

HUDSON, NH BOARD OF SELECTMEN

Minutes of the July 27, 2004 Meeting

1. **CALL TO ORDER** by Chairman William P. Cole at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Teresa Stewart

3. **ATTENDANCE**

Selectmen: William P. Cole, Teresa Stewart, Kenneth J. Massey, Kathleen R. MacLean and Richard J. Maddox

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Deputy Fire Chief Gary Rodgers; Deputy Fire Chief Charlie Chalk; EMS Supervisor Lt. Mickey Rudolph; Police Captain William Pease; Tom Sommers, Town Engineer; Cable Committee members, Coleman Kelly, Harry Schibanoff and Steve Boucher; Joe MacLean; Marilyn McGrath; Ray Rowell; Leo Bernard; Christine Nadeau; Matt Casey, SUN; Anne Lundregan, TEL

4. **PUBLIC INPUT**

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

5. **NOMINATIONS AND APPOINTMENTS**

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

B. Planning Board (One alternate, term to expire 12/31/05)

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)

Thomas Murphy, 17 Gabrielle Drive, was willing to serve on any of the committees, but preferred the Planning Board. He moved to Hudson two years ago from Billerica, MA. Selectman Maddox asked if he has attended any meetings in Hudson. He said no, he hadn't, which prompted Selectman Massey to suggest that it might be beneficial for Mr. Murphy to attend a Planning or Zoning Board meeting before he selects a committee to serve on. Mr. Murphy, a high school teacher in Massachusetts, said he was familiar enough with political groups that he felt he would be able to catch on quickly to the operations and activities of a board, if appointed.

Motion by Selectman Stewart, seconded by Selectman MacLean, to waive the normal procedure and appoint Thomas Murphy to the Planning Board as an Alternate, with a term to expire on 12/31/05 carried 5-0.

E. **Receipt of Notice of Resignation by Pat Hetzer from the Board of Cemetery Trustees**

Chairman Cole said pursuant to RSA 289:6 which says, in part, "Vacancies shall be filled by the Selectmen for the remainder of the term." In this case, March 2006. This vacancy will be advertised with the other vacancies. Selectman Massey said it was regretful that she resigned because she brought a great deal to that board and her presence will be missed. Selectman Stewart felt the same way and wished her the best in the future. Chairman Cole said the Board echoes those sentiments, as well.

Motion by Selectman Stewart, seconded by Selectman Maddox, to acknowledge, with the resignation of Pat Hetzer from the Board of Cemetery Trustees with regret and appreciation for her service to the Town carried 5-0.

6. **CONSENT ITEMS**

Selectman Maddox said Map number under 6-A should be corrected to read 169.

Motion by Selectman MacLean, seconded by Selectman Stewart, to accept consent items A – D, as appropriate, carried 5-0.

A. **Sewer/Water Utility Items**

Request for Sewer Allocation for Specialty Kitchens, Inc., Map 169/Lot 020 w/recommendation to approve

B. Licenses and Permits

- 1) Raffle Permit during Old Home Days by the Hudson Democratic Committee
- 2) Request by the American Legion to place signs on Town Land to advertise the 7th Annual Haunted House referred to Road Agent for coordination and implementation.

C. Acceptance of Minutes

Minutes of the BOS Meeting of July 13, 2004, to file.

D. Committee Announcements

- 8/2 6:30 School Bd. in BOS
- 8/3 7:00 Library Building Cmt. in Annex
- 8/4 9:00 a.m. Highway Safety Cmt. in CD
- 8/4 7:00 Planning Board Workshop in CD
- 8/5 7:30 ZBA in CD
- 8/10 6:30 BOS in BOS
- 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
- 8/12 7:00 Sewer Utility in BOS
- 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
- 8/24 7:00 BOS in BOS
- 8/25 7:00 Planning Bd in CD
- 8/26 7:30 ZBA in CD
- 8/28 Boot Drive

7. OLD BUSINESS

A. Dedication of Leonard A. Smith Central Fire Station

Motion by Selectman Stewart, seconded by Selectman Maddox, to set the date for the dedication of the Leonard A. Smith Central Fire Station for Monday, October 4, 2004 in conjunction with Fire Prevention Week and further, to direct the Fire Chief to coordinate the ceremony and related activities carried unanimously.

B. Preliminary Budget Parameter-setting

Chairman Cole said since budget season is just around the corner, it behooves the Board to be prudent and pass along any helpful guidance to the department heads. Town Administrator Steve Malizia is the former Finance Director and is well versed in financial matters, so he can field questions. They won't be talking about setting tax rates or anything else they will be doing in October. At their next meeting, they can formulate guidance to department heads.

Selectman Massey thought they ought to coalesce around a default budget for next year. The economy is still uncertain; home sales don't appear to be as strong; interest rates are going up and the GDP did not go up as much as expected. Selectman MacLean asked what a default budget was. Selectman Massey said it means they would go with last year's operating budget, plus any statutory requirements, such as salary increases. Selectman MacLean said there is going to be a reval, so even if the budget is cut, she assumes taxes will go up. Selectman Massey said when properties are reevaluated, a third of the properties have a higher valuation relative to the tax rate; a third have the same and a third are less. Selectman Maddox said he'd like to see them accomplish a number of things; and there is never a good time. They need to look at water utility improvements and to move forward with combined dispatch, to put the addition on the police station, which has been on the horizon for years. They could also look at getting the police out of the Kirby Building and utilize it for other purposes. Selectman Stewart said she had the same mindset. The fire truck article didn't pass last year and that, like combined dispatch and radio interoperability, are life safety issues.

