

HUDSON, NH BOARD OF SELECTMEN
Minutes of the December 14, 2004 Meeting

1. **CALL TO ORDER** by Chairman William P. Cole at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Kenneth J. Massey.
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; Kevin Burns, Road Agent; Sean Sullivan, Community Development Director; Shawn Murray, Fire Chief; Tom Sommers, Town Engineer; Joe MacLean; Nominations & Appointments candidates; Anne Lundregan, TEL
4. **PUBLIC INPUT**
There was no response when Chairman Cole asked if anyone in the audience wished to address the Board.
5. **NOMINATIONS & APPOINTMENTS**

Motion by Selectman Maddox, seconded by Selectman Stewart, to acknowledge the resignations of Richard Botteron and Deanne Fitzpatrick from the ZBA and Gary Dearborn from the Trustees of the Trust Funds, with the Board's deepest thanks and sincere appreciation for their service carried 5-0.

- A. **Building Board of Appeals** (2 Members, terms to expire 12/31/07)
Jay Gove, 48 Willow Creek Drive (Current Member) a licensed realtor and contractor was interested in serving another term on this board. He might be interested in serving on another board, depending on which one it was.
- B. **Cable Utility Committee** (1 Member, term to expire 12/31/07. *Must be a cable-user.*)
Leo Bernard, 3 Bungalow Ave (Current Member), having just been appointed in October and elected as the committee's vice chairman, was interested in serving another term. He is a cable user.
Jean Serino, 118 Robinson Road, expressed a desire to serve on this committee because of her passion for diversity and the arts, and her experience, having hosted a cable show on Channel 13 in Nashua. She is a cable user.
- C. **Conservation Commission** (3 Members & 1 Alternate, terms to expire 12/31/07)
James Battis, 6 Potter Road (Current Member) was away on business.
Michelle Champion (Current Member) had another commitment. She will be at the 12/28th meeting.
Ken Dickinson (Current Member), a landscape architect, wanted to continue serving on this committee.
Raymond Orner, 8 Sand Hill Road, has always had an interest in the management of natural resources and wanted to get involved. He has never attended a committee meeting, but plans to attend the one next Monday night.
Brynn Campbell, 5 Sandlewood Road, will be present on 12/28.
- D. **Planning Board** (2 Members & 1 Alternate, terms to expire 12/31/07)
Jeff Rider, 61 Barretts Hill Road (Current Member) enjoys serving on this board. He has a background in civil engineering and his extensive experience in planning/zoning related work allows him to bring a lot to the table.
Suellen Seabury, 50 Pelham Road (Current Member), a criminal law attorney, has served on this board for many years and loves it. She is also a member of the NRPC and is an alternate on the Conservation Commission because of the consistency and information sharing that serving on multiple similar use boards allows.
William Tate, 83 Wason Road (Current Alternate), a 58-year resident, would like to continue serving on this board.
Timothy Boland, 2 Megan Drive, a two-year Town resident, loves the Town and wants to help out. He also indicated that he would serve on the Water Utility and Rec Committee. He has not attended board meetings.
Normand G. Martin, 3 Edgar Court, is interested in learning about the Town and helping out. He has not attended a Planning Board meeting, but has attended Zoning Board meetings.
- E. **Recreation Committee** (1 Member & 1 Alternate, terms to expire 12/31/07)
Robert Logano, 28 Rangers Drive (current Alternate) has served for a couple of years as an alternate and was applying for a member position. He is involved with a lot of the Rec programs and wants to continue to serve.
Timothy Boland, 2 Megan Drive (seeking Alternate position) (interviewed earlier).

(Start of Tape 1-B)

- F. **Sewer Utility Committee** (2 Members, terms to expire 12/31/07. One non-sewer user allowed.)
William Abbott, 48 School Street (Current Member) enjoys serving on the committee and wants to continue. Chairman Cole

offered accolades to Mr. Abbott, as chairman, and the committee for their professionalism for their work on the Glen Drive sewer project.

Howard Dilworth, Jr., 15 Sycamore Street (Current Member) is vice chair, has been a member since 1998 and was surprised that his reappointment came up again so soon. Chairman Cole echoed his earlier comments to Mr. Abbott.

Normand G. Martin, 3 Edgar Court (interviewed earlier).

G. Solid Waste Study Committee (1 Member, term to expire 12/31/07)

Normand G. Martin, 3 Edgar Court (interviewed earlier).

H. Water Utility Committee (5 Members, terms to expire 12/31/07. One non-water user allowed.)

Timothy Boland, 2 Megan Drive (interviewed earlier) is a water user.

Brion Carroll, 4 Olde Coach Road, recently appointed to the NRPC, is a non-water user. He wants to be a participant in making a difference in Town, which is a shining example for surrounding towns.

Doris R. Ducharme, 76 River Road was not present.

Leo Bernard, 3 Bungalow Avenue, is a 36-year resident, a water user and a member of the Budget Committee and Cable Utility Committee. He enjoys being involved by serving on Town committees.

Jeffrey Rider, 61 Barretts Hill Road, a non-water user, thought his extensive background and experience would benefit this board, which includes being an engineer for water and sewer departments, director of public works, and water commissioner—which involved everything from hydrant flushing to developing master plans to budget preparation.

I. Zoning Board of Adjustment (1 Member & 2 Alternates, terms to expire 12/31/07)

Michael Pitre (Current Alternate, seeking Member position)

Maryellen Davis, 14 Nathaniel Drive (Current Alternate)

Marilyn McGrath, 81 River Road (Current Alternate) will be present on 12/28.

ZBA Chairman Brad Seabury spoke on behalf of the three current alternates. Mr. Pitre was applying for a member's position, while the other two were seeking reappointment, all of which he enthusiastically endorsed.

