

HUDSON BOARD OF SELECTMEN

Minutes of the August 10, 2004 Meeting

6:30 – 7:15 p.m. Attorney-Client and Labor Relations Sessions.

1. **CALL TO ORDER** by Chairman William P. Cole at 7:20 p.m. in the Selectmen's Meeting Room, 12 School Street, Hudson, NH

2. **PLEDGE OF ALLEGIANCE**, 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: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Kevin Burns, Road Agent; Sean Sullivan, Director of Community Development; Police Chief Richard Gendron; School Superintendent Randy Bell; Atty. Welts; Phil Rodgers; Toni Weller, Library Director; Library Building Committee and/or Trustees Elaine Brody, Jane Bowles, John Knowles, David Jelley, Arlene Creeden and Linda Kipnes; Ray Rowell; Leo Bernard; Pierre, SUN; Anna, SUN; Anne, TEL.

4. **PUBLIC INPUT**

Chairman Cole asked if anyone in the audience wished to address the Board at this time. There was no response.

5. **NOMINATIONS AND APPOINTMENTS** (No applicants.)

A. Cemetery Trustee (Term to expire in March 2006)

B. Nashua Regional Planning Commission (Two alternates, terms to expire 12/31/06 and 12/31/07)

C. Solid Waste Study Committee (One member, term to expire 12/31/05)

D. Zoning Board of Adjustment (Two alternates, terms to expire 12/31/05 and 12/31/06)

Chairman Cole stated that advertising would be done for the September meeting.

6. **CONSENT ITEMS**

Motion by Selectman MacLean, Seconded by Selectman Stewart, to accept the Consent Agenda, Items A-D, as noted, carried 5-0.

A. **Assessing Items**

1) Veteran Tax Credits (7 Shoal Creek Road; 7 Putnam Road) w/recommendation to grant.

2) Elderly Exemptions (98 Derry Road) w/recommendation to grant.

3) 2002 & 2003 Tax Abatement (Map 211/Lot 65) w/recommendation to sign.

B. **Licenses and Permits**

1) Outdoor Gathering Permit by Hudson Historical Society to hold Harvest Fest on the grounds of the Hills House on October 9, 2004 from 10:00 a.m. – 4:00 p.m. to approve, w/staff stipulations

2) Raffle Permit by Wattannick Grange, various items to be raffled off at Old Home Days to approve

3) Raffle Permit by Presentation of Mary for October 23, 2004 at 4:00 p.m. at PMA to approve

4) Petition & License for Poles w/recommendation to approve 925919, Bear Path; 945717, North Ridge Rd & 9AAKRC, Lowell Rd; Deny 649124, Breakneck Rd not an accepted street & 9AAMEB, River Rd a State rd

5) Block Party Permit by Sara Conrad for Cardinal Drive between Meadowlark & Towhee from 1 – 8 p.m. on Saturday, August 21, 2004 to approve

C. Acceptance of Minutes

Minutes of the Selectmen's Meeting of July 27, 2004, accepted and referred to file.

D. Committee Announcements

8/11 6:00 Benson's Committee in BOS

8/11 7:00 Planning Board in CD

8/12 6:30 Recreation Cmt @ Rec Ctr

8/16 6:30 School Bd in BOS

8/16 7:30 Conservation Cmsn in CD

8/17 Blood Drive at Lions Hall

8/18 6:00 Library Trustees in Annex

8/19 7:30 Budget Cmt in BOS

8/19 7:30 ZBA in CD

8/24 7:00 BOS in BOS

8/25 7:00 Planning Bd in CD

8/28 Boot Drive

7. OLD BUSINESS**A. Computer Software Purchase**

This item was deferred from July 31 at the request of Selectmen Massey, who had wanted to speak with the Finance Director or Computer Services Manager first. Ms. Hawkins was on vacation, so she wasn't able to attend tonight. A significant portion of the Town's administrative functions are processed on hardware that is costly to maintain. Last year, the decision was made to move away from the VAX and implement the Intel architecture. Before them tonight is the request to replace the payroll, motor vehicle and systems manager modules for a total cost of \$11,085. The off-the-shelf software will be easier to maintain, with upgrades and updates purchased, as needed. Selectman Maddox asked if research was done to determine this was the best application. Mr. Malizia they've evaluated several municipal software suppliers over the past couple of years and this one seems to best meet the Town's needs. Selectman Maddox said if two more modules were purchased, the Town could get two free and he wondered if that was considered. Mr. Malizia said no because of staff and implementation considerations. It is the expectation that additional modules will be requested in future budgets and perhaps this vendor may offer more free-as-you-buy modules. Selectman Maddox maintained that the best deal was to buy two more in order to get two free. Selectman Massey said for every dollar spent on software, you pay \$9 to transition. If they bought all of the modules, it would be unlikely it could be implemented within the next fiscal year. It was more prudent to get the critical modules up and running. Selectman Stewart asked if this was the same software as the School's. Mr. Malizia said no, it is a different company.

Motion by Selectman Massey, seconded by Selectman Stewart, to waive the bid process and to authorize the expenditure of \$11,085 from 5330-412 to purchase software from Munismart Systems to include Payroll, Motor Vehicle and Systems Manager modules carried 4-1. Selectman Maddox was opposed.