Chairman Cole said there are certain areas they have no control over, such as union contracts. Within the operating budget, there are some areas they need to look at, such as funding of general assistance to come up with a realistic figure. Non-petitioned articles are within the purview of the Board of Selectmen. For example, they may want to give guidance that they will consider only safety articles; or they only want to see articles dealing with X, Y & Z; or they may want to see all of the articles a department wants to put forward so they will have an idea of what is happening in that department. These are the types of things they should be thinking about over the next couple of weeks so they can come up with a consensus. He may contact each member individually so they can submit their intent to him which would allow him to frame the discussion at the next meeting.

Selectman Massey didn't think he was that far removed from Selectmen Maddox and Stewart. He asked for the final, approved CIP plan so that could be a part of their discussion, as that would frame some of the issues around the warrant articles they might be talking about. Selectman Stewart said the Planning Board was supposed to have forwarded that to the Board of Selectmen. Chairman Cole asked Selectman Maddox or Selectmen Stewart to track it down so it would be available for the next packet. If anyone has any questions they haven't otherwise already asked of department heads, he may ask the members to provide him with a list of their areas of interest so they can have an effective discussion.

C. Dissolving the Land Preservation Committee

Selectman Maddox said since the Conservation Commission has expanded into the open space arena, this is an inactive, redundant board. *Motion by Selectman Maddox, seconded by Selectman Stewart, to dissolve the Land Use Preservation Committee (established by the Board of Selectmen on July 13, 1999) carried unanimously.*

D. Options for Operating Cable Access Channels

Chairman Cole said the agenda packets had a copy of Atty. Epstein's response that was requested when he met with the Board on June 29 on how best to organize the management and maintenance of access TV—Public, Government and School channels. Atty. Epstein was to give a synopsis of the advantages and disadvantages of 1) the Town of Hudson operating the access channels; and 2) establishing a non-profit entity to operate the PEG channels. The next step would be for the Board to decide if they want to go with a non-profit or a Town-operated committee and then set the actual composition and establish such an organization. The consensus on June 29 was Town-operated. He suggested that the Board task Coleman Kelly, their consultant, to develop a straw man proposal that would talk to the composition (volunteers, Town staff, etc., who would make up the committee); the procedures for establishing it, appointing it, terms of office, how they would go about doing that, the initial goals of the committee, the long-term goals and then, as an off-shoot discussion, the status of the future of the current Cable Committee. Once they get that from Coleman, they could then run it by the Attorney one more time to make sure what they are doing is legal, appropriate and makes sense from his experience. He expects that Coleman could put together the straw man, based on his experience in Hudson, with the consortium and with his relationship with other towns that have committees.

Selectman Maddox asked if Atty. Epstein was on retainer for the Cable Committee. Mr. Kelly said effectively, yes. Chairman Cole asked what that meant. Mr. Kelly said that Atty. Epstein has been retained for the past 10 years in the process of cable television, but there is no formal retainer in effect. Atty. Epstein responded to the request to appear before the Board to discuss access television, so he expects any letter of request would be honored by him. Chairman Cole asked if a contract was involved. Mr. Kelly said no, the Town is billed for services rendered and there is a line in the budget for this. Chairman Cole said Selectman Maddox and Coleman were talking about two different things.

(Start Tape 1, Second Side)

Selectman Maddox said he had asked Atty. Epstein a question four times, which was never answered--the Town's liability, what was covered under the RSA's/Federal regulations that says the franchising authority was responsible for violations of dissemination of illegal material and how that would be affected by each of the two options. Therefore, he preferred to use the Town's regular attorney be used, as there was no great value in the substance or performance by Atty. Epstein. Chairman Cole recalled Selectman Maddox asking that question on several occasions and thought Coleman could fill in some of the blanks by asking other towns in the consortium. Coleman said he would get an answer. Chairman Cole said whatever attorney is used is the Board's decision, but he wanted to get the ball started. Selectman Maddox said he'd go along with the idea of moving forward, with Coleman, the Town's consultant, coming up with a plan and notifying the School Department. Coleman should also notify the Cable Company that the Town is intending to raise the fee to 4% to fund the operation. Chairman Cole asked when that was decided. Selectman Maddox said he was suggesting that. Chairman Cole asked if Coleman ever found the document that allowed the Town to do that. Coleman said the document that Chairman Cole was referring to was the one to set rates. The authority for raising the franchise fee percentage would just take a letter from the Board. Chairman Cole suggested that explaining the fee increase would be a tangent of the plan, on the periphery of the proposal. Contacting Bob Barry was a given.

Chairman Cole said he was looking for a motion that would direct Coleman to develop a straw man on the composition and procedures to establish a Town-operated Hudson Community TV Committee. Selectman Massey said before they are ready to make a motion, the members of the Cable Committee should be included as part of the function because they have a great deal to offer. If the Town decided to raise the franchise fee to 4%, by the next week there would be a 1% increase in Adelpia's basic rate. Before they do anything, they would want to know why, on the basis of Mr. Kelly's proposal, so they could understand whether or not a budget for this function would require an increase in the franchise fee. He's not sure that they are talking about a committee; it might be a function within the Town government that manages this, but they wouldn't know that until Mr. Kelly and the Cable Committee comes back.

