

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the October 12, 2004 Meeting**

1. **CALL TO ORDER** by Chair Pro Tem Teresa Stewart at 7:00 p.m. in the Selectmen's Meeting Room at 12 School Street.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Stewart. She asked everyone to remain standing while she read the following prepared statement: "Today, this community has lost a dedicated public servant. John Bednar, known as the Father of the Right to Know Law, passed away this afternoon at the age of 91. Mr. Bednar served as State Representative for 16 years, as Selectman for 12 years, as Town Councilor for four years, and in numerous other capacities on a voluntary basis. On behalf of the Board, I offer sincere condolences to Mr. Bednar's family. In recognition of his 50 years of public service to the citizens of the Town of Hudson and the State of NH, please join me in a moment of silence."
3. **ATTENDANCE**  
**Selectmen:** Teresa Stewart, Kenneth J. Massey, Kathleen R. MacLean and Richard J. Maddox. (William Cole away on business.)  
**Staff/Others:** Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Brad Westgate, ESQ; Kevin Slattery, Etchstone Properties; Ray Rowell; Leo Bernard; Steve Boucher; Michael O'Keefe; Coleman Kelly; Anne, TEL
4. **PUBLIC INPUT** – There was no response when Ms. Stewart asked if anyone in the audience wished to address the Board.
5. **NOMINATIONS AND APPOINTMENTS**  
A. **Cable Utility Committee** 5 citizen members--2 members for 3 years (12/31/06); 2 members for 2 years (12/31/05); 1 member for 1 year (12/31/04)  
**Denise Babcock** (current Cable term to expire 12/31/05) was not present.

**Leo Bernard** said he has lived in Town for 36 years, is on the Budget Committee and has done volunteer work for the Town. Selectman MacLean asked what he envisioned the fruits of the Cable Utility to be. He said he'd like to see more meeting like this. This committee and the water committee piqued his interest and he wanted to get involved. He has been learning from Coleman and hopes to learn more. Selectman Maddox thought it was pretty ambitious of Mr. Bernard, who is presently on the Budget Committee, to have signed up for both the Cable Utility and Water Utility committees. He wondered if there wouldn't be a conflict in meeting schedules. Mr. Bernard said this is his last year on the Budget Committee, unless he decides to run again. The Water and Cable are new committees and no one knew what their schedules were going to be, but he didn't anticipate any conflicts.

**Stephen Boucher** (current Cable term to expire 12/31/05) said he's a lifelong resident of Hudson and has served on the Cable Committee for many years, having been reappointed whenever his term expired. He has attended all of the Cable Committee meetings. Selectman Massey said this was a departure from what the Cable Committee was in the past and he wondered what Mr. Boucher saw as the challenges for the new committee and where the focus should be over the next two years. Mr. Boucher said his vision for the newly constructed committee would be to oversee that budget and enhanced use of the three access channels, which are currently drastically under-utilized, with more input from the education side. Selectman Massey asked for specific examples of how programming could be enhanced. Mr. Boucher said by enlarging the existing facilities, which hampers greater use of the channels. He looks forward to access television having its own facility in the future so additional programming can be applied to the channels. Chair Pro Tem Stewart said Mr. Boucher was responsible for taping *Cabaret* at Alvirne this past year.

**Coleman Kelly** (current Cable term to expire 12/31/04) said he'd like to finish the job that was started in 1993, when the committee was first established. He was one of the moving forces in bringing about access television by discussions with many members in Town, both in government and with the citizenry. There was a strong feeling that access television should be part of Hudson's structure and he became the moving force for the Town in negotiating for the current channels in the franchise renewal process, first with Americable and then with Harron. He renewed the discussions with Harron and, after they sold, with Adelpia. There is much that can be done with access television and he believes he can be an influence in helping it to come about. Selectman Maddox said the new committee would be a complete overview of cable, not just access television. He asked if Mr. Kelly's interest was only in the access portion. Mr. Kelly asked what Selectman Maddox envisioned cable to be more than the delivery mechanism for commercial television to the citizenry and access television that has not been raised heretofore. Selectman Maddox said, much like the Sewer Utility Committee, complete overview of the utility—renewal when it comes due, the interface between the provider and the citizenry of Hudson, not just the single focus of access television. Mr. Kelly said he has been following up on all of those since Day One. When individuals call Town Hall with an issue, question or problem with Adelpia, the caller is given his home phone number and he follows up by providing an answer. He has been executing all of the roles Selectman Maddox outlined since 1993.