B. Proposed Road Improvement Projects—Highland Street to McDonald's & West Road/Robinson Road

Community Development Director Sean Sullivan said the Highland to McDonald's roadway improvement project has been around since 1994, to build a ½ mile of road, providing a center, dual-use turn lane, adding shoulders for bicycles and curbing for sidewalks on both sides of the road. The cost originally proposed was \$1.3 million, which has grown to approximately \$3.3 million. The Town's 20% cost share has increased from \$270,000 to \$656,000. He spoke with Alex Vogt of NH DOT who justified the cost increase as the result of the relocation of the Hogan property and significant drainage improvements, as well as hazardous materials removal. To pay for this project, the Town could use \$508,000 from the Route 102 corridor account and \$148,058 from the Route 3A corridor account. He and Selectman Maddox have spoken several times about using the 3A corridor money for 102 because they are of the opinion that 102 was built some time after 3A and,

as a result of that, Route 102 from Elm Ave to about Central Street can function as Route 3A. It serves the same purpose and there are two directional signs that DOT has placed on 102 that could be considered 3A. Using the corridor account monies means no impact to the taxpayer. This project is currently being worked on by the State and DOT has spent, to date, about \$640,000 on engineering. It is scheduled to be advertised in the winter of 04-05, with a projected start time a year out from that.

Selectman Maddox said if they wait another 10, 15 years to do this project, the price will have doubled again. Asbestos was a big factor in driving up the price. This project should be completed, especially since the State is working on it. Selectman Massey asked if the \$3.1 million was a firm number. Mr. Sullivan said Mr. Vogt suggested they stay with the \$3.2 million. Selectman MacLean was concerned about co-mingling corridor account money and wondered if the attorneys had OK'd it. Mr. Sullivan said early on they had not recommended it, but believes they are ok with it now. Chairman Cole asked what the benefit of this project was. Mr. Sullivan said to extend the center turning lane and to provide sidewalks on both sides and a bicycle lane. The Feds require that roadway improvement projects have a place for bicycles as a means to encourage use of alternative modes of transportation.

Motion by Selectman Maddox, seconded by Selectman Massey, to authorize the expenditure of \$508,000 from the Route 102 corridor account and \$148,058 from the Route 3A corridor account to fund proposed roadway improvements on Route 102 from Highland Street to McDonald's.

Selectman Maddox said the State has already spent \$540,000 on engineering and, if this project is cancelled, the Town would probably still be on the hook for most of that cost. They will be stuck with a bill for a lot of engineering that doesn't do anyone any good. This is a project that involves safety, and future capacity—and they've found a method by which it can be funded. Chairman Cole asked how much the Town would be responsible for, if the project was cancelled. Mr. Sullivan said Mr. Vogt's opinion was that the Town might be responsible for *all* of the money, but he thinks it would be closer to 20%. Chairman Cole asked if the engineering information would still be good five years from now. Mr. Sullivan said it would. Chairman Cole thought the time for this project had passed and was the Hudson version of the Big Dig and isn't going anywhere. He didn't think there was justification for this project, which has been around since 1994 and is not a public safety issue project. It may be a good project for the future, tied to other projects in that part of the Town, but for the time being, it is becoming too much of a financial drain. Selectman MacLean thought the reason for corridor accounts was to use them for projects like this. Chairman Cole said the money is to be used for improvements, but he didn't think this was valid project, at this time. Selectman MacLean liked the idea of sidewalks and bicycle paths and thought it would be a reasonable alternative to the Webster Street project.

Selectman Maddox asked if the Chair would prefer that his motion state that the authorization would expire December 31, 2005. This would be telling the State this needs to go forward. It would be an approval that doesn't live forever. It would be made clear that the Board would like to see this done, or they will step back. Chairman Cole didn't know how those parameters would be framed, and felt this project was the wrong thing at the wrong time. Selectman Maddox asked if the will of the body was that he amend his motion to include a time frame. Selectman Massey didn't want an open-ended liability to the Town. Chairman Cole understood the sentiment, but didn't know if that was even legal, nor did he think the State was going to be very impressed. Amendment by Selectman Maddox, seconded by Selectman Massey, that a letter be sent to the State, indicating that support was contingent upon the bids going out no later than December 31, 2004 for construction to be completed in 2005. Mr. Malizia didn't know if the Town could dictate construction to the State and asked what the Town would do if the bid came in high. Selectman Maddox said he'd like to see forward movement, but didn't want the Town to be on the hook for \$6 million when they finally do it. Chairman Cole asked what happens if the State doesn't comply. Mr. Malizia said the support goes away. Selectman Massey said at the first meeting in April, they could vote to suspend the authorization to spend the money.

Amendment by Selectman Maddox, seconded by Selectman Massey, that a letter be sent to the State, indicating that support is contingent upon the bid being awarded no later than April 2, 2005 carried 4-1. Chairman Cole was opposed.

Vote on the amended motion by Selectman Maddox, seconded by Selectman Massey, to authorize the expenditure of \$508,000 from the Route 102 corridor account and \$148,058 from the Route 3A corridor account to fund proposed roadway improvements on Route 102 from Highland Street to McDonald's and that a letter be sent to the State, indicating that support is contingent upon the bid being awarded no later than April 2, 2005, carried 4-1 by roll call vote. Chairman Cole voted in opposition.

(Start Tape 1, 2nd Side)

West Road/Robinson Road/Route 102 Intersection Mr. Sullivan said over \$400,000 in improvements have been made to that intersection, including signalization and geometric improvements. Some improvements still remain, as part of the State's project. Through the efforts of Senator Clegg, the Town will be responsible for only \$58,000 due to the fact that the \$411,000 of improvements that the private sector had put in will be credited towards the Town's match. Additionally, to their credit, the Planning Board was adamant the improvements occur prior to occupancy. The projected construction time frame is late 2006/early 2007. His recommendation was to spend \$26,600 from off-site fees and \$31,400 from the Route 102 corridor

account.