Motion by Selectman Massey, seconded by Selectman Stewart, that the Cable Committee, in conjunction w/the Cable Consultant, prepare a proposal for the Selectmen to review at its August 24 meeting and that it be constructed around the objective that the Town would be the operator of the Public, Educational and Governmental channels.

Chairman Cole asked who was responsible for putting this together and getting it back to the Board. Selectman Massey said it would be the Consultant's responsibility, working in conjunction with the committee. Chairman Cole designated Coleman as the action officer, to which Coleman replied that he understood. Selectman Maddox preferred this come back to the Board at its second meeting in August because by September, they'd be into the budget season—and this isn't something that would take the Cable Committee by surprise. Selectman Massey accepted that amendment. Selectman Maddox said they should let Adelpia know that the fee is going to be increased because he believes they are going to have to put someone on staff, funded by that increase. This would be too time-consuming to expect a volunteer to do it. Chairman Cole suggested Coleman send them a tape of this meeting.

Vote: Motion carried unanimously.

E. Auction of Hudson Water Utility Land

Chairman Cole said calling this auction a success was an understatement, given the results. Selectman MacLean said this was a good job, good money and a good deal. Chairman Cole agreed, with special thanks to Steve for taking the initiative on this and for Assessor Jim Michaud's help. Their efforts effected this successful sale.

Motion by Selectman Maddox, seconded by Selectman Stewart, to accept the high bid for the Londonderry property

of in the amount of \$100,000 from Edward J. Kelley or Assigns; and the high bid for the Derry property, in the amount of \$96,000 from Irene and Jim Stopherd carried unanimously.

8. NEW BUSINESS

A. Request for Sewer Extension, 5 Dell Drive, Map 138/Lot 65 (Engineering)

Town Engineer Tom Sommers said Christine Nadeau, who made the request for the extension, was present. In 1994, an Indian-mound septic system was installed and it's operational, so they will not be required to connect and will receive an automatic waiver. However, the applicant is required to extend a service connection to the property line of the abutter across the street, 138/66, for future connection. They understand this and are agreeable to it. Mr. Sommers believes this is a valid request and the proper way to develop this piece of land. The soils are unique--not wetlands, but a high water table. He didn't know why this area wasn't sewered, but suspects it had to do with Federal funding eligibility in the 70's when the sewers were put in. Approval is contingent upon the stipulations outlined in his memo.

Selectman Stewart asked where the bill from the contractor was that was supposed to have been in their packet. Mr. Sommers said there was an estimate of \$18,348 from Hudson Paving, which does not include de-watering. That would be the responsibility of the Nadeaus, if this is approved. There is no cost to the Town for the construction. Selectman Stewart asked if the applicant would be required to put up a bond, to ensure the work is completed. Mr. Sommers hadn't anticipated doing that and felt that if the contract before them was used, it would get completed. However, that decision would be up to the Board. Selectman Stewart said if the Town Engineer was comfortable with it, she was, too.

Selectman Massey was present at the meeting when the abutter spoke, and they were definitely in favor of seeing this happen, but he wondered if there would be a payment schedule from Hudson Paving. Mr. Sommers said that wasn't something he had considered. Selectman Massey said Hudson Paving isn't going to do the work if they aren't going to get paid, but the Town needs to know that, once the road is opened, it is going to get done. Chairman Cole asked if the Board could get a copy of the executed agreement with Hudson Paving. Mr. Sommers said yes. Selectman Massey was confident this will happen because the home owner, the land owner and the abutter want to have it done. Selectman Stewart asked if repaving the street to Town standards was part of the agreement. Mr. Sommers said it was, which was one of Kevin Burns' requirements.

Motion by Selectman Massey, seconded by Selectman Stewart, to extend the sewer district on Dell Drive, as recommended by the Sewer Utility Committee, with the stipulations as outlined by the Town Engineer in his memo dated July 16, 2004, "Sewer Extension Request, 5 Dell Drive, Map 138/Lot 65," carried unanimously.

B. Request for Bid Specifications for Operations and Maintenance Contract for 2005 (Engineering)

Town Engineer Tom Sommers noted that the planned maintenance section was not included in the Selectmen's packet. In 1988, the Town executed two documents with Pennichuck—Planned Maintenance and Unplanned Maintenance—both of which was intended to be included as backup. If anyone would like a copy, he will get it to them. The original agreements were established when the water company was purchased. The Town purchased from Consumers, then Pennichuck purchased everything that wasn't part of Hudson, with the exception of the wells. He has found that a lot of things are done as unplanned maintenance, and that needs to be changed because they shouldn't be managing by emergency. That is his rationale for recommending putting out requests for proposals for a maintenance contract or contracts. Since he hasn't ever done this before, he was asking the Board to authorize him to use Weston & Sampson to assist in putting together and RFP/s because they might want to section things out, such as meter reading, upgrading of the transmission system, water supply system with the wells and storage tanks, booster stations are separate mechanical monsters, and a SCATA system that is in the process of being rebuilt. These are all pieces of the operation and maintenance of the system, so they may want to bid out the separate sections. After looking at the contract, Weston & Sampson, as the Town's consultant and firm that the Town uses for on-call services, will not bid on it.