Note--If Mr. Pitre is appointed to the membership position, that will mean that four alternate seats will be available—Ms. Davis', Ms. McGrath's, Mr. Pitre's and the seat vacated by Ms. Fitzpatrick.

Normand G. Martin, 3 Edgar Court (interviewed earlier).

Timothy Boland, 2 Megan Drive (interviewed earlier).

6. CONSENT ITEMS

There was no response when Chairman Cole asked if anyone wished to remove any consent item(s).

Motion by Selectman Stewart, seconded by Selectman MacLean, to receive items A – D, as indicated/ appropriate, carried 5-0.

A. Assessing Items

- 1) Veterans Tax Credits (104 Central Street; 224 Fox Hollow Drive; 39B Shadowbrook Drive; 11 Elaine Street and 5 Daniel Webster Drive) and Elderly Exemption (34 Clement Road) w/recommendation to grant.
- 2) 2004 Abatement (21 Ledge Road) w/recommendation to deny.
- 3) 2004 Abatement (12 Ridgecrest Drive) w/recommendation to deny.
- 4) 2004 Abatement (14 Sycamore Street) w/recommendation to deny.
- 5) 2004 Abatement (60 Robinson Road) w/recommendation to approve.
- 6) 2004 Abatement (7 Vernon Street) w/recommendation to approve.
- 7) 2004 Abatement (60 Robinson Road) w/recommendation to approve.
- 8) 2004 Abatement (13-B Rangers Drive) w/recommendation to approve.
- 9) 2004 Abatement (35 Copeland Drive) w/recommendation to approve.
- 10) 2004 Abatement (6 Logan Court) w/recommendation to approve.
- 11) Current Use Lien Release, Hilltop Estates II, w/recommendation to approve.
- 12) Certification of Yield Taxes, 2003-2004, w/recommendation to sign.
- 13) Disabled Tax Deferral, 7 Alpha Street, w/recommendation to grant.

B. Licenses and Permits

Request by Hudson Heat Outcasts Softball to collect funds for their team at Wal-Mart on January 1 and 15, 2005.

C. Acceptance of Minutes

Minutes of the Selectmen's Meeting of November 23, 2004.

D. Committee Announcements

Dec 15 7:00 Budget Committee in BOS Meeting Room

Dec 16 7:00 Budget Committee in BOS Meeting Room

Dec 20 6:30 School Board in BOS Meeting Room

Dec 20 7:30 Conservation Commission in CD Meeting Room

Dec 21 7:00 Budget Committee in BOS Meeting Room

Dec 22 7:00 Cable Utility Committee in BOS Meeting Room

Dec 23 7:00 Open Space Subcommittee Meeting at Robinson Road Fire Station
 Dec 23 7:00 Lower Merrimack River Advisory Committee at NRPC
 Dec 24 Town Hall closed for Christmas Holiday
 Dec 28 1:00 Trustees of the Trust Funds
 Dec 28 7:00 Board of Selectmen in BOS Meeting Room
 Dec 29 7:00 Budget Committee in BOS Meeting Room
 Dec 31 Town Hall Closed—New Year’s Eve
 Jan 11 Last day for Selectmen to publish notice of public hearing on bond/note over \$100,000
 Jan 11 Last day to submit petitioned warrant articles
 Jan 18 Last day to hold public hearing on bond/note over \$100,000
 Jan 19 – 28 Time period to file for candidacy
 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

7. OLD BUSINESS

A. Noise Ordinance Amendment Recommendations

Sean Sullivan, Director of Community Development, said at the Board’s last meeting, Hal Kreider presented them with recommendations to amend the Noise Ordinance. Mr. Sullivan addressed each of Mr. Kreider’s issues, which was before the Board tonight.

Selectman Maddox asked if there was a definition in the zoning regs for “outdoor construction by commercial contractors.” Mr. Sullivan said not in the Zoning Ordinance and he didn’t think there was one in the Noise Ordinance. Commercial contractor would be someone who does this for a living, not someone working on their own property. Selectman Maddox said the noise would be just as much of a problem, whether it was by a commercial contractor or someone working in their own yard. Mr. Sullivan said that would be considered a nuisance, covered under another section of the ordinance. They could also check to make sure the equipment has proper mufflers installed to mitigate the noise level. Mr. Kreider had initially recommended eliminating #3 in his memo, but the acoustician who drafted the Noise Ordinance strongly recommended keeping that language in there. He thought Selectman Maddox’ concern could be addressed under §249-4-A. Selectman Maddox asked Mr. Sullivan to draft something because he’d like to see the Planning Board put that basic note on the boilerplate for plans for Town construction so there would be some reference as to what a commercial contractor might be. Mr. Sullivan said he would take a look at that.

Selectman MacLean referred to #2, saying she thought it would be a good idea to keep the term “always” in there because then they would have an official reading instead of someone just saying it was loud. Mr. Sullivan said he talked with the Town Administrator before making this recommendation. The term is pretty inclusive, which scares him. He’d prefer something more middle of the road. When this particular situation arose, the responding officer determined that a noise meter test wasn’t necessary. On Monday, he and a couple of police officers went out, at which time they took a reading, and found it exceeded the noise limit. Chances are, they would have found that it exceeded the noise limit if the reading had been taken on the previous day, which was a Sunday. There is an issue with music in another part of Town, emanating from a football game at Memorial School on a Sunday. A police officer took meter readings that day. He felt that some degree of discretion was appropriate because it’s hard to predict every specific situation. He understood Selectman MacLean’s concern, but felt that it was best to leave it to the prudent discretion of the professional. Selectman MacLean didn’t see what harm could be done for a reading to be taken for all complaints. Mr. Sullivan said, in worst-casing it, if someone was not proficient in operating the meter and the readings were determined to be faulty, it would not stand up in court.