Selectman MacLean asked if sidewalks and bike lanes were included. Mr. Sullivan was pretty sure the Feds require them, but he will discuss it with Mr. Vogt. Selectman Maddox thought the monies should come from the West Road-Tracy Lane improvement fund, with the balance from the Route 102 corridor account because there are a couple of projects in progress in that area that are contributing money. They may not even need to use any of the 102 money. He'd like the motion to say "utilizing all of the offsite fee accounts for the Tracy Lane-West Road improvements; the balance to come from the Route 102 corridor account." Selectman Massey said the words 'approximately late 2006,' makes him nervous. The plan, as currently laid out by the State, does not include either bicycle lanes or sidewalks. He wondered if the State has absolutely committed the monies in their budget for this project. Right now, the State isn't even going to think about going to bid in 2006. The cost of construction nation-wide is escalating because other world economies are absorbing a significant amount of raw materials needed to expand their economies and the cost of oil, a base product of asphalt, is around \$40 bbl. He can't believe the projected cost by the State will be the actual cost for the Town. In 2006 or 2007, they may be facing another 'oops' from the State. He asked what degree of certainty they have that the monies being asked for now are what they will expect to pay in 2006 and 2007. Mr. Sullivan said the difference this time is that communication between the Town and State has improved and the Board will be made aware of any projected increase. This project is on the State's 10-year plan and has moved up in priority, at the request of the Board, following a meeting with Commissioner Murray. The Town agreed to increase their match from 20% to 30%, which indicated their commitment to this project. Any communication he receives from the State will be immediately copied to the Town Administrator to bring to the Board, should that occur. Selectman Massey said if there ever was a needed construction project, this intersection is it. He suggested that Mr. Sullivan work with the DOT to make sure this remains in the 2006-2007 construction cycle. Selectman Maddox thanked the owner of the Mobile station, who facilitated the improved signalization and for doing the right thing.

Motion by Selectman Maddox, seconded by Selectman Stewart, to authorize the expenditure of \$58,000 with funding first coming from the West Road/Tracy Lane improvement accounts and then, if needed, the balance from the Route 102 corridor account to be used to fund the Town's share of proposed roadway improvements to the intersection of Route 102/West Road/Robinson Road carried 5-0.

C. Petition for Layout of a Highway

Chairman Cole stated that on June 8, 2004 the Board of Selectmen deferred a public hearing on this to September 21, and directed the Road Agent to present a petition to the Board to state why it is in the public's best interest. Mr. Burns said the petition is the first step in the process, which leads to a public hearing, if the Board accepts it. Chairman Cole said if the Board accepts the petition and schedules a public hearing, at the conclusion of the public hearing, the Board would be in a position to either move forward or not. In addition, there are one or more ordinances that would have to be addressed. Mr. Malizia said he researched Town records and annual reports and found no evidence that the road was ever formally closed. Conversely, he can't say positively that it didn't happen. Chairman Cole said that since there is no proof that the road was formally closed, on the advice of Counsel, that is the reason this petition is before them. Selectman MacLean asked if the traffic situation would be alleviated by doing the Highland Street to McDonald's project. Mr. Burns said no, one didn't have anything to do with the other. It will expedite turning but it is not reducing the volume of traffic. Selectman Maddox thought the public should be given the opportunity to be heard on this subject. There are options that could be considered, perhaps some modification of existing ordinances, such as the limited entry to Webster Street, such as banning tractor trailers. Chairman Cole quoted Howard Dilworth, who often says this is a solution in search of a problem. He appreciates the work Kevin has done on this, but he didn't see this as a viable solution to the problem.

Motion by Selectman Stewart, seconded by Selectman Massey, to receive the Petition for Highway Layout/Alteration and send it to a public hearing on September 21, 2004, carried 4-1 by roll call vote. Selectman Cole was opposed.

D. Parameter Setting Discussion (Includes CIP Report)

Chairman Cole said he sent a template to the Board members entitled, *Areas of Consideration, FY-06 Town Budget*. He hoped this would enable them to create guidance for the department heads, who can then prepare their budget submittals. This isn't the time to decide numbers; it's to develop a consensus to give direction.

Salaries/Benefits--Chairman Cole said the Board of Selectmen cannot change the union personnel's salary and benefits. There are nine non-union personnel, (Town Administrator, Finance Director, Road Agent, Chief of Police, Fire Chief, Director of Community Development, Police Prosecutor, Recreation Director, Executive Assistant), whose salaries, in the past, have been put forth in separate warrant articles. He was suggesting that they go into the budget as a line item. Selectman Maddox agreed, saying it would give the Board better control. Selectman MacLean asked if COLA increases would be above the step increases. Chairman Cole said there are no steps; nonunion personnel are not covered by a contract. Selectman MacLean said a budget line item would be fine and a reasonable increase was fair. Selectman Massey said he'd support an increase only as a separate warrant article, per article 34 of the 1993 Town Meeting, which required that all additional salaries be a warrant article, and which remains in force until rescinded by Town Meeting vote. Selectman MacLean wasn't aware of that article but, if that was the case, she felt they should abide by it. Chairman Cole said the Minutes from the 1993 Town Meeting talks

about article 34 being advisory and, further, the Operating Budget article *is* a warrant article. The 1993 action does not talk about a separate warrant article, it just talks about warrant article form. It also talks about new positions and pay increases being in warrant articles. However, not all pay increases are not in a separate warrant article, they are in the operating budget. It's semantics. He didn't see that the Board was violating the intent of the voters or the ability of the voters to make their wishes known by putting this into line items in the budget. Selectman MacLean asked if they'd be violating a law if they put it in the budget. Chairman Cole said there is no statutory requirement that budget requests be in separate warrant articles. Selectman Massey said there wasn't any confusion in 1993 that the intent of article 34 was for a separate and distinct warrant articles. Selectman Maddox asked for copies of the 1993 Minutes and said the Selectmen are elected to do a job and shouldn't be hamstrung by putting every question in warrant article form. If the people don't think he has done a good job, he will not be re-elected. He didn't think the voters' intent was to put every detail up for a vote, or they would end up with 350 articles. There is a Budget Committee and elections for checks and balances, but the Selectmen should be able to manage this item. Chairman Cole said the RSAs state any increase will be in a separate warrant article for the Town Clerk. Consensus of 3-2 on an increase for the nonunion personnel, reflected in a budget line item not by separate warrant article. In favor: Selectmen Stewart, Maddox and Cole. Opposed: Selectmen Massey and MacLean.