Selectman Maddox said that Coleman was presently the Town's paid consultant in regards to access television, which Mr. Kelly

said was correct. Selectman Maddox asked Mr. Kelly to explain how there would not be a conflict with him, as a Board member, overseeing the position he holds. Mr. Kelly didn't think it was a conflict, as it hasn't been a conflict since he has been the consultant, going on four years. A situation has not arisen where a conflict has presented itself to him, or to the Town. His character is such that, if he were to believe a conflict were to arise, he would step away from it and not allow himself to be criticized for being a participant or for creating a conflict. Nothing has happened since he has been acting as the consultant, whose role is just to keep the equipment running and ready for meetings, when they occur. Selectman Massey thought Mr. Kelly has to make a decision as to whether he wants to be a member of the Cable Utility Committee or the consultant because he, too, sees it as a conflict of interest. If the Board of Selectmen does see fit to appoint Mr. Kelly as a member of the committee, he would not support retaining him as a contract employee/consultant for the Town. This has no reflection on him as an individual doing his job; it's the appearance of a conflict of interest and the Town should "err on the side of the angels." Selectman MacLean said those thoughts crossed her mind, as well. As the consultant, Mr. Kelly would still be expected to attend all of the meetings to provide input. His involvement is greatly valued, but she agreed with the comments about the appearance of a conflict of interest, which in no way is a reflection on Mr. Kelly's character. Mr. Kelly said it has not been a conflict for him. If he had seen something like that occur, he would have stepped away from it. He said the past is prologue. For as long as the contract has been in existence for him to keep the systems operating, none has occurred. He has not done anything that would have precipitated and he did not see the concern for a conflict of interest to exist.

Selectman Massey said he comments were in no way a reflection on the work that Mr. Kelly has done for the cable, but the change of the committee's structure is what has caused the conflict of interest. Selectman Maddox said he felt the same way; it has nothing to do with the person, it has to do with the position. The cable consultant should not be on the committee that oversees the consultant. It's the position, not the person. Mr. Kelly said the consultancy contract is to operate the equipment, to ensure that when a Selectmen's meeting was scheduled, that the microphones and cameras work that a tape was ready, that the record VCR was ready and all of those preparations are done under the contract. That's what he was hired to do and he did not see a conflict.

**Michael O'Keefe** (current Cable term to expire 12/31/06) said he's been a long-time active member of the current Cable Committee, reappointed in the last year to a three-year term, and he'd like to continue on the new committee. With some of the franchise issues solved, they can focus on programming and the access channels themselves, which are currently very under-utilized. Selectman Maddox said Mr. O'Keefe's application's indicated he used to work for a television station in Boston. He asked if, with the equipment the Town presently has, it could be used more frequently or more remotely in providing more services to the citizens. Mr. O'Keefe said they have a certain amount of equipment that can be used outside of Town Hall. In order to get more programming on, more people will have to be involved in producing it. It won't come from the committee, itself. The existing equipment could be utilized by other people in the community to produce additional programming, especially on the school side. That's not to say that additional equipment wouldn't help, but there is some equipment that is presently under-utilized. Selectman Maddox asked about a drop being put into the Senior Center so that, for instance, some health program could be broadcast from that location on a call-in type of basis. Mr. O'Keefe said technically, they can broadcast live from different parts of the community, if there are cable drops available and if Adelphia does the right thing. Some of the other issues would be getting the equipment there because if it isn't there permanently, it means moving it back and forth. It's doable, but bodies are needed to do it and people need to commit to the time. They have the equipment, which is used at Town Meetings, which are done remotely. In fact, they have done a variety of different meetings remotely.

**Harry Schibanoff** (current Cable term to expire 12/31/06) was unable to be present, but would be on October 26.

**B. Water Utility Committee** (2 members for 3 years; 2 members for 2 years; 1 member for 1 year)

**Leo Bernard**

**Doris Ducharme**

Chair Pro Tem Stewart said this committee will be readvertised, since only two people applied. Selectman Maddox wondered if they wanted to reconsider the committee membership, to allow one member on the committee who may not be a water user in order to draw some experience and expertise that may be within the Town. Selectman Massey said they should consider that, but a change to the ordinance would require another set of public hearings. This is an important committee and they've only gotten two applicants, so it would be appropriate to reconsider the membership.