Selectman Massey said Mr. Krieder had suggested the hours of operation be night and day, with the exception of 4:00 p.m. on Saturdays through 7:00 a.m. on Monday and all national holidays. He asked why Mr. Sullivan changed it to 7:00 a.m. to 7:00 p.m. because some construction, such as highway construction, may be done by a private contractor that may have to be done at night because of safety issues. Mr. Sullivan said he tried to make it concise for the responding official. If a deviation were necessary, a waiver could be granted by the Board of Selectmen. Selectman Massey thought a special permit could be applied for to work outside the specified hours. Mr. Sullivan said he could draft the appropriate language for that. Selectman Massey asked if the granting authority should be the Department of Community Development or the Board of Selectmen.

(Start Tape 2-A)

Chairman Cole thought the Board of Selectmen could waive the policy. Selectman Massey said with that sentence included, the seven-to-seven would be a reasonable time frame. Selectman Maddox said the seven-to-seven is practical and easy to keep track of. However, with a 7:00 a.m. start time, he wondered if this would affect some of the gravel operations. Mr. Sullivan said he

has spoken with some of the gravel operators and the operations within the confines of the site begins at 6:00, but none of the heavy construction begins until 7:00. Whenever his department has received a complaint, they have acted on it promptly and the businesses have been very cooperative. He doesn't think there has been a complaint in over six months. Selectman Maddox thought the gravel operators should be made aware of the proposed text because he can hear them starting at 5:30 in the morning from a long ways away.

Chairman Cole asked if they were talking about someone who chips rock, puts it on a truck and brings it to a job site. Mr. Sullivan said that was not his impression. Selectman Maddox said that's why he wanted to see it defined. Selectman Massey said Mr. Kreider was specifically referring to the chipping process, someone who needed to clear rock from a building site. Chairman Cole said he appreciated that, but it was the Board's mission to do what was best for the Town as a whole, not for an individual citizen.

Selectman Maddox said the Community Development Director should come back with a list of definitions for commercial contractors so they don't have this gray area. In his estimation, filling up the back of a dump truck with chipped rock is a commercial contractor. They need to know all of the areas they are going to cover with this noise blanket. Chairman Cole agreed there was a level of ambiguity they might want to clarify. He suggested that Mr. Sullivan come back to the Board on the 28th with a revised proposed motion, taking into account Selectman Massey's comments about the waiver, revisit the timing with regard to Selectman Maddox' concerns about the gravel operations and with an eye to good neighbors who have been around for quite awhile, as opposed to carpetbaggers, who they are trying to deal with. The Board was satisfied with the other responses in Mr. Sullivan's memo to Mr. Kreider. Chairman Cole asked Mr. Sullivan to include a brief overview of chippers vs. roofers vs. etc., and a revised proposed motion so on the 28th, hopefully, they can decide whether or not to send it to two public hearings and get it on the books.

B. Merrimack Valley Regional Water District

This item was held in abeyance from May 11 until December 14 on the decision whether or not for Hudson to join the Merrimack Valley Regional Water District. They have until June 2005 to join as a charter member. Right now, they have to focus on getting the most important thing done for the Town, which is the upgrade to the Water Utility and to get the Water Utility Committee started.

Motion by Selectman Massey, seconded by Selectman Maddox, to defer until May 10, 2005 carried 5-0.

8. NEW BUSINESS

A. Bid Recommendation—Sewer Relining

Road Agent Kevin Burns said they prepared detailed specifications for the relining of 2,250' of 12" clay sewer line in an area off the industrial park by Route 111. Five companies were interested, but only three bid. His recommendation was to award the bid to the low bidder for \$74,025. Selectman Stewart asked if this company has done work for the Town before, or if Kevin was familiar with them. Mr. Burns said they've never done work for the Town before, but their references check out and they are highly recommended. He is comfortable going with them. Selectman Maddox asked how they know this work is being done right, if it is visually inspected via camera. Mr. Burns said they have filmed the pipe in its current condition. Once the work has been done, they will go in again with their camera and videotape it before payment is approved. Selectman Maddox asked if the "filler" actually becomes the pipe. Mr. Burns said it becomes a pipe within a pipe. The material is heated up and becomes pliable. It is pulled from manhole to manhole, so it forms one continuous pipe and then it is blocked at one end and inflated and forms to a 12" round pipe inside of the clay pipe. Afterwards, they go through with a machine and cut out the laterals, so it's one solid piece. The clay pipe is very brittle; the joints are offset and there is a lot of water infiltration. In this area, it would be very costly to dig because it is deep and runs through an industrial park. It is much more cost effective, in this case, to reline the existing pipe. Selectman Maddox said it was an interesting process. He asked if there was a way to measure the present infiltration to determine if there was a significant reduction, which would help with the allocation. Mr. Burns said it has already been done, but they could do another reading so they would know the average flow per day compared to the flow after it is done. There are only four laterals the whole 2,250 feet—only four connections. Selectman Maddox asked if this work will be done to OSHA specifications relative to confined space. Mr. Burns said that was correct.

Chairman Cole said the morning after he was appointed to the Town Council in 1991, Mr. Burns or Jess Forrence took him down in the sewers. Something he never forgot. He asked what the history of relining Town sewer lines was. Mr. Burns said this was the third time they've done it. The first time was a freebie, a small section off of Charles Street, that the vendor did as a demo. The second case was down alongside Riverside Ave, where it was cost-prohibitive to dig because it would have exposed the asbestos fill in that area. In most cases, the pipe is 4'-8' deep, so it's more practical to dig it up and replace it. When they compared the figures, they determined lining was the way to go in this case. If they were to dig up the pipe in the industrial park

area, it would take all summer. This way, it will take two days.