(Start Tape 2, Side A)

Operating Budget--Chairman Cole asked the Board members if they wanted to direct department heads to allow for a percentage increase, level funding, or something else. Selectman Massey proposed a level funding, with exceptions, which would be noted in the department head's budget submission to be addressed by the Board during deliberations. Chairman Cole clarified that a department head could come in over what they asked for in a certain line item last year, or they could come in under, but if the bottom-line number exceeds level funding totals, the exceptions would have to be addressed. Selectman Massey confirmed that was correct.

Selectman Maddox presented the scenario that Department A's budget was level-funded at \$1 million and they had overtime at \$100,000, if 2/3's of the way through the year, the overtime budget is spent, they would have to transfer money from other places. There needs to be some general guidelines, without going line item by line item. Salaries, overtime and capital expenses would need to be broken out so they don't have a big number at the end where they could be confused by the fact that, while the whole budget hasn't gone up, money would be needed in the future in a certain area. He'd like to see more clarification on level-funding the total budget. Selectman Massey said level funding means that all salaries would be adjusted to meet the agreements. If last year's salary in a union account was \$100,000 and the contract says the next year's salary would be \$110,000 that's a level-funded budget. Selectman MacLean said, as a newcomer, it seems there is always plenty of money built into the budgets, and the money is found even when an emergency purchase is needed. Level-funding is fine because people always find the money somehow. Selectman Maddox said he would have discussions with the Town Administrator, who could guide him through his serpentine questions. Chairman Cole said General Assistance/Welfare is a Town responsibility, but that's not a number that can be level-funded. Selectman Massey said in any budget, there may be an extraordinary expense in any given year and he would expect that level funding would remove those expenses from the bottom line. For example, if a department had \$100,000 in for a special project for this year, and that project isn't going to require funding the next year, then level funding would mean they would have \$100,000 less in that level-funded budget. Chairman Cole asked the Town Administrator if he could relay that information to the department heads. Mr. Malizia assured the Board that he could. Consensus for a level funded budget, w/exceptions to be noted in the budget submissions and addressed during the budget deliberations was unanimous.

New Positions—Chairman Cole asked for the Board's wishes relative to part-time and full-time positions being a budget line item versus warrant article, or if they are interested in even putting any requests forward. Selectman Massey said they need to submit a warrant article for a part-time water clerk. Chairman Cole asked if the Board wanted department heads to come in with recommendations for part-time and/or full-time positions, if the Board is interested in seeing what department heads may recommend. Selectman Stewart said she'd like to hear what each department feels they need. Besides the part-time water utility clerk, she can't think of any department that would be bringing in such a request because the positions are pretty well set. Chairman Cole said the general guideline would be whether or not the Board is interested in seeing department heads' justification for new positions, with a follow up to that of whether it should be a separate line item or in a separate warrant article. Selectman Stewart said separate warrant articles. Selectman Maddox said it's important for the department heads to justify their requests and then the Board can decide whether or not to support it; and it should be by warrant. Selectman MacLean said she agreed with Selectman Maddox. She had been in favor of putting nonunion salary increases in the operating budget, but that was before she knew about the 1993 vote. If the Board wanted to change that, they should submit a new warrant article to rescind a previous one. Chairman Cole said one of the criticisms that has been leveled over the years is that there are too many articles on the warrant. Some of the voters just give up trying to read the wordy document and, if they are in a bad mood, they vote no on everything. That's his rationale for putting things into the budget as line items. That makes sense and doesn't violate the will of the voters because, being in the budget, requests are, in fact, in a warrant article. Selectman MacLean agreed with Chairman Cole, but added that she was still a little confused and wanted further clarification.

Selectman Massey issued a challenge to the Board that if they go forward with salary increases as line items, that the Board would commit that, if at the deliberative session a motion is made to strike all or some of the increase, that they would abide

by that decision and not take money from another line to cover it. Chairman Cole thought they should deal with the business at hand, i.e., the new positions. He asked for a consensus that the department heads submit requests for both full and part time personnel, and that they be as budget line items. Selectman Stewart said no, as warrant articles. Selectman MacLean added, with justification. Chairman Cole said that was a given. Selectman Massey said he was in favor of that guideline, but department heads should not be under the illusion that this is open season on new positions. Chairman Cole didn't think anyone was under any such false illusion. He asked the Town Administrator if he understood the consensus. Mr. Malizia said he did.

Comparability Increases—Chairman Cole said this applies only to non-union personnel and asked if there was any interest in this. Selectman MacLean said they'd have to think that Hudson's employees' salaries were *not* reasonable and fair, so she was not interested in pursuing this. Selectman Maddox thought it was something that should be brought to the Board by the department heads. Comparability deficiencies should be pointed out and addressed, but doesn't mean they will be funded. It's a disservice to the Town and the employees not to do so. Consensus was four in favor, with Chairman Cole opposed, saying this causes a lot of difficulties in a lot of different areas and muddies the water.

Warrant Articles—Chairman Cole asked if the Board wanted to see articles just in a certain area, i.e., public safety; or by specific item, such as a new truck; or all requests across the board. The consensus was the third option.

Motion by Selectman Stewart, seconded by Selectman MacLean, for a recess at 8:39 carried. The meeting resumed at 8:44 p.m.

(Start Tape 2, Side B)

E. Proposed Ordinance 04-03 to create a Water Utility Committee

Selectman Massey said at the last meeting they had a proposal from the Town Engineer to create a Water Utility Committee to operate under the supervision of the Board of Selectmen. Since then, they have received input from the Town Attorney relative to wording and the enabling legislation statute. Tonight, the proposed ordinance is before them. Selectman Maddox asked if this was identical to the Sewer Utility, including the stipulation that they must reside in a sewer/watered dwelling. Selectman Massey said it mirrors the Sewer ordinance, but it's under a different statute. One member of the Sewer Utility Committee can be a non-sewer user and that is something that can be addressed during the public hearings on the Water Utility Committee. This would be a more complex assignment than the Sewer Utility, so it will take a lot of effort to make it go forward. It's not a deal-breaker to have a non-user as part of the committee.