*Motion by Selectman Maddox, seconded by Selectman Massey, to change the ordinance to reflect that, carried 4-0.*

Selectman Maddox asked if he should put in his motion that they will have a public hearing at their meeting on the 26<sup>th</sup>. Chair Pro Tem Stewart said he should, but questions were raised about timing for posting requirements, so it was decided to hold the hearings as soon as they could. Selectman Maddox said that wouldn't affect the advertising, which could still go forward.

**6. CONSENT ITEMS**

No one removed any consent item for separate consideration.

*Motion by Selectman MacLean, seconded by Selectman Maddox, to accept the consent items, A – E, as appropriate, carried 4-0.*

**A. Assessing Items**

- 1) 2003 Abatements, 1, 3, 5 Tiger Road/88 Barretts Hill Road/2-26 Tiger Road (even numbers), w/recommendation by Assessor to deny.
- 2) 2003 Abatement, 25 & 29 Cross Street, w/recommendation by Assessor to lower assessment, per BTLA settlement agreement
- 3) Release of Lien—Elderly & Disabled, Map 175/Lot 034/Sublot 023, w/recommendation to sign
- 4) Veteran's Tax Credit, 18A Intervale Court, w/recommendation by Assessor to grant.

**B. Sewer/Water Utility Items**

Sewer Allocation Request at 15 Roosevelt Avenue, w/recommendation by Town Engineer to approve.

**C. Licenses and Permits**

- 1) Raffle Permit, Knights of Columbus, St. John's Church Charity, weekly drawings, monetary prizes
- 2) Secondhand Dealer/Pawnbroker License for Christopher Lamper of Bargains Unlimited, w/recommendation by Chief of Police to grant.
- 3) Request by Hudson Seniors to advertise their Senior Fair by erecting a banner at Taylor Falls Bridge, forwarded to Road Agent for coordination and placement.

**D. Acceptance of Minutes**

- 1) Minutes of the Public Hearing of September 21, 2004 Layout of a Highway (Webster Street)
- 2) Minutes of the Board of Selectmen's Meeting of September 28, 2004

**E. Committee Announcements**

Oct 13 6:30 Benson's Committee in BOS Mtg Rm  
 Oct 13 7:00 Planning Board Meeting in CD Mtg Rm  
 Oct 13 7:00 Law Lecture Series @ PSNH in Manch  
 Oct 14 6:30 Recreation Committee @ Rec Center  
 Oct 14 6:30 School Board in BOS Meeting Room  
 Oct 14 7:00 Sewer Utility Committee in CD Office  
 Oct 14 7:30 ZBA in CD Meeting Room  
 Oct 16 5:30 HFD's Awards Dinner @ Am Legion  
 Oct 18 5:30 School Board in BOS Meeting Room  
 Oct 18 7:30 Conservation Commission in CD Meeting Room  
 Oct 20 6:00 Library Trustees @ Ferry Street Annex  
 Oct 20 7:00 Law Lecture Series @ PSNH in Manchester  
 Oct 20 7:00 BOS Budget Deliberations in BOS Meeting Room  
 Oct 21 5:00 School Board in BOS Meeting Room  
 Oct 21 7:30 Budget Committee in BOS Meeting Room  
 Oct 22 7:00 BOS Budget Deliberations in BOS Meeting Room  
 Oct 23 9 am, School Board in BOS Meeting Room  
 Oct 23 9 am – 2 pm Benson's Clean-up Day  
 Oct 26 10:00 am Trustees of the Trust Funds  
 Oct 26 7:00 Board of Selectmen in BOS Meeting Room  
 Oct 27 7:00 Planning Board in CD Meeting Room  
 Oct 27 7:00 Law Lecture Series @ PSNH in Manchester  
 Oct 28 7:30 ZBA in CD Meeting Room  
 Oct 28 7:00 Open Space Subcommittee @ Robinson Road Fire Station  
 Oct 29 CHIPS Fright Night @ Lions Hall  
 Oct 31 6:00 – 8:00 p.m. Trick or Treat in Hudson

**7. OLD BUSINESS**

**A. Oblate Retreat Property (Sidewalk in Right of Way on Lowell Road)**

Chair Pro Tem Stewart said this has already gone through the site-plan review process. Atty. Westgate and Kevin Slattery of Etchstone Properties were asking for Board approval or consent to work in the right of way, which was under the jurisdiction of the Town, to install a sidewalk from their project to the Market Basket shopping center, as conditioned by the Planning Board. She recognized Atty. Westgate and Mr. Slattery. Atty. Westgate said on September 8, the Planning Board granted site plan approval for the Oblate project. Etchstone plans to construct a housing community project for persons 62 and older. One of the conditions imposed by the Planning Board was that Etchstone Properties, at its expense, construct a 5-foot-wide sidewalk from the entrance to the Oblate property, which will be the southerly of the two existing driveways to the Market Basket entrance. Since it is in the Lowell Road right-of-way, they need authority to undertake that offsite improvement. Selectman Massey clarified that the grass that the State put, up to the existing curbing, is what they were talking about. Atty. Westgate said that was correct—it was on the shoulder and doesn't impact the pavement of the street at all. Selectman Maddox said the State has control of this road until Spring.

