

HUDSON, NH BOARD OF SELECTMEN
Minutes of the April 27, 2004 Meeting

1. **CALL TO ORDER** by Chairman William P. Cole at 7:00 p.m.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Richard J. Maddox.

The Board entered Attorney-Client Session pursuant to RSA 91-A:2 I with Atty. David LeFevre at 7:05 p.m., which was not open to the public. Open session was entered into at 7:50 p.m.

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; Kathy Carpentier, Finance Director; Sean Sullivan, Director of Community Development; Jim Michaud, Assessor; Gary Rodgers, Deputy Fire Chief; Michelle Champion; Howard Dilworth, Jr; Ray Rowell; Leo Bernard; Duane King; Scout Michael Shearer; Ethics Committee members Diane Emanuelson and Doug Robinson; Frank Bogan; Lucille Boucher; Joe MacLean; Cable Committee members Steve Boucher; Harry Schibanoff and Denise Babcock; Firefighters Steve Benton and Dean Sullin; Amanda Knightly and her father; Pastor Good; Brett John; Gary Francoeur; Teresa Spearing; several others; Anne Lundregan, TEL; Scott Brooks, Union Leader

4. **PUBLIC INPUT** -- No one responded when Chairman Cole asked if anyone wished to address the Board at this time.

5. **NOMINATIONS AND APPOINTMENTS**

Planning Board (1 member, term to expire 12/31/06)

1) Vincent Russo was interviewed 04/13/04

2) Karl Bond was interviewed 04/13/04

3) Bill Tate said he's been a Hudson resident for 57 years and knows a lot of the Town's history. He believes in preservation of open space, strongly supports economic development and business and looks for a balance between them. He favors opening up the major corridors to allow free flow of traffic and the development of Benson's. He is interested in being a part of deciding the future growth of Hudson.

Selectman Stewart asked if he would have a difficult time making the meetings, since he was coming into the busy season with his business. Mr. Tate said he wouldn't. Selectman Stewart moved to place all three names in nomination. Chairman Cole read a letter from Planning Board member Marilyn McGrath, who spoke highly in favor of and asking the Board to appoint Karl Bond to the position. Selectman Massey said it was fortunate to have three people who are as qualified as these individuals. As liaison to the Planning Board, Mr. Tate's input was impressive. Selectman Maddox said each of the candidates has brought a unique perspective to the Planning Board, but he plans to support Mr. Russo, who has 'found his voice' on the Planning Board. Motion to place all three names in nomination carried 5-0.

By roll call, Selectmen Cole and MacLean voted for Bond; Selectmen Stewart and Massey voted for Tate; Selectman Maddox voted for Russo. With a tie between Mr. Bond and Mr. Tate, the Recorder was asked to call the roll again. Selectmen Stewart and Massey voted for Tate; Selectmen Cole, MacLean and Maddox voted for Bond. Karl Bond was appointed as a member of the Planning Board, term to expire 12/31/06. Chairman Cole added that there were no losers, that the Town was the winner with three very capable individuals.

6. **CONSENT ITEMS**

When Chairman Cole asked, Selectman MacLean removed A 7; Selectman Maddox removed A 6.

Motion by Selectman Stewart, seconded by Selectman Maddox, to accept A-D, as appropriate, excepting A 6 & 7, carried 5-0.

A. **Assessing Items**

1) Excavation Tax Warrant, w/recommendation to approve.

2) Application for Elderly Exemption (8 Jefferson Drive) w/recommendation to grant.

3) Veteran's Tax Credits (8 Jefferson Dr, 9B Sunshine Dr, 3 Riverview Dr) w/recommendation to grant.

4) Elderly Exemptions, w/recommendation to grant.

5) Disabled Exemptions (148B Barretts Hill Rd; 4 Nottingham St; 7 Alpha St) w/recommendation to grant.

6) **2003 Abatement, 13 & 17 Hampshire Dr, w/recommendation to lower, IAW settlement agreement.**

Selectman Maddox said the abatement form didn't indicate if the abatement was with or without interest. Mr. Michaud said it is with interest, and he will ensure future forms will be properly indicated.

Motion by Selectman Stewart to grant, seconded by Selectman Maddox, carried unanimously.