Motion by Selectman Massey, seconded by Selectman MacLean, to forward Proposed Ordinance 04-03 that would create a Water Utility Committee to a public hearing for a first reading on August 24, 2004 and to hold a public hearing for a second reading on September 13, 2004 carried 5-0.

8. NEW BUSINESS

A. Presentation by the Library Building Committee

Chairman Cole recognized co-chairmen of the Library Building Committee, Elaine Brody and Jane Bowles. Ms. Brody said she was there to bring everyone up to date on what has been done in preparation of building a long-needed addition to the Hills Memorial Library. The committee has been meeting since last October, with citizen Massey and Selectman liaison MacLean serving, as well as other Hudson residents with a variety of skills. They have received help and encouragement from John Cashell and Tom Sommers and they had a constructive meeting with the Highway Safety Committee, who suggested some changes to the site plan. Their goal is to make sure they have all of the information needed to ensure the successful passage of a bond to build the addition at the March 2006 Town Meeting. The Library will be 200 years old in 2009 and they look to that date for completion and dedication of the renovated library. Hudson has been considering library expansion for 20 years. When it was built in 1909, the population was 1,300 and is sorely inadequate to serve the current population of almost 24,000. Their resources are currently spread out among the main building, a small trailer, a double trailer, two sheds and a small house on Ferry Street. This results in poor use of staff. They have no room to add books unless they delete titles already in circulation. They anticipate the new space having adult and children's areas, reference, technology and media centers and a large meeting room, which will be available to community groups of up to 100 people. They will make every effort to keep the addition harmonious with the original historic building. The plans and drawings on display are conceptual only. They anticipate total cost of the project will be \$7-\$8 million--\$4.6 million to build and the remaining cost for the design and fit-up. The intent is to solidify the plans through selection of an architectural firm and proceed through the appropriate Town boards. Tomorrow night, they will meet with the Planning Board for a conceptual review. Tonight's handout outlined the steps needed to reach the goal. Once the architectural plans are in place, they will have a capital fundraising campaign. They will be speaking to civic organizations to inform them of the plans and to solicit funds. Gifting categories will be established and they will be looking for donors from a few dollars to many thousands to fund the meeting room, the children's room, tech centers, and even the addition, if someone would like it named in honor of someone special. Every Hudson citizen will be afforded the opportunity to become part of this project. Citizens are in favor of this project. People want the library to stay in its present location. To that end, Hudson residents have appropriated funds over the last

several years to purchase 47 & 49 Ferry Street properties behind the library. It's now time to go forward to complete the project and, they hope, with the full support of the Board of Selectmen.

Selectman Maddox said the conceptual plan shows a level area, but there is a considerable rise to Ferry Street. He asked how accurate the drawings were. Ms. Brody said the architect had some discussions with John Cashell and they felt that this plan would be appropriate for the existing topography. The cost estimate was based on this plan, but they don't know if this architect, Adams & Smith, will be the architect of choice for the project. Selectman Massey said the architect also spent a great deal of time with the Town Engineer to arrive at some of the requirements, given the local site plan review that the Planning Board expects, so the cost was based on the conversations with both the Town Engineer and Town Planner. Selectman Maddox asked if test borings for asbestos had been done. Ms. Brody said not yet, and they don't have a firm number because they don't have all of the information. Selectman Maddox asked when they planned to do the asbestos mitigation and cost. Ms. Bowles said that it was expected to be done this summer. Selectman Maddox said that would mean additional monies, depending on the results. Ms. Bowles said the feasibility study done by Adams & Smith did not take into account the abatement, but the architects designed the building so that the majority of the construction and the parking lot would cover the area, with little disturbance of the asbestos.

Chairman Cole asked if a slogan has been created yet. Ms. Brody said of the 50 entries, there will be a first round elimination to five, and then they will vote from those five. Chairman Cole asked if they anticipate coming in with a warrant article, or a series of them. Ms. Brody wasn't sure. They need to expend some monies for architectural fees and those kinds of things before they do the bond for the entire project. Ms. Bowles said the Library Trustees will have to decide whether or not they want to put forth any articles this year. One possibility is a capital reserve fund for the first year's payment on an anticipated bond.

Selectman MacLean thanked the committee for all their hard work. Ms. Brody hoped the Selectmen would promote this as a wonderful idea. Selectman Maddox said he didn't think it was, nor was a \$10 million expenditure on that site. Chairman Cole believed the support was for a library facility, not the cost. Selectman Stewart agreed with Selectman Maddox, saying this project wouldn't get her vote, either. She felt that public safety projects should come first. Selectman Maddox asked what a free-standing library would cost on a Town-owned parcel of land, the same square footage. Ms. Knowles said the typical library structure estimate was \$158 per square foot, for the anticipated population of 30,000 in 2020. Selectman Massey said the \$158 per square foot is the construction cost, not the design and fit-up cost, which would be additional. Chairman Cole believed they all felt this was a worthwhile effort, but the square footage was another issue. The value of a library is without question. He thanked the Building Committee for their presentation and hard work.