(Start Tape 1-B)

The Town has authorized the State to control Lowell Road, so the Town can't give approval to Etchstone Properties to work on

the right of way. It would have to be done through the State. Atty. Westgate said they are trying to coordinate with the State's contractor to arrange for the work to be done. Mr. Slattery said they wanted the flexibility to either coordinate the work with the State, or do it after the State had finished. Atty. Westgate said that's why he worded his request, asking for either authorization or consent, which would allow for the work to be done while the road is still under the auspices of the State. Selectman Maddox said if authority is given by the Town, then it should go through the Town Engineer to make sure it's done to proper standards. If it's done by the State, it's out of their hands. He asked for the Chair to read the "magic motion."

*Motion by Selectman Maddox, seconded by Selectman Massey, to authorize Etchstone Properties to work in the Town's right of way to install a sidewalk from the Oblate Retreat Property to the Market Basket shopping plaza, in order to comply with Condition #10 of the Planning Board site plan approval, and that the work will be accomplished at no cost to the Town, amended to include with final authority being with the Town Engineer."*

Selectman Maddox didn't have a problem with it being either way, but without out the amendment, the Town was giving carte blanche. Mr. Slattery said some work has already been accomplished out there. Some of the curbing has been installed and shoulder work has been done. The State won't take any action until Tom Sommers OK's it, anyway. The State would not allow Etchstone Properties to go in there and do work unless Town Engineering authorizes it. Any correspondence with the State is already funneled through Tom Sommers, so either way, that office has the final say. Selectman Massey said stipulation #10 in the site plan approval documents was the issue that the applicant would construct at their own expense, the sidewalk. He thought that in and of itself, that stipulation carries with it the requirements that, in order to get a certificate of occupancy, they would have to meet the Town's requirements for sidewalk construction and, therefore, the Town Engineer would, in fact, have to be involved. Selectman Maddox said it would have to be done prior to the issuance of the certificate of occupancy, but as far as who was responsible, he believed Selectman Massey was most likely correct, but he wanted to tie this down by saying this was under the jurisdiction of the Town Engineer so they all know who is going to take care of it, whether it is under State control or when it reverts back to the Town. Selectman Massey said then, on that basis, the amendment was appropriate.

*Vote on the amendment, then on the main motion, carried 4-0.*

**B. Property located at 9 Industrial Drive**

Town Administrator Steve Malizia requested authorization to being the process to sell this property. He said in 2001, the Town of Hudson tax deeded this property, which is a known as a contaminated asbestos site. For several years prior to the deeding, the Town abated the taxes. In November 2001, the Board of Selectmen made the decision to take the property. The former owner, who the property was taken from, has inquired as to the availability of the property to possibly purchase it back. There is a procedure that needs to be followed, should the Selectman authorize him to put the property on the market. A calculation gets performed of back taxes and any other cost the Town incurred during the deeding process that would be presented to the former owner for redemption. He would have 30 days to determine if that's what he wants to do. Should he choose to redeem the property, State statutes allows him to redeem it for those costs. Should the former owner choose not to redeem it, Mr. Malizia wanted to know if the Board is interested in selling the property, which would be a separate procedure that he'd come back to the Board with. He was gauging the Board's interest in selling the property, first via offering it for redemption to the former owner and second, possibly to auction the property. The property is located in an industrial park, not in an open setting where they are trying to preserve land. There is contamination on it and that is why the former owner didn't pay the taxes on it in the first place. The IPA has said as long as the Town is actively trying to sell the property, they are not on the hook for remediation costs. Should the Town choose to keep the property, and something changes in the future, the Town would be responsible for the asbestos remediation. He wasn't aware of any strategic value for the property or of any reason to keep it. He asked if the Board wanted him to begin the process of getting rid of the property.