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The second part is to do a detailed, precise evaluation of the booster station and water supply system, the items that need to be replaced, the priority, etc. with the thought of putting that into the RFPs, telling the bidders that these are the elements in addition to the normal, on-going maintenance of the systems. The Town wants a one-time fix-up of the elements. As part of that, Weston & Sampson would also give the Town an idea of the cost. The total cost quoted

by Weston & Sampson for those two elements is \$13,600. In the past, Weston & Sampson has worked very well with the Town and has done more than what was requested. The Town will have to give Pennichuck a 180-day written notice (by October 9, 2004) prior to the expiration (April 8, 2005). Chairman Cole asked Mr. Sommers if his department would take care of that. Mr. Sommers preferred that it come from the Board.

Selectman Massey said this is a 3-year contract that has rolled over twice, with no indication by either the Town or Pennichuck to change the terms. This is not small change they're talking about. The year ending 6/30/02, the Town spent \$410,000 on this account; year ending 6/30/03, they spent \$416,000 and by 6/30/04, \$430,000 was spent. The planned maintenance is a fixed cost, so it seems obvious that the Town is experiencing increases to the unplanned maintenance. It is imperative to have a study done to determine the planned maintenance. He and Tom Sommers took a tour of the facilities the first week in July and, clearly, a lot of planned maintenance has not been occurring. Some things inside some of the facilities that are no longer operational, such as defunct pen recorders, need to be removed. After five years, they need to re-look at things and be more definitive with the required planned maintenance.

Selectman Maddox said the prices from Weston & Sampson were estimates. Mr. Sommers said he has never known them to violate the not to exceed amount. Selectman Maddox said the e-mail from Weston & Sampson didn't indicate that they were going to review the proposals. Mr. Sommers said John Boisvert verbally agreed that Weston & Sampson would review the proposals within the stated price. Selectman Maddox hoped, as part of that, they would build a matrix to show the value of the various companies and how their bids stack up, not just on price, but on what they are proposing to do, schedules, etc. If the Town Engineer is comfortable with that being included within the \$13,000 he is comfortable making the motion. Selectman Massey said a bid spec requirement is the bidders must have a demonstrated performance in the area of water utility operations and maintenance. Mr. Sommers said Pennichuck was not precluded from bidding, and he didn't have a concern that they can't do the work. It's a function of how the contract is written. Selectman Maddox asked if he and Selectman MacLean could have a copy of the Water Utility Master Plan. Chairman Cole said he'd see that they were given a copy.

Motion by Selectman Maddox, seconded by Selectman Massey, to amend the existing Weston & Sampson contract, "on call services," as recommended by Town Engineer in his memo dated 7/22/04, Water Utility, Operation & Maintenance Contract in an amount not to exceed \$13,600 from 5592-225, with the scope of work as explained by the Town Engineer at this meeting carried 5-0.

Selectman Maddox asked if they should make a motion that the Board intends to notify Pennichuck that they intend to exercise that option in the contract. Selectman Massey said it would be prudent to not officially notify them until after they see the bid specs. Informally, they already know that Hudson is going to do this, so if they put it in writing in September, it will be soon enough because there are lots of things that could happen that might make it easier not to formally say they want to discontinue the contract, at this point. It won't hurt to wait until September, especially since Pennichuck has been told verbally, but informally, of Hudson's intent. Selectman Maddox could not understand that rationale and asked what the point was of waiting when this is something they know they are going to do. Chairman Cole said this item would be on the September 13th agenda

A. Request to purchase new software (Finance)

Motion by Selectman Massey, seconded by Selectman Maddox, to defer this item to August 10, 2004 carried 5-0.

D. Public Hearing/Acceptance of a \$8,736 Grant from NH Fish & Game to the Police Department

Police Capt. Bill Pease said this was to patrol problem areas in Town where there are OHRV violations. The Fish & Game Department reimburses the HPD for overtime patrols on the OHRV unit. Some of the problem areas are along the power lines, Lexington Court, Westchester Place and Benson's. Chairman Cole hoped that Benson's would be moved to the top of the list. Capt. Pease said in 2003, there were 163 OHRV-related complaints of violations. In order to effectively patrol the area, it requires a designated assignment.

Selectman Stewart asked why the backup information indicated that patrolling was done on private property. Capt. Pease said that would be done as a follow-up to a complaint, the same as any other call. Selectman Stewart asked if the Griffin Road property was the Ingersoll property. Capt. Pease said the power lines do run up there and it's rather wide open, with some sand pits. That terminology was to cover that whole area because they have continuous complaints about that area.

Selectman Maddox said a couple of years ago, his association called about some problems and they were told that

Fish and Game would enforce it. He wondered if the Fish and Game Department would have to be with the Hudson Police to effect enforcement. Capt. Pease said either way; the Town can do it alone, or in conjunction with NH Fish and Game. Since the time that Selectman Maddox was talking about, the Town has their own OHRVs and the mountain bikes help out. The Fish and Game Department has the capability to supplement the Town's directed patrols by designating a whole fleet of officers to a particular problem area during a weekend. Selectman Maddox asked if the grant money would be split between the two agencies. Capt. Pease said no, it was to supplement over time costs for the HPD. Chairman Cole opened the public hearing at 8:20. Being no one who wished to speak, he closed the hearing.