B. Public Hearing/Acceptance of a Transportation Enhancement Grant from NHDOT of \$218,858 for the relocation and restoration of the former Hudson Train Depot

Community Development Director Sean Sullivan said the Town has been notified by NH DOT that they have been awarded a grant in the amount of \$218,000. The total project cost is \$273,000, with a Town match of \$54,714. The Board had approved submission of this application during the winter. The money will be available in Federal Fiscal Year 2007 (1 Oct 06) to relocate and restore the former Hudson train depot. NH DOT prefers the project be started within one year of the date of grant. If not, for some unforeseen reason, it's likely that NH DOT would extend the grant award an additional year. In September 2006, the Town will receive a municipal management agreement, which is typical for a transportation enhancement project, that will contain language that the Town will manage the project. The State is obligated to spend a proportional share of transportation enhancement grants throughout the State on an annual basis. The Town will be in touch with DOT on a regular basis on this project. Selectman Stewart said the CIP does work, that this project was #16 on the list. The Community Development Department, the Benson's Committee and Lisa Sasser deserves a great deal of credit for this. Selectman Massey asked when the Town would have to provide the \$54,000. Mr. Sullivan said the intent and hope is to provide an in-kind match of labor and materials. Chairman Cole said the Town would have to pony up \$54,000, either in kind or in money, before they start drawing on the \$218,000. He asked about timing on the period of performance for this grant. Mr. Sullivan said it was good through FY 2008.

Chairman Cole opened the public hearing at 9:06 p.m. Being no one who wished to speak, he closed the hearing.

Motion by Selectman Stewart, seconded by Selectman MacLean, to accept the Transportation Enhancement Grant from NH DOT in the amount of \$218,858 to be used for the relocation and restoration project of the former Hudson Train Depot carried 5-0.

(Start Tape 3, Side A)

C. Public Hearing/Acceptance of Donation of in-kind services in support of the Benson's Park Restoration Project of \$6,700 from Bedford Design Consultants and \$2,000 from Building Preservation Specialist Elizabeth Sasser.

Chairman Cole said neither Ken Dickinson nor Lisa Sasser was able to be present tonight. As liaison to the Benson's Committee, he'd try to field any questions. Selectman Maddox asked why the Red Shoe was called out in particular.

Chairman Cole said it was one of the projects listed in the Master Plan and something that Lisa Sasser and the committee wanted to focus on. Selectman Massey said in the original assessment, it was felt that that structure was not capable of being restored, but at second glance, they determined that it was redeemable and worth preserving. Chairman Cole said Lisa was going to put together a historic structures report like she did on the other structures. Chairman Cole opened the public hearing at 9:10 p.m. Being no one who wished to speak, he closed the hearing. Selectman Maddox opposed this because there are other priorities on that property—which the Town does not own.

Motion by Selectman MacLean, seconded by Selectman Stewart, to accept the donation of services in support of the Benson's restoration project, valued at \$6,700 from Bedford Design Consultants and \$2,000 from Building Preservation Specialist Elizabeth Sasser, with the Board's thanks and appreciation carried 4-1. Selectman Maddox voted in opposition.

D. Joint Planning Committee (Board of Selectmen/School Board/Budget Committee)

Chairman Cole said he received a letter from School Board Chairman David Alukonis, asking for the reestablishment of this joint committee that existed about two years ago and, if approved, to appoint a Selectmen's representative.

Motion by Selectman Stewart, seconded by Selectman Maddox, to support the re-establishment of the Joint Planning Committee and to appoint Selectman MacLean as the Board's representative to the committee, carried 5-0. Chairman Cole stated that Selectman MacLean cannot make a meeting on Thursdays.

E. Receipt of a \$145 Donation from Drama Kid of Merrimack Valley to the Recreation Department

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

F. Offer to Donate 21 Acres of Land (Rear portion of the former Meadows site) by GPR Realty

Chairman Cole recognized Attorney Welts, 29 Factory Street, Nashua, who was representing G. Philip Rodgers, 5 Newton Street, owner of GPR Realty, who owns the land in question. Atty. Welts said the ZBA recently gave Mr. Rodgers a special exception on the front two acres of a 23-acre parcel, the former Meadows property along Central Street. Mr. Rodgers had started the process with petitions to the Conservation Commission and then to the Planning Board for two special exceptions—one for the front part to put in a Dunkin Donuts and in the back, he considered storage facilities. The Conservation Commission voted in favor of both special exceptions, but on recommendations by the Planning Board back to the ZBA, some members preferred that the land be kept in its natural state because of the wetlands. After some consideration, and prior to going to the Zoning Board, Mr. Rodgers told him that he'd like to donate the back section, about 21 acres, to the Town. Once the Town owned it, they could choose to leave it in its natural state and remain as open space, or a portion of the dry land, about 10 acres, could be converted into recreation fields. At a meeting last week with Mr. Malizia and Mr. Sullivan, he became aware of an asbestos disposal site report and its history. He followed up by calling the State of NH and talked to Tom Livingston, at the Air Resource Bureau, who formerly worked with Waste Management and did the last inspection of the property in the summer of 1998. There has been no site inspection since that time, nor any report revision since March 2000. Since the EPA returned to the site in 1995 to stabilize the cap and improve the drainage, there has been no natural-occurring degradation. He did not think there would be a problem if the Town wanted to use the land for ball fields. EPA requires 24" of cover of asbestos land sites and there is 32" there. If ball fields were going to be placed there, Mr. Livingston recommended placing 6" of loam on the existing site to improve the drainage and provide a good base for grass. The only problem in using the fields would be footings for batting cages and fences, but those things could be worked out. Mr. Livingston's number is 271-5891 and he'd be glad to talk to anyone who wanted more information. At the ZBA meeting, Sean Sullivan announced to the Board that Mr. Rodgers had made this offer. At that point, they tried to withdraw the request for a special exception to the back part, but the ZBA denied the request. The ZBA also added a stipulation that, in granting the special exception to the front portion, Mr. Rodgers would be required to donate the rear portion to the Town. Atty. Welts had asked what would happen if the Board of Selectmen didn't accept the donation and if there was any interest on the part of the Board for accepting this land.