*Motion by Selectman Massey, seconded by Selectman MacLean, to authorize the Town Administrator to begin the process to sell the property located at 9 Industrial Drive.*

Selectman MacLean clarified that Mr. Malizia would go to the former owner. Mr. Malizia said yes, after he compiled all of the costs—previous taxes w/interest, etc.—and present that number to the former owner, telling him the number and that he has 30 days in which to decide. If he decides that he doesn't want it, Mr. Malizia will come back to the Board to possibly suggest an auction, as they did with the land in Londonderry and Derry, which seems to be a fair way to dispose of property at minimal cost to the Town. The advertising costs comes out of the buyer's pocket. He didn't know of any compelling reason to keep the property and, in fact, it might be a liability for the Town. Selectman Massey asked if it would make sense to authorize the Town Administrator to, in fact, if the owner declines the offer, to authorize him, at that point, to do the next step, which is to put the land up for auction. Mr. Malizia said he'd prefer to brief the Board after he talks to the auctioneer, in case he advises something different. He would work towards that effort, but would still like to come back to the Board to put all of the facts on the table, if the previous owner doesn't want to redeem it. He'll speak with the auctioneer that he used before to get some data for the Board to evaluate so they can decide if that's the way they want to go.

Selectman Maddox said this was like trying to sell a snowman in a blizzard. They don't have any information on this property, such as the value from the Town Assessor. Why would anyone want to buy it back? It has value. It is 10 acres of industrial land in a town that is slowly using up all of its industrial land. Mr. Malizia said by law, the former owner has the right to redeem the property, if the Town chooses to dispose of it. Selectman Maddox said they don't know what the tax figures are, whether the Town will get \$300 or \$30,000. Mr. Malizia said it is well north of \$50,000. Selectman Maddox said but it is 10 acres of industrial land, so he will vote against the motion. They should total up what it is going to be and if he is interested, the Board can decide at that time if they want to sell. Selectman MacLean said if the Town hangs on to it, they won't be able to collect taxes on it, so they are better off to sell it and, by law, it has to be offered to the former owner first. Mr. Malizia said that was correct, that when the Town took it, there was over \$50,000 outstanding on the property. Interest from 2001 would also be added. The other provision is that if they took the value of the property back in 2001, they get the tax from 2002, 2003 and 2004, so it just keeps adding up. Selectman Massey said Selectman Maddox did raise an interesting point. He asked if the cost to redeem the land to the current owner would be all of the back taxes for every year they were not paid, up to and including the current year, plus the accrued interest, plus any legal and administrative costs incurred. Mr. Malizia said that was correct. Selectman Massey said if the Town doesn't put it up for sale, it remains in the Town's inventory and the Town could never sell it without first offering it to the original owner. Mr. Malizia said no, there was a time limit, which he thought was five years. The Town could hold it for two more years. Selectman Massey said then Selectman Maddox does have a valid point, if you look at 10 acres in an industrial park. On that basis, he, too, would vote against this proposal until they know what the land is worth commercially, what the asbestos mitigation would be, because potentially it could be worth significantly more than what the back taxes and legal costs are. If that's the case, he'd hate for the Town to throw away an opportunity to realize that significant difference. Until they know, they don't know. Mr. Malizia said the current assessed value is supposed to be taken into account, and that is two-sixteen-three. It's a number the Assessor carries on his records. He knows that remediation can be very pricey, as they experienced on Lowell Road, when asbestos was discovered along the shoulders.

Selectman Stewart said in 1987, the property owner was notified by the State that this piece of land should have had full closure, due to the asbestos on that property. She is always against any property being owned by the Town that has significant asbestos on it. In getting rid of that stuff just goes up over the years. She was in favor of going forward with the Town Administrator's proposal. If the State mandates that the Town clean up the property, it will cost a lot. Selectman MacLean said if its valued at 216 now, in two years, it will be more, but then you have to deduct all of the taxes the Town wouldn't get, if they just kept it. It's six of one, half dozen of the other, because they can't sell it like regular land. Normally, it doesn't go for its market value, especially with asbestos on it. She was ready to vote.

Selectman Maddox said capping is probably where the parking lot would go, or whatever device they would put there, and only a portion of the property... according to the map. He'd like more information on this before they vote. Chair Pro Tem asked if he'd like to defer it to another meeting. He said yes, to the next meeting, with the hope of getting more information, such as from the DES as to what their status is now. Mr. Malizia said he could certainly check, but there is no guarantee the will move at lightening speed. He can get an idea of what the redemption costs will be, but as far as remediation goes, they may have to use some factor they used on Lowell Road, such as X amount of waste at X amount per square yard.