Motion by Selectman Stewart, seconded by Selectman Maddox, to authorize the Police Department to enter into an agreement with the NH Department of Fish and Game and to accept a grant in the amount of \$8,736 for the purpose of enforcing Off Highway Recreational Vehicle laws, as recommended by Chief Gendron, carried unanimously.

E. Public Hearing/Acceptance of HMEP Grant on behalf of LEPC (Fire Department)

Deputy Fire Chief Charles Chalk said this was a Federal grant, through the State, to local emergency planning committees to establish new programs. They found software that will go into their pocket PC devices to help them understand what hazardous materials are coming into the community or being used in the community. A lot of them are tracked now on a fixed computer in the department. This allows field access of information during an emergency.

Selectman Massey asked if there would be an on-going maintenance costs, and where the five units are located. Deputy Chalk said the maintenance contract is about \$150 a year for all five units. The three chief officers and two prevention officers have the units. Selectman Massey asked about the security of the units. Deputy Chalk said the units are always under the control of those individuals. The two prevention personnel keep theirs locked in their office area. The prevention files are locked. When no one is in the fire prevention office, the door is locked and that is behind a locked door to the administration building. The chief officers are free to take theirs home, but are under control at all times.

Selectman Maddox wondered why the line officers weren't carrying them, instead of the prevention officers. Deputy Chalk said an effort has been made to get them into the hands of the people that need them. Fire prevention needs them in the field on a day-by-day operational basis. The units are not rugged and they have to be treated carefully. If an emergency occurs, there is usually a chief officer that responds very shortly after the engine. Every business in Town is required to have their records available for Fire Department personnel and, as backup, they can retrieve it from Dispatch. The units are also their calendars and are used for scheduling. Selectman Maddox said the backup provided said that the support would be \$820 a year. Deputy Chalk said the paperwork might not reflect the actual figure.

Chairman Cole opened the public hearing at 8:26 p.m. Being no one who wished to speak, he closed the hearing.

Selectman Stewart noted that the backup paperwork indicated a date of December 8, 2003. Deputy Chalk said that's when the grant was applied for, and has taken up to now to work through the process. Selectman Maddox asked if this software was compatible with what was in Dispatch and if they were duplicating effort. If they already have existing software that tells them all of the hazardous materials, they will end up with two systems that tells them the same thing in two different formats. If a chief officer wasn't available, the engine company responding is able to get the same information from Dispatch. Deputy Chalk said businesses submit their data once a year, more often if there are changes, handled through the LEPC, which he chairs. When he gets that data, he transfers it to the Dispatch Center, to make sure their information is current. That same data is put into the hand-held unit. Selectman Maddox asked why he just didn't use the Windows-based information that was available in Dispatch and put that into the pocket PC's. Deputy Chalk said when they were researching this project, there was no software out there that worked on the pocket PC's.

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Selectman Maddox said he was going to vote against this because it was bad technology. It didn't make sense to load all of the data into two different systems that don't talk to each other. Selectman Massey said it's not possible to have a single piece of software that runs on both a desktop/laptop computer and a hand-held computer. It's not a question of redundancy, it's the way current technology is constructed and synchronization is how you keep the data together.

Motion by Selectman MacLean, seconded by Selectman Massey, to accept the Hazardous Materials Emergency Planning Grant on behalf of the Local Emergency Committee, in the amount of \$4,920 for the purchase of hazardous materials planning software for use by the Town of Hudson, as recommended by Deputy Chief Chalk carried 4-1. Selectman Maddox voted in opposition.

F. Service Agreement—LIFEPAK 12 Monitor/Defibrillators (Fire Department)

EMS Supervisor Lt. Mickey Rudolph said this is the third-generation defibrillator they've had with this company. The technical support has been outstanding and they've had good luck and excellent service from the service reps. This time, however, they've offered the Town a five-year agreement, payable annually, but would lock them into today's rate. Selectman Maddox asked how old the units were. Lt. Rudolph said they were purchased in the fall of 2002. Selectman Maddox couldn't understand what they were getting. If a unit breaks, are they going to repair it? Will the Town pay for the parts? Or will they repair the units for the next five years? Lt. Rudolph said the service is an annual checkup, but the service rep shows up quarterly, he's in contact all the time and if they have any issue at all, he is there to fix it. If someone cuts through a cable when cutting someone's clothes away, that is not covered, but anything in the guts of the machine that is under warranty is taken care of. There are periodic updates that they get. The plug that went into the defib wasn't engineered correctly, so they built a piece that kept the plug in better, and that was all cost-free. Selectman Maddox assumed the warranty had run out. Lt. Rudolph said it was a year warranty. Selectman Maddox asked if a part broke on a defibrillator today, if the company would do the repair, pay for the part and for the service. Ms. Rudolph said no, part of what Selectman Maddox was referring to (in the handout) was some of the discounts on some of the upgrades--things that break with normal wear and tear over the next five years or things not of technical support--something that the Town would have to foot the bill for. Selectman Maddox asked if that included batteries. Ms. Rudolph said no, batteries are reconditioned on a regular basis and are examined by the service rep when he comes in--and they get free batteries routinely. Selectman Maddox couldn't understand what they were getting for \$15,000.