Selectman Stewart asked if the wetlands had to be crossed in order to get to the dry section of land that is suggested to be used for ball fields. Mr. Sullivan said yes, that the property would have to be subdivided. Atty. Welts said if the Town ever acquires Benson's, access could be made from that direction. There is some sort of right of way over the Konis Corp. property and that is one of the difficulties they had with the ZBA. One of the concerns of both the ZBA and Planning Board was that they didn't want the environment damaged by building back there. If the Town didn't want to use it for ball fields, or take possession, Mr. Rodgers would give them a conservation easement over the entire tract. They still have to get input from the Planning Board, if the Town shows interest in having it, in working out the subdivision requirements. Selectman Stewart said she supports open space, and the Town lacks ball fields, but in order to accept donated land, it should be good, usable land that the Town can benefit from, and that can be easily accessed.

Mr. Rodgers said he's been a Town resident for over 75 years, and a member of the Lions Club for over 45 years. The Lions Club has indicated to him that they would be interested in doing something with this project, although he wasn't committing

anything on their behalf. The location is excellent, with 10 acres of high, dry land, even though there is asbestos underneath. The government spent over \$1 million to cap it. The land is not junk—and the Town doesn't think so either, looking at his tax bill.

Selectman Maddox said rather than try to develop the property, the Town could approach the DOT to try to do a land swap of these 21 acres, which could be used for mitigation purposes, with 10, 15 acres at Benson's, which would be easier than trying to cross wetlands or build on an asbestos cap. He'd like the opportunity to pursue that effort, along with Mr. Sullivan. Chairman Cole said when the Town finally gets the Benson's property from the State, they will receive all of it, so he didn't understand where the swap would come in. They don't know what the State is going to do; they might draw a line in the sand. Selectman Maddox said the hope was that the State would move the line a little bit. Chairman Cole asked what would happen to Mr. Rodgers' project in the meantime.

Atty. Welts said that the project has received ZBA approval, with the stipulation that the rear portion of the property be donated to the Town and that the Town accept it. They are concerned because they want to move ahead with the project on the front two acres. Chairman Cole said if he was in that position, he'd be concerned, too. He outlined the situation as he saw it: they went to the Zoning Board with a request for two exceptions, one for the two acres up front for a retail business and the other that would allow use of the acreage in the back for a storage facility. The ZBA gave them the first exception, but denied the second, and as a stipulation on the first exception, the land must be donated to the Town. He asked if Mr. Rodgers made that offer to the ZBA first. Mr. Rodgers said yes, he did. Atty. Welts said before the ZBA meeting, Mr. Rodgers met with Mr. Sullivan, at which time he was no longer interested in developing the back portion and wanted to donate it to the Town. When they got to the meeting, they asked Mr. Sullivan for background information, at which time he informed the Board that Mr. Rodgers had approached him about donating the back parcel. At that point, Atty. Welts said this process was over a period of time, about a year. They told the ZBA that Mr. Rodgers changed his mind and he wanted to withdraw the request for a special exception for the back portion, but the ZBA ruled that they wanted to hear both, so they made a presentation on the back, although they were no longer interested in developing it. At the conclusion of that meeting, the ZBA voted to grant a special exception on the front two acres and asked if Mr. Rodgers would donate the rear portion to the Town. Atty. Welts said they'd be glad to make that offer, but the language in the stipulation says that the land *must* be donated to the Town, which has put them in an awkward situation. The land was going to be offered to the Town anyway, but now they are in a predicament because, in order to comply with the ZBA stipulation, the Town must accept it. This has put them in a time bind.

Selectman Massey said, in the interest of full disclosure, he is a happy 25-year original owner of a house built by the Rodgers Brothers. (Three other Selectmen raised their hands, too.) Selectman Massey was mystified by the ZBA's rationale. They could have done other things instead of tying the Selectmen's hands the way they have done, which he didn't appreciate. The Board should appeal the decision on the issue of a mandatory donation of land. Chairman Cole agreed that the ZBA committed a faux pas of sorts and, if he was sitting in Mr. Rodgers' chair, he really wouldn't appreciate it—and the Selectmen's hands are not tied by the ZBA's lack of courtesy to the Selectmen and to Mr. Rodgers and his efforts. If someone wants to turn that area into ball fields and donate it to the Town at some time in the future, that's wonderful, but he's not in favor of taking that acreage with its asbestos problems that might still be there. There is no benefit to the Town. He didn't know why the ZBA did this, although he can guess.

Selectman Massey asked if it was possible to appeal a decision on a specific stipulation. Mr. Sullivan believed that was possible. Atty. Welts said within 30 days, a request for a hearing to appeal a ZBA decision must be submitted, which he did, but it was turned down. Mr. Rodgers is now in a difficult situation because, in order to preserve his rights to continue with the special exception that was granted, he has 30 days from the ZBA's denial of the motion for rehearing, which was on July 22, so by August 22 Atty. Welts would have to file something with Superior Court to preserve Mr. Rodgers' rights, while attempting to resolve this issue. If the Town wanted to join him in the suit, he wouldn't object. Chairman Cole said it should be perfectly clear that he would never vote for a Hudson v. Hudson scenario.

Selectman Massey wondered why this property, vacant for so long, wasn't in current use. Mr. Rodgers said this land was taken by tax title from the Bursey's, the former owner of the Meadows, so the Town did own the land at one time. Selectman Massey asked it could be put in current use. Atty. Welts said it could be. Selectman Massey said he'd prefer to see this as a conservation easement and put into current use and remain in the ownership of GPR Realty.

(Start Tape 3, Second Side)

Motion by Selectman Maddox, seconded by Selectman Stewart, to defer until August 24, 2004, to give him and the Community Development Director time to see if there is any interest at the DOT in doing a land swap, using this land for mitigation in exchange for more land at Benson's carried unanimously. Chairman Cole confirmed that Mr. Sullivan would get with Selectman Maddox, and asked that he be kept informed.