7) **Application for Disabled Exemption, 19 Krystal Drive, w/recommendation to deny.**

Selectman MacLean had questions on whether or not the income from the household was factored in. Mr. Michaud said the statute reads that only a husband and wife's income can be counted, not a household's. For a single person, it is only that person's income, not the household. In this case, Mr. Michaud said the income is more than \$1 over the limit. Additionally, the Board has access to the backup documentation. Selectman Maddox asked if this was a result of this year's Town Meeting. Mr. Michaud said the 2003 Town Meeting.

8) Yield Tax Warrants (Map/Lots 156/008; 195/001; 195/002; 201/012) w/recommendation to sign.

Motion by Selectman MacLean to deny, seconded by Selectman Massey, carried 5-0.

B. Licenses and Permits

- 1) Request for a Hawker Peddler License by Michael Spinelli to sell hot dogs at various locations in Hudson.
- 2) Raffle Permit by Hudson United Soccer Club to hold a raffle on May 1, 2004 at Freedom Fields to benefit HUSC field development.
- 3) Request by Hudson Youth Baseball to collect funds at Market Basket on Lowell Road on May 8 and June 5 from 9:00 am – 3:00 pm.

C. Acceptance of Minutes

Minutes of the Board of Selectmen's Meeting of April 13, 2004

D. Committee Announcements

- 04/28/04 7:00 Planning Board in CD Meeting Room
- 04/29/04 7:00 CIP in BOS Meeting Room
- 04/29/04 6:30 Merrimack Valley Regional Water Committee at CATV in Bedford
- 05/01/04 1:00 Ribbon-Cutting Ceremony at Freedom Field by Hudson United Soccer Club
- 05/03/04 6:30 School Board in BOS Meeting Room
- 05/03/04 7:00 Friends of Hudson's Natural Resources in CD Meeting Room
- 05/04/04 7:30 Library Building Committee in the Ferry Street Annex
- 05/05/04 7:00 Planning Board Workshop in CD Meeting Room
- 05/05/04 7:00 Conservation Commission in BOS Meeting Room
- 05/07/04 VFW's Loyalty Day Dinner
- 05/11/04 7:00 BOS in BOS Meeting Room
- 05/12/04 6:00 Benson's Committee in BOS Meeting Room
- 05/12/04 7:00 Planning Board in CD Meeting Room
- 05/13/04 7:00 Sewer Utility Committee in BOS Meeting Room
- 05/13/04 7:30 ZBA in CD Meeting Room
- 05/17/04 6:30 School Board in BOS Meeting Room
- 05/17/04 7:30 Conservation Commission
- 05/18/04 7:00 BOS Workshop re Cable TV
- 05/19/04 6:00 Library Trustees at the Annex

05/20/04 7:30 Budget Committee in BOS Meeting Room

05/22/04 9 – 2 Cleanup Day at Benson's

05/22/04 Firefighters' Ball @ Lions Hall

05/25/04 7:00 BOS Meeting in BOS Meeting Room

05/26/04 7:00 Planning Board in CD Meeting Room

05/27/04 7:30 ZBA in CD Meeting Room

05/31/04 2:00 Memorial Day Parade

7. OLD BUSINESS

A. Eagle Scout Project

Chairman Cole recognized Benson's Committee member Duane King, who introduced Life Scout Michael Shearer of Troop 21 to present his Eagle Scout project. Mike was involved in a Benson's cleanup day and subsequently appeared before the Benson's Committee to talk about a project to establish the entrance to the network of trails being created on the property, which will be a big step towards completion of the trail. Mr. King hoped that this would be the first in a long line of projects undertaken by volunteers and service organizations to improve Benson's for the community to enjoy. In describing his project, Mr. Shearer said the cost will be about \$2,800. On May 8, he would lay down a border of pressure-treated wood, with re-barb. On May 16, he plans to spread stone. He has contacted Home Depot and Continental Paving, but has not received a response yet. Chairman Cole said it is evident that Mike has put a lot of time and thought into this project and has exhibited a degree of leadership not ordinarily found in someone of his age.