Chairman Cole said certain elements are covered by warranty, some are not. If they were to break, and the Town had an agreement, the Town would get a price from this company to replace or repair and it's up to the Town to decide whether or not to do it. In reading the backup, one of the items that stood out was the wellness visits. They come in as often as possible to check the systems as preventative maintenance, which is extremely valuable in this area. Lt. Rudolph said the agreement was no different than the ones they've had for the last 18 years. The only new component is the ability to lock into a five-year plan at today's rate. Minimally, the service technician comes in once a year and spends a full day going through all the machines. If there are any upgrades, he installs them free of charge. If something on the machine seems like it's not working right, the rep will walk her or one of the Captains through the problem. These units are excellent and they don't break. They are real work horses that are used on about 2/3rds of their calls. Selectman Massey asked if the Selectmen could lock into a multi-year agreement. Town Administrator Malizia said as long as there is a clause that lets the Town get out if they want to, it's covered, and this agreement has such a clause.

Motion by Selectman Stewart, seconded by Selectman MacLean, to approve the 5-year Technical Service Support Agreement w/Medtronic for Lifepak 12 Monitor/Defibrillators for a total cost of \$14,250 (\$2,850/yr) from budgeted \$3,000 in 5750-202, as recommended by the Fire Chief, EMS Supervisor and Finance Director, carried 5-0.

G. Request for Authorization to apply for Homeland II Grant Program (Fire Department)

Deputy Chief Gary Rodgers said this was the second of three Homeland Security grants. With the first phase, the Fire Department was able to purchase portable radios for the Police Department and bay stations for the Fire Department, with accessories. Homeland II would buy additional equipment to move towards digital or interoperability. Last year, the Fire Department had asked for \$442,000. Because the State has given them \$95,000 worth of radios and another \$159,000 of portables, that should arrive in the next few months, they are reducing the amount they are requesting in the budget. They still have \$2,100 from Homeland Security I that they can continue to spend on anything that is covered by the Homeland Security Act. With this \$55,000, they will buy equipment to improve the reception throughout Town to ensure the apparatus can talk with each other and with other departments that are digital-capable. Homeland III hasn't come out yet, but when it does, the Town will receive \$45,000, if approved. That would reduce the amount of money they would request in the operating budget. Selectman Massey referred to the backup, which stated that this equipment would be made available for other member agencies. Deputy Chief Rodgers said that referred to a Mutual Aid situation. For instance, if Litchfield didn't have enough radios, Hudson would let them borrow theirs for that incident, and then would get them back.

Motion by Selectman Stewart, seconded by Selectman Maddox, to authorize the Fire Chief to apply for the

Homeland Security II Grant, in the amount of \$55,177.12 carried 5-0.

Motion by Selectman Stewart, seconded by Selectman MacLean, to recess at 8:48 p.m. carried 5-0. Meeting resumed at 9:00 p.m.

H. Hudson IAFF Local 3154 Factfinder Report (Fire Department)

Chairman Cole said since the IAFF accepted the Factfinder Report, the only option the Selectmen have is to send it to the warrant with or without recommendation. Selectman Maddox said the contract for 1999-2002 and the documentation that the Town Administrator had on the differences between the two contracts was quite informative.

Motion by Selectman Stewart, seconded by Selectman Massey, to forward the Hudson Firefighters Factfinder Report, dated May 24, 2004, to the Fiscal Year 2006 Warrant as Not Recommended by the Selectmen.

Selectman MacLean read the following prepared statement. "I imagine that any fire fighter would admit that what they do, they do because they love and saving lives, they might say, is just part of the job. Being a fire fighter is as much a calling as it is a profession and we're asked to put a price tag on duty, bravery, commitment and honor, yet all these things are, in fact, priceless. I've read the contract the fire fighters have enjoyed through June 30th. It's hard for me to believe that any fire fighter would not be truly grateful to have such a job. The health benefits, the work schedule, the vacation time and earned time benefits, I think, would make most working people envious. We, as taxpayers, do not face the same dangers as do fire fighters, but we, too, work an honest day for an honest pay. We all have financial concerns and family obligations. We all sacrifice, to some extent, for the common good of this community. The financial increases in the new contract, in my estimate, puts an unfair burden on the taxpayer. I think the contract at issue this evening is too costly and the demands too high. I'm sure there's not a single citizen who doesn't appreciate the integrity and work ethic of our fire fighters. I just wish that the Firefighters Union could have presented a more mutually-respectful contract. Thank you."

Selectman Massey said the fact finder chose to either ignore the Selectmen's rationale, or he did not understand it. As a result, the conclusions he reached are erroneous and not consistent with the Board's intent, which was achieved with the Admin & Support and Highway union contracts. This is not whether the firemen should or shouldn't get a raise, but that the fact finder's conclusions set a dangerous precedent for the Town and he was not willing to support them.

Vote: By roll call, motion carried 5-0.

I. Public Hearing/Acceptance of donations to the Recreation Department in Memory of Patricia Mahoney

Chairman Cole said Recreation Director Dave Yates sent a memo stating that on June 18, 2004 Hudson resident Patricia A. Mahoney, age 47, passed away. Her family requested that donations be made in her memory to the Hudson Recreation Department. To date he has received \$925 and asked that they be accepted.