*Motion by Selectman Massey, seconded by Selectman Maddox, to defer until October 26, 2004, if the information is available and, if not, until November 9, carried 4-0.*

#### C. **Ottarnic Pond CDBG Feasibility Grant**

Town Administrator Steve Malizia said a couple meetings ago, the Ottarnic Pond folks came in for the Board's blessing to forward an application for a feasibility study on their waste water treatment at their cooperative park. They have hired the services of Mr. Coogan to write their grant, and he has put forward the requirements for the grant, part of which is a public hearing by the Board of Selectmen on applying for the grant. As part of the grant package, there are two documents that the CDBG folks require--the Town of Hudson Residential Anti-displacement and Relocation Assistance Plan and the Hudson Housing and Community Development Plan. Back in 1995, the Town of Hudson applied for a CDBG grant for the relocation of SignMax to the Town of Hudson. As part of that grant package, these two documents were produced. He gave the documents to Sean Sullivan to put together updated numbers. The documents were included in tonight's agenda package so the Board could see them with the goal, at the next meeting, October 26, to hold a public hearing. Because these two documents are required, and the Board has never seen them, he thought it was important to bring them forward to discuss. They are simply part of a checklist.

Selectman Maddox said he talked with the Community Development Director today, who said this was kind of a rush project, due to time constraints put to him and with all of the other things going on in his department. Selectman Maddox asked if the Residential Anti-displacement and Relocation Assistance Plan had been vetted through the attorney. It hadn't. This dates back to 1995, it is reflective of other ordinances—the Federal Uniform Relocation Assistant and Real Property Acquisition Policies Act of 1970—so they should run it through the Town Attorney to make sure all of those 49CFR24-10 are still reflective of what they should be chasing. He noticed in the document under C, “the general location on a nap,” was probably not what was meant, but that's what it says. With at least one type, this should be vetted through the attorney. Regarding the Housing and Community

Development Plan, there are some interesting things there, none of which are water related. Also, under Water, it states, “with the availability of 8 million gallons per day,” and he wondered if the Town had that kind of capacity. Selectman Massey didn’t think so. Mr. Malizia said the Town didn’t, but Pennichuck would support that. Selectman Massey said it’s getting to the point where Pennichuck, he believed, was indicating that they may have to increase the size of the line at Taylor Falls Bridge in order to accommodate the increased usage in Town during the summer months. There are two areas in the other document that need to be updated. On the Housing and Community Development Plan, under Community Services and Facilities on Page 2, there are at least two major areas that have been left out of that. One is the interoperability project for the Police and Fire Departments, the second is the water utility upgrade and the third is he didn’t think, by any means, the statement on the water are relevant now because they aren’t assured of adequate capacity in the south end. That is the reason for wanting to move forward with the utility upgrades. Those two paragraphs need to be revisited and recast to reflect, especially on the services and facilities, the major projects that are in the CIP—water utility capital improvements and radio interoperability. In addition to having the other one vetted, they need to revisit this document to make sure it’s in sync with both budgeting cycles, the CIP and the last section on water. He asked if the 26<sup>th</sup> was doable. Mr. Malizia said, as presented to him by the consultant working with the cooperative, to get the application in for the autumn round of funding, the 26<sup>th</sup> is the last meeting the Board can take action. Selectman Massey asked if the documents would be able to be reviewed and back available for the 26<sup>th</sup>. Mr. Malizia said he can send off the Residential document to the attorney to check it and the two major projects can be added to the list, as well as re-write the paragraph for Water. As he understands it, this isn’t going to be the CIP end-all, it’s part of someone’s checklist to satisfy a document and will probably end up in some federal file cabinet. It should be correct, but he didn’t think the document needed to include every capital improvement project. Selectman Maddox said he didn’t want to be beat up by, “You guys put that in a document that had no relevance.” The Community Development Director stated to him that he put as much as he could into this, but probably spent only 20% of his time because, as you can see under the industrial acreage, it has 1,411 acres in the top paragraph, but under industrial land, there are 879 acres. Some of the numbers don’t add up. There’s something called, “fund and staff the Gateway Development Corporation,” under the goals. What is that? There are a number of questions that need to be cleared up before he is comfortable sending this off to anyone, even if it goes into a filing cabinet.