Motion by Selectman Stewart, seconded by Selectman Maddox, to award the contract for the 2004-2005 PVC Folded in Place Sewer Rehabilitation Program to Green Mountain Pipeline Service of Bethel, VT in the amount of \$74,025, as recommended by the Road Agent and the Finance Director, carried 5-0.

Street Sweeping of the School Parking Lots

Selectman Massey asked to change the Order of the Day to take up an item from Other Business that concerned the Road Agent. There was no objection, so the Chairman allowed it. Selectman Massey said during the school budget deliberations by the Budget Committee, the question was asked what the cost would be for the Town to do the power sweeping at all of the school facilities. The school district has budgeted \$9,000 to do the work. The approximate cost for the Town to do the work would be \$2,700 which would include labor, fuel and supplies. The school district wants the sweeping to be done in early April, at the end of the snow season. That is the exact same time that the Town is doing the central corridor and when they finish that, they move to either the north or south end of Town. The question was asked if the Town could do the work on overtime on a Saturday or a Sunday. In talking with Mr. Burns, there is no way to know with certainty that they would have those days available to do the work in the time frame the school district wants. The streets in the central part of Town needs to get done as quickly as possible. There are only two people certified to do this work, and one piece of equipment. Between them, they work seven days a week in April and May in order to get the streets done. Selectman Massey didn't think the Town could commit to providing that service to the school district. He asked for the will of the body, whether or not the Town would provide this service, which he would take back to the Budget Committee.

Selectman MacLean asked if the school district would pay the \$2,700 or if the Town would foot the bill. Selectman Massey said, ultimately, it wouldn't matter because it would come out of the tax rate, but the consensus was that it would be paid for by the school district because it was overtime. Right now, a contractor comes in the early part of April to sweep the parking lots. If there happens to be a snowstorm after they sweep in April, the contractor will come back and clean it up. Selectman Maddox asked what a machine costs. Mr. Burns said about \$150,000. He calculated what it would cost to use two men for four days, replacement brooms and fuel, but not wear and tear on the machine. Selectman Massey said his recommendation was to respectfully decline on the basis that, given the time that the school district wants it done, they couldn't commit to doing it because they need to get the streets done in that same time period. If they could wait until June, the Town could do it, but not during April or May. By consensus, the rest of the Selectmen were in agreement with Selectman Massey's recommendation.

B. Sewer Policy Revision, III.B—8, Auxiliary Meters

Town Engineer Tom Sommers said they want to change the process of inspection from the Highway Department to the Building Inspector and make it a plumbing permit for the installation of an auxiliary meter. Selectman Maddox referred to #B, "A plumbing permit shall be applied for through the Building Department," and recommended inserting, "prior to said installation," telling people they have to have a permit in advance. Mr. Sommers said that was a given. Selectman Maddox referred to #D and asked who notified the Sewer Utility Clerk that a satisfactory inspection has been completed. Mr. Sommers said the Building Department will. Selectman Massey said the Sewer Utility Committee has approved this policy change. Mr. Sommers said as well as the Highway Department and Building Inspector.

Motion by Selectman Stewart, seconded by Selectman MacLean, to revise the policy, as recommended by the Sewer Utility Committee, carried 5-0.

C. Addendum #17 to GZA Contract for West Road Landfill Closure Monitoring FY2005

Town Engineer Tom Sommers said this was the continuation of the monitoring of the West Road landfill, which was closed quite some time ago. Until they reach certain water quality limits, they have to continue to monitor it. The limits get more stringent. Selectman Maddox asked if there was anyone cheaper. Mr. Sommers said this was a competitive price, as geotechnical engineering is not cheap. He said it was important to keep the continuing liability base and advised against switching horses in mid-stream. Selectman Maddox thought it wise to have someone else checking once in awhile. Mr. Sommers said it is being checked by DES.

(Start Tape 2-B)

Chairman Cole said if it wasn't being checked, they wouldn't need all of these addendums.

Motion by Selectman Stewart, seconded by Selectman MacLean, to approve Addendum #17, as recommended by the Town Engineer, carried 5-0.

D. South Hudson Water Storage Tank & River Road Water Main Design Consultant Selection

Town Engineer Tom Sommers referred to his memo dated December 7, which lays out the process they went through for selection. Their recommendation by him, Community Development Director Sean Sullivan, Civil Engineer Gary Webster and Selectman Massey, is for the firm they have been using, who is also the highest bidder. Weston & Sampson, hands down, had the experience and knowledge they were looking for. The difference between the high and the low price is that the low price did not carry anywhere close to the amount of geo-technical soils investigation that Weston & Sampson did, which he believes is the key to making sure they got a good price on the actual construction bid. His experience tells him that if you don't do the proper amount of soils investigation, you can end up thinking you won with the design end because your price is lower, but getting hit in the construction end because you don't have all the information to go into the bid package because you didn't get it during the design process. After the task force went through an exhaustive evaluation, the unanimous recommendation was for Weston & Sampson to do the design work.

Selectman Massey said when the ten proposals were received, they went through them and winnowed them down to the three best. Each person ranked the proposal on a set of criteria, then compared each of the four rankings and that's how they came up with the three finalists. They then interviewed the three companies. After that, they again ranked the responses and compared that against the proposals. Only after they had ranked them did they know what the cost proposal was. They ranked them as the best option for the Town getting the design work done, based on their performance and, after that, they then looked at the cost. The firms were ranked 1) Weston & Sampson; 2) Metcalf & Eddy; and 3) the Maguire Group. One of the aspects of this that he learned is that they are going to be dealing with very steep slopes, where the proposed water tower is to be sited. This geo-technical work is going to be very critical in being able to mount that steep slope. That was one of the contributing factors to ultimately deciding that Weston & Sampson would best meet the needs of the Town to get the design work done.