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

Motion by Selectman Maddox, seconded by Selectman MacLean, to accept the donations made to the Hudson Recreation Department, totaling \$925, in memory of Patricia Mahoney, a Hudson resident who recently passed away, with the Board's and the community's deepest condolences and appreciation for the donations, carried unanimously.

J. Receipt of Notice of Resignation by 25-year Veteran of the Highway Department, Fred Bastien

Motion by Selectman Stewart, seconded by Selectman MacLean, to acknowledge receipt of this resignation, with the Board's best wishes on his retirement, and the community's sincere thanks for a job well done for 25 years--Mission Accomplished! carried unanimously.

K. Amending Board of Selectmen Meeting Schedule for September (Primary Day)

Motion by Selectman Stewart, seconded by Selectman MacLean, to amend the BOS meeting schedule for September, moving the meeting date to Monday, September 13 because the Primary is on Tuesday, September 14 carried 5-0.

L. Setting Benson's Cleanup Day (September 18)

Motion by Selectman MacLean, seconded by Selectman Stewart, to schedule Saturday, September 18 as the next Benson's Clean-up Day carried unanimously.

(Start Tape 3, Side A)

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Stewart joined in welcoming home Patrick Martel and thanked him, as well as everyone that is serving overseas, including Jerry Carrier and Chief Gendron's son, Jonathan.

She said this is a very busy time of the year for the Highway Department. Road Agent Kevin Burns e-mailed her that on the drainage project on Greeley Street, about 85% of the pipe and catch basins have been installed; the B Street sewer project is complete, including paving and landscaping; and the parking lot at Nottingham West School is done, with landscaping completed before school starts. By including this with Town-wide Paving, it saved the school a lot of money. Approximately 75% of the homes on Glen Drive have been hooked up to the sewer system and transition back to the five-day trash pickup had a few problems, but things are working a bit better now, especially if you keep in mind that switching companies saved over \$300,000. Once the bugs are worked out, things should roll along smoothly.

There has been a lot of concerns lately over safety issues with mini-bikes--Go-peds or pocket bikes--that are on the market for under \$500. The Union Leader and People Magazine have done articles on them. They are not street legal and are very dangerous, especially when kids ride them without wearing helmets. The Police Department has stepped up patrols in various neighborhoods to educate people on their proper use before something tragic happens.

Selectman Massey said he received a call from a resident on Hunter Lane, which is next to Holly Lane, who wondered why his petition to have water brought to Hunter Lane wasn't discussed. Selectman Massey checked with Engineering and found that there is a petition by about 20 residents along Wason Road, including Hunter Lane, who have asked to have the water line extended to their street because of problems with radon and arsenic in that area. Many of them are using bottled water for potable purposes. Selectman Massey explained the process to him that the Town is currently uses. Weston & Sampson is doing a hydraulic study, at the request of and paid for by the Wason Heights developer, to determine if and how the Town can deliver water up that street. Once the study is done, and in conjunction with current discussions between the Town Engineer and developer, they need to determine the developer's cost to run the line from the intersection of Holly Lane up to his current development, an additional 2,100 feet. Once they know that, and based on the current thinking, a letter will be sent to all of the area residents, with an estimated cost to them, with a request for at least a 60% majority approval to pay the cost of running the line to their area, over and above what the developer is talking about. The Board would then decide whether or not to authorize an extension. Selectman Massey indicated to the individual that it's unlikely that this would happen for at least a year. He believes it is critical that the Board establish the water utility committee as soon as possible to look at the Master Plan and make recommendations to the Board to establish a five-year plan, establish policies and procedures for access to water, similar to what the Sewer Utility is doing, and that's the part they would need to have in place before they could go back to that residential neighborhood, and finally, they would need to look at other areas in terms of the future of the water system. There are at least 20 homes in that area that want Town water because of serious water problems. He committed to get back to the neighborhood on November 1st with an update, after the committee is in place and they have some idea of what the water system will look like.

Chairman Cole said he understands Stop & Shop does have a contractor now. Selectman Massey said yes and will start at Lowell Road so that the two companies won't be in each other's way. Selectman Maddox said Stop & Shop was supposed to be at tonight's meeting for an occupancy permit. He was hoping that the Town Engineer and/or Building Department was following up to make sure that they come back to the Board relatively soon so the Selectmen will not be under the gun to grant the permit so the store can open by mid-August. They need to give the Board at least three week's notice to get on the agenda. He didn't want them to be looking for something that the Town couldn't do for them.

Selectman MacLean said it was heartwarming to go down Lowell Road and see all the welcome home signs for Patrick Martel, to see all the businesses welcome him back, a real sense of community. She didn't know him, but she welcomed him back, too.

Selectman Maddox said a number of people have asked him how come the Town Clerk's Office closes at 4:29 because it is difficult to get there from their jobs before it closes. He stopped by and visited Ms. Nichols and asked her what could be done. She told him that it was tried in the past, but they were concerned about security issues, as well as the fact that no one showed up. She told him there was a number of ways that residents can utilize telephone, internet and other services so that they don't have to come into Town Hall. He suggested that the Selectmen invite her to a meeting to give a presentation on all of that information as it might help keep someone from having to take an afternoon off just to come in to register their dog or whatever. He considered giving out her phone number, but thought better of it. Chairman Cole said he'd handle this as an action.