*Motion by Selectman Massey to defer action on this item until the October 26 meeting, in conjunction with the public hearing.*

Mr. Malizia asked if he should assume that means they should correct it and then bring it back because if it is deferred, it will just sit there. Selectman Massey said have a corrected version brought for that night. Selectman Maddox said the corrected version has to be posted. Chair Pro Tem Stewart said then the public hearing would be in November. Selectman Massey asked if this document was posted in a public place. Selectman Maddox said no, because they didn’t have a public hearing. When they do have a public hearing, the document should be available to review. When will that be ready for review? Chair Pro Tem Stewart said it will be reviewed at the next Board meeting and the, at the first meeting in November, have the public hearing. Selectman Massey asked why it wouldn’t work that they would have the document publicly available, they would review it on the 26<sup>th</sup> and either adopt it or not adopt it and then have the public hearing on the 26<sup>th</sup>. Even if they get the block grant in on the 26<sup>th</sup>, no work can happen until next spring. Mr. Malizia said it’s a feasibility study; they’re not digging anything up.

(Start 2A)

If the Board does nothing with the documents at this time, the cooperative won’t be able to move forward until springtime. Selectman Massey asked how long it will take for them to write the grant. Mr. Malizia said it is already written. They are just waiting for these documents and the public hearing. Those items are part of the checklist. Selectman Massey said given the fact that there are still some significant omissions from one of the documents and may just wind up as a checklist for someone, it represents what they believe need to be done in the Town. To leave two critical items off of the services and facilities issue on the document as written leaves them open to problems downstream inside Hudson. Forget about the federal government. He’d rather err on the side of Hudson in terms of making sure this document reflects what they think is the situation on the ground and potentially not getting the grant in until next year. If this document is circulated in time, and is also circulated to the grant writer before the next meeting, that it is doable to not only have the review and approval of this and the public hearing on the 26<sup>th</sup>.

Chair Pro Tem Stewart said she disagreed with Selectman Massey, citing the number of times the cable document came back with all of the changes made. If something is wrong with the document on the 26<sup>th</sup>, they can’t go forward with the public hearing that night. Selectman Massey said he was cognizant of that, but he was also aware that, to the extent they can help the residents of the Ottarnic Pond area, if they can make it happen on the 26<sup>th</sup>, well and good. If because of what she was saying, they discover in the rewrite it doesn’t meet all of the requirements, then they would have to postpone the public hearing and, on that basis, they’d be looking at next year for the grant. But right now, it’s important to make sure that whatever documents they have reflect what is the case on the ground in Hudson, not what is going to happen when somebody in a federal bureau takes a look at the grant to see that a document is on a checklist. Selectman MacLean said what she was hearing was that there was no harm in trying to schedule the public hearing on the same night. If all goes well, everyone will be happy but, if not, then they are at least going to side with caution and make sure the document is properly worded. Selectman Massey said that was correct.

*Motion by Selectman Massey, seconded by Selectman MacLean, to defer action until October 26 on the re-adoption of the Town*

*of Hudson Residential Anti-displacement and Relocation Assistance Plan and the Town of Hudson Housing and Community Development Plan, with a subsequent public hearing on that date to hear public comment on a proposed CDBG Feasibility Study application for the Ottarnic Pond Cooperative.*

Selectman Maddox asked when it has to be posted. Mr. Malizia said Friday. Selectman Maddox asked if the posting has to include a copy of what they are proposing. Mr. Malizia said no, it is just a public notice. Selectman Massey asked if they needed to post, given the fact they are deferring the public hearing. Mr. Malizia said the public hearing was always intended to be October 26, that it was on for tonight just to work out any possible kinks.

*Vote: Motion carried 4-0.*

## 8. **NEW BUSINESS**

### A. **Request to waive fee for use of Lions Hall following Santa's arrival at Library Park on 11/26/04**

*Motion by Selectman MacLean, seconded by Selectman Massey, to approve the request by the HLN to waive the fee for the use of Lions Hall for the festivities following Santa's arrival at Library Park on November 26, 2004 carried 4-0.*

### B. **Public Hearing/acceptance of a \$1,000 Donation from SAM's Club Foundation to the Hudson Police Department to be put towards Community Policing Projects.**

Chair Pro Tem Stewart opened the public hearing at 8:05 p.m. and asked if anyone wished to speak on this.

Leo Bernard, 3 Bungalow Avenue, asked what the projects were. Chair Pro Tem Stewart said the Police Chief's memo stated that the money was donated to "Safe Neighborhood Heroes." There being no further questions or comments, she closed the hearing at 8:06 p.m.

*Motion by Selectman MacLean, seconded by Selectman Maddox, to accept the donation, with thanks, carried 4-0.*

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

Selectman Maddox said everyone looked like they were having a good time at Harvest Fest. It was well attended and a beautiful day. It is a definite benefit to the Town of Hudson.