Selectman MacLean said in reviewing the backup information, §2 where it listed the schedule of events, it said in mid-January, they would submit a probably cost estimate and then in late March, they would submit a final cost estimate. Mr. Sommers explained that was referring to the construction cost; this is for the design. Selectman MacLean thought that Weston & Sampson were the Board's consultants and they wouldn't bid on anything because of that. Mr. Sommers said Weston & Sampson are the Town's expert consultants with respect to the water system, but there are situations where there are specific projects like this where they go through the procurement process. In some cases, the Board has waived the procurement process for that work. This is a situation where they went out separately and went through a whole clean process with respect to requesting proposals for design. Selectman MacLean if the Maguire Group was awarded the bid, and then their work was found to be substandard, if they could switch firms at that point. Mr. Sommers said sure, but he strongly advised against doing that because of the issue of liability that goes with design. You need to have reason for switching from one to another, and you might not even know that when you go out to bid. We don't have the property quantity of ledge, which is a big cost item. If we don't have a proper quantity because we didn't do the right geo-technical evaluation, or enough geo-technical evaluation, which doesn't mean they've done anything wrong, it just means they didn't do enough geo-technical evaluation, then the Town might get a bid that puts us into a situation where all of a sudden there is a lot more ledge than we think, and end up getting hit with a big price tag because contractors know how to play the game of bidding. Accuracy is vital in the bid documents and as much information as possible because of what can happen. None of this can be predicted in advance. Selectman MacLean asked if that could happen with Weston & Sampson, too. Mr. Sommers said it could, but Weston & Sampson has a track record of two to five percent cost overrun in construction, which is very, very reasonable, which means they have done their homework very well. He is more confident in what they have told him they would do for geo-technical evaluation than he is in what the others told him they would do. There is little cost difference between Weston & Sampson and the second bidder, but there is quite a difference between the first and the third. These are specific questions he asked during the interview process because he used to be on the other side in terms of bidding sewer or road projects. In order to get the best bid package, you need to get the most complete set of engineering documents. That does not necessarily mean you go with the least expensive designer. He looks for specific areas and specific concerns of how they are going to approach the design issues and one of the big design issues in this is the geo-technical evaluation. Selectman MacLean said she will go along with the expert because she doesn't pretend to know more than they do, but it seems that not going with the lowest bidder is becoming more the rule than the exception—and it is starting to bug her. Chairman Cole said this did go through the procurement process, so it was not a sole source, nor was it a waiver. Selectman MacLean said the other thing that bugged her was they spent a lot of money to have Weston & Sampson be the Town's non-biased consultant and she thought it was made clear that they weren't going to bid on any projects. Mr. Sommers said she was confused. This was something they would obviously come in on; they would not bid on the Operation and Maintenance contract, where the Town is asking them to give us services specifically to review that contract. Chairman Cole agreed, saying that conversation took place when they were discussing Pennichuck. Selectman MacLean recalled that that was correct and thanked him and Mr. Sommers.

Selectman Massey said one of the major differences between the Maguire Group and the others is the amount of borings they were going to take; it was like every 400 feet. West & Sampson was going to do it every 20 or 40 feet—a significant number of borings. He said to keep in mind that borings were done every 20' on Wason Road, and they still hit ledge when they went to do the excavation. Not knowing that the ledge was there increased the cost. The more borings that are done, but better the profile of what the construction people are up against. The money to do the work was encumbered from FY04. The money was already

authorized; they are just not at the point where they are ready to spend it. Chairman Cole said the Board also encumbered this in 03. Mr. Sommers said he gave the firm with the low proposal an opportunity with the questions he asked that were specific to geo-technical to increase that, and they didn't take him up on that offer. The work they are going is not equal. Selectman MacLean said she understood.

Selectman Maddox said he was siding with Selectman MacLean and was a little concerned. He respects the evaluation that has been done, but there is a 20% cost delta between the lowest and the highest. On Wason Road, borings were done every 20' and they still hit ledge. He wondered how many borings were requested. Mr. Sommers said he left that up to the designers to go out into the field, look at what was before them, then decide what they would do. The design engineer is the expert, and it is up to them to make a recommendation. That is why he asked during the interviews why they had so few borings. They didn't think it was a big deal, but his own experience tells him otherwise. Selectman Maddox said he would support this recommendation, but he can see why questions are being asked. However, given the magnitude of the project, it's better to use the belt and suspenders and hope they have a better result than the unfortunate Wason Road. Mr. Sommers said this leads into a bid documents that goes to contractors. That will be bid solely on low bid basis. That is a much bigger number than this, but this effort defines what that will be. That's why it is so important that this effort is taken seriously and done well. His gut feeling is that the cheapest design does not produce the least expensive overall cost. The design cost is 10%-15% of the whole project. In this case, it is less than that because the tank is a standard item because they've been designed so many times. Selectman Maddox said if \$150,000 was encumbered, this came in significantly less. Selectman MacLean said she never knew water tanks could be so beautiful. Some of them are works of art. She hoped Hudson would get a pretty one. Selectman Massey said every one of the bidders informed him that all of the tanks are capable of being painted with designs.

Chairman Cole said he spent a good deal of his life in a profession where he reminded himself of the salient fact that his weapon was manufactured by the lowest bidder.

-
Motion by Selectman MacLean, seconded by Selectman Massey, to contract with Weston & Sampson for the design of the South Hudson water storage tank and the River Road water main in the amount of \$66,500, as recommended by the Town Engineer in his memo dated December 7, 2004, carried 5-0.

Motion by Selectman Stewart, seconded by Selectman Maddox for a recess at 8:52 p.m. carried 5-0. Meeting resumed at 9:00.

Street Acceptance, Bradford Circle (from Clement Road to Station 10 Plus Zero)

Selectman Massey requested changing the Order of the Day to take up an item from Other Business. There were no objections, so the Chairman allowed it.

