic held. Chairman Cole said he'd get an answer for Selectman Maddox at a later date. Mr. Malizia said the law allows a department to spend more, as long as they don't over-expend the bottom line of the budget. Chairman Cole said conversely, it doesn't mean they will spend \$350,000 if it doesn't cost that much. If you look at the call volume of Litchfield, since everyone is enamored with Litchfield for some reason, their call volume is miniscule compared to Hudson. If you go by cost per call, Litchfield didn't get a very good deal on their truck. Selectman Stewart thought maybe they'd sell it to Hudson. Selectman Maddox said they will probably get 20 years out of their truck. Chairman Cole said he had no idea; he lives in Hudson and doesn't really care what happens in Litchfield. He's tired about hearing about Litchfield. They live in Hudson and have their own parameters to deal with. The Board of Selectmen is advised by the Fire Chief and other highly-paid professionals. It's not what he, the Chairman, thinks. He doesn't know anything about fire trucks, but he expects the Fire Chief does, who is giving the advice. Selectman Maddox said the Selectmen were elected to take a look at these very items. Chairman Cole said he's not a rookie; he's been looking at these things for years now. Selectman Maddox asked Chairman Cole if he'd be willing to spend more than Litchfield just because they have fewer calls. Chairman Cole said he didn't care about Litchfield; Litchfield has nothing to do with Hudson, other than the fact that it is an abutting community. He is interested in the safety of the people that live in Hudson.

Selectman MacLean asked the Chief for his assurance that, if the warrant article passes for \$350,000, he would get the Town the best truck for the best price and if it comes in at a lower price, he won't just go out and spend the money. Chief Murray said he is a tax payer, too, and given the parameters that the Board sets, he will get the Town of Hudson the best fire truck for the needs of the Town. Selectman Stewart asked when the Springfield show was, saying she would be glad to go with the Chief. Chief Murray said it was in June. Selectman Massey volunteered to go, too.

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

C. **Water Utility Operation and Maintenance Contract**

Selectman Massey said several meetings ago, the Board authorized Town Engineer Tom Sommers to initiate a conversation with Pennichuck, at their request, to look at all aspects of the operation of the water utility, including the operation and maintenance and the distribution of water, not only to Hudson customers, but through the Hudson system to Pennichuck's customers in Litchfield and Pelham. They have given back their initial response. The intention tonight is to ask the Board's approval for the Town Engineer, Town Administrator and him to engage Pennichuck in the issues of contract negotiations that would then come to the Board. The contract with Pennichuck for the operation and maintenance expires on April 15, so they need to get started quickly. Hopefully, they can get that date extended. Without that extension, they would have to bid on the operations and maintenance contract by February, at the very latest. This is a win-win situation for both Hudson and Pennichuck. This would be an ad hoc committee, operating on behalf of the Board of Selectmen. Any agreement would be brought to the Board for discussion and approval. By unanimous consensus, the Board approved the formation of the ad hoc committee.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Terry Stewart extended get well wishes to Officer Kevin Sullivan. She understands from the Chief of Police that Kevin is due home this week. She also extended wishes Bev, Akim and Dino.

The reason she asked both Chiefs tonight if they supported combined dispatch is because she wanted the public to know that, even though it's on the back burner, it's still out there. In today's Telegraph, there was a nice article about combined dispatch in Amherst, which also included their DPW.

She's sorry she missed seeing the telecast on Sunday when Chief Gendron spoke with his son, Jonathan, in Iraq. She hopes to see a copy. Selectman Stewart thanked Rhona Charbonneau for her kind words the other day. It was greatly appreciated. She ended her remarks by wishing everyone a Happy New Year.

Ken Massey said Community Development Director Sean Sullivan is in the process of finalizing a document that, on the Board's behalf, is going to be an RFP to several engineering companies that are able to do the work to give a bid feasibility study as to whether we should signal the intersections of Chase and Central and/or the intersection of Library and Central. He expects to be sending that proposal out early next week to the appropriate companies and it will have to come back into the Town to look at.

He echoed Vice Chair Stewart's comments on Officer Sully, a treasured member of the community. Not having Akim and Dino out and about will be sorely missed.

By serendipity, he caught the segment on Channel 9 on Saturday between Chief Gendron and his family and Lt. Jonathan Gendron over in Iraq, and it was very well done. It was a live broadcast, not taped. His best wishes goes out to Lt. Gendron, who is scheduled to deploy back to the States in about 16 days. He extended the same well wishes to Firefighter Carrier, who continues to serve in the Middle East, and all the other residents of Hudson who are defending this country. Happy New Year and Godspeed home.

Kathleen MacLean wished everyone a Happy New Year, too, and a reminder that all those Christmas cards that were sent and received that said, "May that Christmas joy and spirit stay with you all year," that it is only December 28. Keep that spirit and hang in there.

Rick Maddox said the Christmas tree and leaves drop-off is on January 8 at the West Road landfill. Selectman MacLean said only if they have a truck to get them there. Selectman Stewart said she can remember when the landfill was on Burns Hill Road. Putting the leaves in the trunk of a car is fine by her. She misses the days of going to the dump on Saturday. Selectman Massey recalled that a lot of politicking was done there.

Selectman Maddox agreed with all of the statements made by his colleagues for a Happy New Year and to all the people serving in the armed forces, no matter where they may be, thank you. Hopefully, next year they will continue forward in the Town of Hudson.

Bill Cole said he had an administrative correction for the record. The starting date for Firefighter Dennis Haernick and Temporary Firefighter Toby Provencal was December 19, 2004 and not December 18, as stated in the motion on December 14, 2004.

The only downside he can think of as being the Chairman is by the time it gets to him, all the thunder has been totally stolen and he has nothing else to add. He sent his best wishes to Officer Sullivan for a quick and full recovery and he also joined the Board in wishing everyone in Hudson a Happy New Year. Hopefully, it will be more peaceful in 2005 than it was in 2004. Obviously, they pray for the safe return of Hudson relatives or friends and family of residents who are serving overseas in the armed forces.

10. ADJOURNMENT

Motion by Selectman Stewart, seconded by Selectman MacLean, to adjourn at 8:30 p.m. carried 5-0.

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