In the fall of 2002, Verizon came to the Planning Board for an expansion of their facility on Bockes Road. He asked them at that time if this would facilitate the rest of the Town getting DSL, or high speed internet access, and they told him that it would. Now, almost two years later, he and others are still being told they can't get it. He wondered if the Town Administrator had a contact at Verizon who could come in and explain when that service will be available to all Hudson residents. Chairman Cole asked who it was that went before the Planning Board. Selectman Maddox said it was the construction people. Selectman Stewart said when someone wants something really bad, they will promise the world, but after they get what they want, the promise never happens. Selectman Maddox said the Board should at least ask for an update on the status of things. A lot of people in Town would like that service and, if Verizon is going to provide it, when they can expect it. Chairman Cole asked Selectman Maddox to put that in writing and then he would handle it, then asked if Verizon got what they wanted from the Planning Board. Selectman Maddox said yes. Chairman Cole asked--with due respect--what was extorted from Verizon, as the Planning Board has a good record in receiving contributions. Selectman Massey said they should be careful because DSL is available in parts of Town. Whatever they did at Bockes Road is not going to put DSL at the south end of Town. You have to have a substation within 10,000' of your connection to get DSL. Selectman Maddox said he'd put it in writing to the Chair, who responded by saying he'd follow up on it.

Selectman Maddox suggested that the Board of Selectmen should hold an Appreciation Cookout for all of the volunteers who serve the Town in various aspects to say thank you and show appreciation for all of the things volunteers do. Maybe they can kick this around off-line to find a way to make that happen. Chairman Cole asked Selectman Maddox to put something in writing that the Board can discuss informally—and it goes without saying that Selectman Maddox will be the action person on this. However, volunteers is almost a never-ending list and they have to be careful not to miss someone. It's a lot of people. If Selectman Maddox puts something in writing, the Chairman will bring it to the Board and they can move forward with it.

***Chairman Cole** said as a follow-on to Fred Bastian retiring after 25 years, Ken Adams is celebrating 15 years with the Department of Public Works on July 31 and both Lt. Don Breault and Master Patrol Officer Doug Dubuque are celebrating 15 years with the Hudson Police Department on August 1. He offered the Board's sincere thanks and gratitude for a job well done and for the latter three individuals, a job he hopes they continue to do for many more years.*

Relative to the Nine-11 observance, the handout that was passed out tonight was an outline of what was done last year. He thinks that something along those lines would be appropriate and in keeping with the Town's observance, this being the third year. He has spoken with all of the members individually so, unless there was additional comments, he'd like to move forward with Steve Malizia to set up a meeting with the appropriate parties. Selectman Stewart asked if the time could be changed from 10:00 to 9:00. Chairman Cole said he will run it by the ad hoc committee when they meet.

There are two union contracts on deck this upcoming fiscal year—Police and Supervisors. The Labor Relations Consultant can be in attendance at the Board's meeting on August 10, or on an off-Tuesday, August 17. The Board opted for the 10th at 6:30.

Chairman Cole received a memo from Chief Gendron, notifying the Board of the selection of Joe Hoebeke as a member of the cadre at the Police Academy in Concord for 12 weeks, quite a feather in Joe's cap. It shows a great deal of professionalism and respect, on the Hudson Police Department, the community and the Police Standards and Training Council. Joe has a history of top notch performance in the department. He's also a member of the Army National Guard and was called to active duty a year or so ago in response to Nine-11 activities. Joe is a proven performer, a true professional and an outstanding member of the law enforcement profession and a credit to the community. Congratulations to Joe on his selection; he will do a great job. Sgt. Smith was recently up there, so Hudson has an excellent track record of sending quality people to the Academy on a regular basis to help with the training of new recruits. Congratulations, also, to the leadership in the Police Department for continuing to put out fine members of law enforcement professionals.

The Hudson Fire Department will be celebrating Smokey the Bear's 60th birthday on Monday, August 9, from 3 – 5 p.m. with a birthday cake and visit by Smokey himself at Central Fire Station, 15 Library Street. Everyone is cordially invited.

10. NONPUBLIC SESSION

Motion by Selectman Stewart, 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, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee carried 5-0 by roll call vote.

Open Session Motions:

Motion by Selectman Stewart, seconded by Selectman Maddox, to hire Cathy Driscoll as a part-time Telecommunications Technician, effective August 1, 2004 at a rate of \$14.44 (Step 1) in accordance with Police Union Local 3657, with an increase to \$15.18, after a six-month probation, as recommended by Chief Gendron carried unanimously.

Motion by Selectman MacLean, seconded by Selectman Maddox, to hire Timothy Dewyngaert as a part-time Telecommunications Technician, effective August 1, 2004 at a rate of \$14.44 (Step 1) in accordance with Police Union Local 3657, as recommended by Chief Gendron, carried unanimously.

11. ADJOURNMENT

Motion by Selectman Stewart, seconded by Selectman MacLean, to adjourn at 10:21 p.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert

Executive Assistant

HUDSON, NH BOARD OF SELECTMEN

William P. Cole, Chairman

Teresa Stewart, Vice-Chairman

Kathleen R. MacLean, Selectman

Richard J. Maddox, Selectman

Kenneth J. Massey, Selectman