Town Engineer Town Sommers said this was Kimball Heights, Phase I. This well-established street has been completed for about three years. It didn't get in front of the Selectmen until now because of an internal administrative issue, a question the Planning Board had for the Road Agent. He hoped the Board would waive the policy of December 1 and accept this street tonight. The Road Agent is ready to plow the street and is ready to move forward.

Selectman Maddox said that road was originally a circle, but the road continued on and the original request made it appear they were accepting the entire road. This is only from Clement to the former circle. It was a matter of making sure they didn't approve the entire road, which has not been completed. He would support acceptance of just this section of Bradford Circle, which should be another name because it is no longer a circle. Chairman Cole asked what the correct designated name was. Mr. Sommers said Bradford Circle.

Selectman Stewart asked if the road continued on, the portion that was not approved. Mr. Sommers said yes, but it is in almost the same condition. Selectman Stewart said if they are accepting one little section, that is the only portion that should be plowed. She wondered if the trucks would turn around there, or continue to plow the rest of the street. Mr. Sommers said there is a driveway to a vacant lot they could use to turn around in, or they could lift up their plow and continue down onto Sheffield and go out. Selectman Stewart said Kevin should be told that the plow driver on that route should plow only the accepted portion. Mr. Sommers said the Road Agent was already aware of that, but he would reiterate it to him. Selectman Maddox asked if the second section was 1,000 feet. Mr. Sommers said no.

Chairman Cole opened the public hearing at 9:05 p.m. There were no speakers, so he closed the hearing.

Motion to accept Bradford Circle as a Town street, as recommended by Town staff, by Selectman Stewart, seconded by Selectman MacLean. Amendment by Selectman Maddox, seconded by Selectman Stewart, that acceptance of Bradford Circle be from Clement Road to Station 10 Plus Zero, approximately 1,000 linear feet, carried 5-0. The main motion, as amended, carried 5-0. Selectman Massey said the motion should be amended to indicate the Board is waiving their policy that streets must be accepted by December 1.

(Start Tape 3-A)

Motion by Selectman Massey, seconded by Selectman Maddox, to reconsider the previous vote carried 5-0.

Motion by Selectman Massey, seconded by Selectman MacLean that the Board of Selectmen waives the December 1 deadline for street acceptance and accepts Bradford Circle from Clement Road, for about 1,000 linear feet, to Station 10 Plus Zero, carried 5-0.

E. Public Hearing to amend Chapter 205 Establishment of Fees, of the Hudson Town Code, Police Cruiser Detail

Chairman Cole stated that this is being recommended by the Chief of Police. He opened the public hearing at 9:10 p.m. No one spoke on it, so he closed the hearing. Selectman MacLean wanted the viewing audience to know that this fee is paid for by the people who hire the police detail, not by the Town. Selectman Maddox said it does not mention by request in the memo. Mr. Malizia said there are details that don't require a cruiser. Sometimes an officer will use their own personal vehicle. Construction, for example, is when a cruiser is requested as part as the detail. Selectman Massey asked why this didn't need two public hearings. Chairman Cole said this is amending the Town Code, not an ordinance.

Motion by Selectman Stewart, seconded by Selectman MacLean, to approve the increase of fees for a police detail from \$5 to \$15, as recommended by the Police Chief, carried 5-0.

F. Public Hearing/Adoption of Ordinance 04-06, Prohibiting parking on both sides of Able Street

Fire Chief Shawn Murray said this issue was addressed by the Highway Safety Committee a few months ago, at which time they recommended to the Board of Selectmen that there be no parking on the west side of Able Street. That ordinance was adopted. They now feel that, due to safety issues, parking should be banned on both sides of the street. It is difficult to plow the street, to get fire apparatus down the street and, in addition, they have received a lot of complaints regarding parking, especially by people using the Bingo hall. Chairman Cole said he was confused and wondered why this didn't understand two public hearings. He asked for a motion to defer this until they Board understands what requires two public hearings and what doesn't. Selectman Maddox said if a second public hearing is needed, tonight could be the first public hearing. Chairman Cole said he wanted to have a clear understanding first. He didn't think this was so time-sensitive that it couldn't wait for another meeting. Selectman Maddox said it would take at least two meetings. Chairman Cole didn't think it was that critical that it had to be acted on so quickly. In the interest of clarity, he preferred to wait.

Motion by Selectman MacLean, seconded by Selectman Maddox, to defer this to December 28 carried 5-0.

G. Public Hearing/Acceptance of a Donation of \$545 from Flash Photo Sports to the Recreation Department

Chairman Cole opened the public hearing opened at 9:19 p.m. There being no speakers, he closed the hearing.

Motion by Selectman MacLean, seconded by Selectman Stewart, to accept the donation, with the Board's thanks and appreciation carried 5-0.

H. Warrant Article to discontinue Animal Shelter Capital Reserve Fund

Town Administrator Steve Malizia said the Trustees of the Trust Funds asked the Board to consider putting in a warrant article to discontinue the aforementioned fund. The Town has built an animal shelter and the balance is zero. In order to get this off the books, this is what they must do. There is no monetary impact to this article. Selectman Maddox said there was still an outstanding issue of some dollars that may come in from someone who was holding a contribution. He asked where those monies would go, if they ever come in. Mr. Malizia said they would go in a donation account.

Motion by Selectman Stewart, seconded by Selectman Massey, to forward the Animal Shelter Capital Reserve Fund article to the warrant carried 5-0.