Selectman Massey echoed Selectman Maddox' comments and congratulated Selectman Stewart, the chairman of the event for the outstanding effort. She doubled the number of participating organizations this year. It provides a good opportunity for the citizens of Hudson to have a good time and contribute to all the local organizations that make this Town what it is. Boffo job!

He clarified that the budget hearings he asked to have cablecast at the last meeting may have been misinterpreted. The consensus at the last meeting to have budget hearings cablecast were for specific dates—for the School Board's meetings on November 22, 29 & 30; December 2 & 4; and January 4 & 12 and for the Board of Selectmen budget hearings by the Budget Committee, December 7, 8, 13, 15, 16, 21 & 29 and January 6 & 13.

Selectman Massey said he attended the Highway Safety Committee last Wednesday and they will be recommending to the Board of Selectmen a traffic engineering study to determine the need, or lack thereof, of a traffic signal at the corner of either Chase and Central or Library and Central, and they will also take up under separate request the issue about one-way traffic patterns, although they were less supportive of that idea on first blush because of some issues relative to, among other things, fire apparatus access on to Library Street. They were favorable recommending to the Board that they use money from the corridor account to do the engineering and traffic study required. He will check with Kevin Burns, the Road Agent, to make sure that it's on the agenda for the 26<sup>th</sup>.

Selectman Stewart announced that Brenda LaPointe hired as Police Prosecutor, effective November 1, 2004, approved by the Board of Selectmen in Nonpublic Session on September 28, 2004. She also stated that Hudson VFW Post 5791 is holding a Veteran's Day program at 15 Bockes Road on November 10 at 7:00, w/invitation to Board members to attend.

Selectman Stewart said people have probably noticed in last week's HLN there was some disturbing photos concerning the skate board park, which is now closed until Spring. It's a sad day when they have to do these things and to punish the good kids out there for a few. She wished the Hudson youth would take ownership of this property and respect it and, if they do know who did it, to please tell a Hudson police officer so they can bring this to closure

October is National Breast Cancer Awareness Month. As the daughter of a breast cancer survivor, it is very important.

Go, Red Sox!

Selectman Maddox said, for the record, he had a problem in Nonpublic Session on September 28. He has a problem with the hiring of this person, not the person, per se, but by the process by which it happened. Coming in, telling them someone had to be hired right now for more money than budgeted was not the procedure he wants to see. They were told that this had to happen. He thinks that the Selectmen, who are the people tasked with overseeing the entire budget and the community, getting things dropped in their lap, for more money, without any prior notice, is not the way he'd like to see it go. He knows they have to have a prosecutor, but this person gave a month's notice, so they are still without a person. He had a problem with the process and hoped that is not the way it is done because he believes this one was done improperly. He was against it then, and is still against it.

**10. NONPUBLIC SESSION**

Motion by Selectman Maddox, seconded by Selectman MacLean, to enter Nonpublic Session under 91-A:3 II (a) The dismissal, promotion or compensation of a public employee or the disciplining of such employee or the investigation of any charges against him, etc; (b) the hiring of a public employee, carried 4-0 by roll call vote.

Nonpublic Session was entered into at 8:15 p.m. and was terminated at 9:56 p.m. Open Session motions:

●Motion by Selectman Massey, seconded by Selectman MacLean, to hire Ed Peterson as the 2004/2005 Instructional Program Basketball Director for the fee of \$800 carried unanimously.

●Motion by Selectman MacLean, seconded by Selectman Massey, to hire Dave Yates as the 2004-2005 Basketball Director for the fee of \$2,000 carried unanimously.

●Motion by Selectman MacLean, seconded by Selectman Maddox, to hire Ceferno Torres as the 2004-2005 Assistant Basketball Director for the fee of \$1,000 carried unanimously.

●Motion by Selectman Massey, seconded by Selectman MacLean, to hire Patricia Barry as the 2004-2005 Basketball Administrator for the fee of \$400 carried unanimously.

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**11. ADJOURNMENT**

Motion to adjourn at 10:00 p.m. by Selectman Massey, seconded by Selectman Maddox, carried 4-0.

Recorded and Transcribed by Priscilla Boisvert, Executive Assistant  
HUDSON, NH BOARD OF SELECTMEN

\_\_\_\_\_  
William P. Cole, Chairman

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Teresa Stewart, Vice-Chairman

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Kathleen R. MacLean, Selectman

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Richard J. Maddox, Selectman

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Kenneth J. Massey, Selectman