G. Secondhand Dealer/Pawnbroker License #2004-03

Police Chief Gendron said on July 26th they had an incident where the Nashua police chased this individual to Bargains

Unlimited on Central Street, where he barricaded himself and there was an eight-hour standoff. HPD was led to believe that the holder of the license, Michelle Naylor, was the sole operator and the only person who had access to the building. However, they learned that the individual that was arrested by the Hudson Police, Dan Baldwin, had keys and, in fact, has been running the business. In looking at Mr. Baldwin's past record, and incidents they've had with the business, the Chief recommended revocation of the license. HPD doesn't feel Bargains Unlimited is a business that is in the best interest of the community. HPD has been led to believe there were guns in that building and he didn't think that was something the Town should be dealing with on a regular basis. Selectman Maddox said the Board received a letter, saying they would no longer be operating. Chairman Cole said the Board was formalizing that, and protecting the Town's interest. Selectman Maddox said he'd have to vote no on this because if this man had run into Dunkin Donuts, would they be revoking Dunkin Donuts license? Chief Gendron said this is a pawnbroker business and if he or she decides to get a Federal permit, they can take in guns, and that is the concern. They were told that night that guns are hidden in there. If he does take in weapons, and another incident like this occurs, they are going to be dealing with another standoff with a barricaded individual, and the Chief didn't think that's what this community wants.

Motion by Selectman Stewart, seconded by Selectman MacLean, to revoke the Secondhand Dealer/Pawnbroker License issued to Bargains Unlimited by the Selectmen on 23 March 04, as recommended by Chief Gendron, carried 5-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Stewart gave an update of the Highway Department's activities. Drainage construction on Greeley Street has been completed and paving should be completed by Friday or Saturday; relative to Thumbs Down--25% of the Musquash Road that did not meet Town standards was repaved at no cost to the Town; relative to recycling, everything that was accepted by BFI is accepted under the new contract, with the only change being the collection dates; and lastly, the Town is required by State law to trim road brush every year. It would cost thousands of tax payer dollars to hand-prune the branches on 185 miles of Town roads.

Selectman Massey commended NH DOT, Continental Paving and Civil Engineer Gary Webster for an outstanding job of minimizing traffic delays as construction on Lowell Road rolls along. Given the amount of vehicular traffic on that road, a hearty thank you is in order. He's been told by the Town Engineer that moving the arches is eminent. The State has put a hold on the company selected to effect the actual move. The water extension on Wason Road should be finished this week. The original bid specs were based on a test boring every 20' and between two of the borings, the contractor hit ledge, so that and bad weather caused a setback. Work should be finished this week, however. Stop & Shop has picked a contractor and the money for the bond is in hand. They can start at any time as there is nothing from the Town's perspective that is preventing them from doing so.

Selectman MacLean thanked Boy Scout Thomas Laste for his letter and she hopes he would stay involved in Town government. She displayed her Hudson Jr. Ranger badge she received at Smokey the Bear's birthday party. She was surprised that Smokey wasn't a rotten, dirty old Teddy Bear, but an attractive, clean, well-groomed and well-behaved bear. She was impressed.

Selectman Maddox said when he attended Smokey the Bear's birthday party, he was looking at the cake instead. The water extension on Wason Road went relatively well. The Board received a letter today saying that Stop & Shop wants to come before the Board on September 13th to go over their outstanding items.

Chairman Cole said the Town's Nine-11 observance ceremony this year will be held at 9:00 a.m. on September 11 at Library Park. There will be an invocation by the Police and Fire Departments' Chaplain, the National Anthem, a wreath-laying ceremony by the Fire Chief and Police Chief and presentation of Colors by the American Legion. On behalf of the Board, he extended best wishes for a speedy and full recovery to Howard Dilworth, a member of the Budget Committee and former Selectman and to the current Sewer Utility Committee Chairman, Bill Abbott. Both Howard and Bill have been under the weather, but are back home, recuperating and will soon be back doing what they do so well for the Town. The Board also noted that Selectman Stewart had foot surgery, adding that it probably came from kicking people too hard. Lastly, he welcomed home for a brief period of rest and relaxation, 1Lt. Jonathan Gendron, son of Police Chief Richard Gendron and his wife, Lynne. Lt. Gendron has been sighted in various areas, relaxing and enjoying time with family and friends. He is the Executive Officer of the 29th Signal Company and his unit in Iraq provides support at the theater level. He is due to return to the States in January 2005. Chairman Cole welcomed home all of the troops who are spending time with family and friends. For those who have to go back, he wished them Godspeed and safety, and that they return home, safe and sound, as soon as possible.

10. NONPUBLIC SESSION

Motion by Selectman Stewart, seconded by Selectman MacLean, to enter Nonpublic Session pursuant to 91-A:3 II (a) personnel issues; (b) The hiring of a public employee; (c) Matters which if discussed in public likely would affect adversely the reputation of any person; and (d) real estate issues carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:55 p.m. and was terminated at 10:45 p.m.

Motion by Selectman Stewart, seconded by Selectman Maddox, to seal the nonpublic session minutes carried 5-0.

▶ Motion by Selectman Stewart, seconded by Selectman MacLean, to hire Gregory P. Henderson as a Police Officer, effective August 15, 2004 at a rate of \$18.05 per hour, in accordance with Police Union Local 3657 carried unanimously.

▶ Motion by Selectman MacLean, seconded by Selectman Massey, to hire Joseph Dionne as Truck Driver/Laborer, effective August 29, 2004 at \$13.94 per hour, in accordance with Highway Union Contract, carried unanimously.

▶ Motion by Selectman Stewart, seconded by Selectman Maddox, to promote Jay Twardosky to the position of Street Division Foreman, Grade XVI/Step 4 at a rate of \$22.35 per hour and to reassign Tim Lamper to the position of Traffic Technician, Grade XIV/Step 6 at a rate of \$22.23 per hour, effective August 15, 2004, carried unanimously.

11. ADJOURNMENT

Motion by Selectman Stewart, seconded by Selectman Maddox, to adjourn at 10:47 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