I. Fire Department Apparatus Vehicle Replacement Report

Fire Chief Shawn Murray said this comprehensive report was compiled over the past couple of months in order to detail the needs of the Hudson Fire Department emergency vehicle fleet and to obtain support for fire apparatus replacement by educating Town officials and leaders on the needs of the department. By obtaining a better understanding of the issues that affect the useful life of fire apparatus, they will be able to make informed decisions when formal requests for replacement funding is made. This is a working document and understood that various economic, operational and political factors contribute to the ability, or lack thereof, support to recommend apparatus and vehicle replacement schedules. However, it should be noted that each time a replacement schedule is modified, costs and time lines for the replacement of apparatus increases the service life of all vehicles

affected. This report is comprised of the introduction, background on the most recent history of fire apparatus, the life span of fire apparatus, the effects of age, maintenance, performance testing and obsolescence, funding alternatives, long-range apparatus replacement schedule and a long-range apparatus replacement chart. This working document will change, due to the various economic, operational and political factors. He asked if there were any questions.

Selectman Maddox said this was a great start. He'd like to see the mileage and hours on the vehicles, a breakdown on what truck is what by year so they can see the mileage put on from year to year, the hours put on and how much maintenance was done. That information will tell them what they need to be looking at. He asked if they were going to delve into the report tonight, or if a separate meeting would be scheduled. Chairman Cole said the intent was for the Fire Department to get something in front of the Board and this was an excellent first shot, especially by Chief Murray, who put this together, some of which he will also be submitting to the Budget Committee. After each one of them has an opportunity to digest this report, after the holidays, they can schedule something in conjunction with a scheduled meeting, or a special workshop to look at this, see where they are based on the budget cycle, where they hope to be at the end of Town Meeting and, given the two alternatives for the end of Town Meeting, what they would like to look at for the upcoming year and the out years, based on this kind of data. If there are additional areas of interest the Board members might have that they would like addressed, to get that to him, as the liaison to the Fire Department, and he'll coordinate with the Chief and his command structure to make them available. He thanked the Chief for his leadership and serving as the catalyst in getting this information before them tonight, the subject matter of which has been kicked around year after year after year, with only lip service being paid to it.

Selectman MacLean said the report was very educational. She always wondered why fire engines were red. Now she knows. Selectman Maddox reiterated this was a great start. They can't formulate a plan without having information in front of them. Hopefully, at the end of this, they will have a document the Town can hang their hat on as far as where they are going to go for the next 20 years in fire apparatus replacement schedules, as opposed to the present hit and miss system. A detailed breakdown of the calls, etc. They are going to be looking for more data—the difference between buying new equipment vs. rehabilitation. If they bought a brand new truck in 2004, should it be broken down completely at 2010, or keep its life. Those kinds of questions. Where is the best bang for their buck? Is it better to buy that custom they know they are going to have to put X amount of dollars in, but it will take us to that length. Those kinds of questions based on, historical, how many hours; how many runs does it do? It will be invaluable for them and future boards, and other Town boards, to be able to make intelligent decisions, based on fact, rather than "I think." He appreciated the Chief's efforts and he looks forward to this project for the new year.

J. Public Hearing on the acceptance of a Hillsborough County Incentive Fund Grant to the Fire Department

Fire Chief Shawn Murray said the request was for the Board to accept this grant from the County, which they apply for annually. This will go towards a fire prevention project, a fire safety house which is a tool for grade school children. It is like a doll house, about 5' or 6' tall, and is called a Hazard House. It educates the children on how to develop home fire safety plans. This is an interactive model and can put smoke in a room to show how smoke detectors work. It teaches them how to react when a smoke detector goes off. The actual cost of the Hazard House is \$6,500. This will not cost the Town any money. However, when they applied for the grant, they had to show the County where the fire prevention money and materials would come from, so they listed two areas. \$5,000 for in-kind work and \$5,000 for in-kind materials. That is just part of the budgetary process; it does not cost the Town anything.

Selectman Stewart thanked County Commissioner Rhona Charbonneau, as well as the other Commissioners, for approving this grant. These are the same people who helped them get Freddie and helped with the skate board park. She asked how soon they could take delivery of the Hazard House. Chief Murray said four to six weeks. He echoed Selectman Stewart's thanks to Mrs. Charbonneau. She always calls Hudson to let them know the grants are coming out. The County Commissioners have done a lot for the Fire Department over the years.

Selectman Maddox asked if Freddie was going to be moved aside in order to transport the Hazard House. Chief Murray said it should fit in either the van or the trailer. Selectman Maddox asked how the Chief was going to handle requests by other towns for the Hazard House. Chief Murray said they work cooperatively with other area fire departments, so if someone requested it, and the house was available, they'd loan it to them. That's part of the grant process. There are exceptions, of course. When they send Freddie out of Town, one of the Fire Prevention Officers goes with him because they don't want him to get lost or abused. Selectman Massey asked who Freddie was. Chief Murray said he's the motorized, talking fire truck that interacts with children. It has tremendous educational value.

Chairman Cole opened the public hearing at 9:35 p.m. and asked if anyone wished to speak. There being no one, he closed the hearing.

Motion by Selectman Massey, seconded by Selectman Maddox, to accept the grant, as recommended by the Fire Chief, carried 5-0.

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

Terry Stewart referred to a memo the Board received from NRPC relative to available options to address the Webster Street traffic problem. NRPC offered to do a traffic study to analyze the effect of opening Webster Street for two-direction travel at Ferry Street. The study would show the amount of traffic that would divert from Ferry Street onto Webster and also the broader picture of the overall impact on traffic in the Town. NRPC could provide this study for the Town at no cost, as part of the transportation planning program. Selectman Stewart said they owe the residents, on both sides of the issue, the benefit of this free traffic study. It would give them a starting point, if they were to go to the Governor or Executive Council. Selectman Massey thought it was an excellent idea. Selectman MacLean liked the idea it was free.

Motion to request NRPC to do the traffic study at no cost to the Town by Selectman Stewart, seconded by Selectman Maddox, carried 5-0.

(Start Tape 3-B)

Benson's Committee Chairman Esther McGraw asked Selectman Stewart to thank everyone who helped out on all of the cleanups at Benson's. Last Wednesday night the committee hosted an open house at the Hill House, at which time there was a presentation. Selectman Stewart thanked Mrs. McGraw for all of the work that she does, and wished everyone Merry Christmas.

Ken Massey updated the Board on the Budget Committee meetings. During the course of the Police Department's budget, the Budget Committee approved two decreases totaling \$29,000 in the overtime accounts and approved one increase of \$8,500 for a net reduction of \$20,500. The Budget Committee also approved moving from the operating budget the 3.5% salary increase for all non-union personnel and the associated health related benefits. He asked if the Board wanted to consider putting forth a warrant article for these salary increases. Selectman MacLean said she was in favor of doing that, in view of the way the voters voted on that in the past. Selectman Stewart said she understood the concept, but they don't do that with the SAU administration. Selectman Massey corrected her, saying that they do have a warrant article. Selectman Stewart said then they were up against the wall and would have to do a warrant article. Selectman Massey said he wouldn't support it at this time. Selectman Maddox wouldn't, either. He thought the Selectmen should have the discretion on how the raises or merit increases are distributed. Selectman Cole didn't support a warrant article, either. Given the current legislation, if it doesn't pass, the Selectmen would be unable to provide any wage or COLA increase to the non-union employees. Selectman Massey wished everyone a happy Christmas or Chanukah, or whatever, and a safe, and peaceful holiday. He extended a safe journey home to Lt. Gendron and Sgt. Carrier, hopefully in the near future, as they spend their time in the Middle East. He wished them and their families a safe holiday.

Kathleen MacLean wanted the Hudson residents to know that she has been trying to find a solution to the leftover leaves in Town. There were many leaves still on the trees after the last curbside pickup day this year, which means there are more leaves in bags curbside, rotting and looking pretty messy. She thinks it would be a service to the homeowners if the Board would direct the Road Agent to evaluate the situation by taking a spin around the neighborhoods to see if it really is a nuisance or if it is just in her neighborhood. Many yards are not conducive to composting and opening up the landfill is probably not an option. Contracting with the WMI is probably too costly, too. Perhaps a Town pickup truck could go around and pick up some leaves that are in the road. This would be during a regular shift; no overtime.

Motion by Selectman MacLean, seconded by Selectman Maddox, that the Board of Selectmen direct the Road Agent to evaluate the situation to come up with a cost-effective way to remove the leaves before the snow sets in.

Selectman Maddox didn't think this was practical. There are hundreds of miles of roads, and to ride around in a pickup, if he finds leaves, to send somebody out to pick them up. He felt the logistics were just too difficult. People can drag the bags out back and hope for the best. There are some leading into his neighborhood, as well. The Road Agent would be driving around in circles, trying to keep track of what leaves are left on what street. He didn't see how it could work. He thought the word "direct" should be changed to "request." Selectman MacLean said maybe it's not that big a problem and it could be solved simply, rather than just say it can't be done without evaluation the situation. She had been trying to find a solution and noticed in the HLN that the Fire Department union members were going to be picking up Christmas Trees for a \$5 donation to Muscular Dystrophy and she thought maybe they could pick up the leaves, too. When she called to ask them, they told her to leave it alone.

Vote: Motion failed by a vote of 1-4. Selectman MacLean voted in favor.

Selectman MacLean said the people on Webster Street should not panic just yet. What they voted for was just a study, which could prove that it would not be beneficial to open the street.

On December 25, Christians all over the world celebrate Christmas. She quoted the very first Christmas greeting ever: "Peace on earth, good will toward men." She said may they not only find peace this Christmas, but be an instrument of that peace to everyone. She wished everyone a Merry Christmas.

Rick Maddox praised the Fire Department for their efforts in managing the day-after-Thanksgiving-shopping-frenzy chaos at Wal-Mart. Several people mentioned to him that they thought the Fire Department did a good job and it was a well-run operations.

On December 5, he and Selectman Massey marched in the Pearl Harbor parade. It was very well done, well attended and included a nice ceremony. They did a nice job for such an important occasion.

He wished everyone the best holiday, whichever one they choose to follow, as they move towards 2005.

Bill Cole, on behalf of the Board, recognized and congratulated fire Capt. Steve Gannon, who is celebrating 15 years with the department on December 15, offering thanks for his outstanding service. Chairman Cole said he was remiss several months ago by not recognizing Lisa Nute of the Police Department. She is the Support Services Manager and celebrated 20 years with the Town on October 23. He thanked her for her service and apologized for being two months late in doing so. She has done a great job and continues to do a great job. Chairman Cole wished everyone and their families a blessed and Merry Christmas.

10. NONPUBLIC SESSION

..... Motion by Selectman Massey, seconded by Selectman MacLean, to enter Nonpublic Session under 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted and (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. Nonpublic session was entered into at 9:55 p.m. and was terminated at 11:17 p.m.

Open session motions:

Motion to promote Firefighter James Paquette to the rank of Lieutenant/Paramedic within the Fire Suppression Division of the Hudson Fire Department at an hourly rate of \$21.67 IAW IAFF 3154, effective December 18, 2004 carried 3-2. Selectmen Stewart and Maddox were opposed.

- Motion to promote Temporary Firefighter Dennis Haerinck to the position of Firefighter within the Fire Suppression Division of the Hudson Fire Department at an hourly rate of \$12.95 IAW IAFF 3154, effective December 19, 2004 carried 5-0.

- Motion to promote Call Firefighter Toby Provencial to the position of Temporary Firefighter within the Fire Suppression Division of the Hudson Fire Department at an hourly rate of \$12.95 IAW IAFF 3154, effective December 19, 2004.

11. ADJOURNMENT

- Motion by Selectman MacLean, seconded by Selectman Massey, to adjourn at 11:21 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