Selectman Maddox asked if the Town can authorize someone to work on the property, since it is not owned by the Town. Chairman Cole believed so, through the MOA and the relationship between the Town and State. This project wouldn't impact the work the State is doing relative to wetlands mitigation on the property. Michael became very interested in this project, having been involved with a previous cleanup day. It is also important to keep up the momentum and enthusiasm within the Town because it's anybody's guess as to when the Town will actually own the property. The Benson's Committee would like to see continued interest and activity by volunteers and civic organizations in the community. Funds are available through the trails grant and this project will enhance the property. Selectman Maddox asked if this request should go to the DOT, as some people are pulling back from using pressure-treated wood. The Town shouldn't assume what the State may or may not want to happen on their land. Chairman Cole said a number of informal things have been done out there by the Town, in concert with the State. Selectman Massey said this is one of the more ambitious and interesting Eagle Scout projects he has seen, and commended Mr. Shearer. It must be made clear, however, that the trail network is not open to the public. Chairman Cole agreed, saying this was a meaningful rehab, whether it is under ownership by the Town or by the State.

Motion by Selectman Stewart, seconded by Selectman MacLean, to approve Michael Shearer's Eagle Scout project to construct a wheelchair accessible path at Benson's that will connect the parking area to the existing trail network carried 4-1. Selectman Maddox voted in opposition.

Selectman Maddox asked that the State be notified if this activity. Chairman Cole said it would be taken care of.

B. Current Use Lien Release (Frank Bogan)

Chairman Cole said this was deferred from the meeting of April 13, 2004. Mr. Michaud said this was a 12-acre property in current use. In 1999, site-development activity occurred that physically changed the site, causing the property to come out of current use. This was discovered during his review of all of the current use properties, as required by the State. After becoming aware of the site activity, he submitted a current use lien release to the Board. Chairman Cole offered Mr. Bogan an opportunity to respond. Mr. Bogan said he never violated the current use regs. In 1999, the Town Engineer suggested he put in a road to accommodate emergency vehicles. Because of the steep grade, the road had to be raised about 8 ft. In order to take out timber or cord wood, current use rules allows him to build a road to accommodate heavy equipment. He read from a booklet called *Current Use Criteria*, §CUB 304.03 Forest Land, C. "Land containing roads constructed for the purpose of forest product removal or forest protection shall be assessed as forest land." Mr. Bogan said that meant the road that was built will remain in current use. Selectman Maddox said the RSA's say that actual construction begins on the site, causing physical changes in the earth, such as building a road to service existing or planned residential buildings, etc. He visited the site and it is not a logging road, and earth is stacked up where they are trying to build. He, therefore, supported the Assessor's recommendation.

Motion by Selectman Maddox, seconded by Selectman Massey, to approve the current use penalty lien release for Map 117/Lot 37 carried 5-0.

(Start Tape 1, Second Side)

C. IAFF Local Boot Drives

Chairman Cole said this was deferred from their last meeting, with a request to the IAFF to come back with alternate locations or additional safety considerations at the requested site. Firefighter Steve Benton said they looked at other Town intersections and businesses, but continue to believe that Chase-Derry-Ferry is the best place for the dates and times requested (June 12, July 24 & August 28, 9:00–3:00). Relative to making change from the boot while in the roadway, the issue of liability was raised. There were also questions of warning signs, safety vests and age of the participants. They do three different drives at the current location, six hours each day. Last year, they collected \$18,000. Standing in front of Wal-Mart, they collected \$1,500 in eight hours, which is great, but it can't make up the difference. The Local, the Cadets and their families have been running the boot drive for seven years. It started at the Sagamore Bridge intersection at the south end of Town. It was a good location, until it was made into six lanes, and then it was unmanageable, which is why they moved. The boot drive has been done safely for seven years, collecting over \$70,000 in that time. They never heard any complaints until the last Board meeting.

FF Benton referred to the material he handed out, saying the first packet contained a letter from Linda Persons of the regional MDA office, who was in the audience. The letter states that firefighters have extensive experience in working in roadways, often under extremely hazardous conditions, that the NH firefighters have participated in the signature boot drives, and the MDA office has never had any complaint. The packet also contained several commendations and proclamations awarded to unions across the country for doing boot drives. The next packet contained the proof of insurance. MDA covers all boot drives. A third packet was a written procedure he wrote on what the highway-orange signs at the intersections will say and where they will be placed; who can participate in the boot drives; and the safety vests everyone must wear. The signs will be placed according to the *Working Zone Traffic Control* booklet that the State uses. The MDA 3' x 5' poster will be placed 400' from the intersection. The warning signs will be 600' from the intersection. The procedure will be posted in their trailer at every drive so everyone will know the rules. No one under 18 will participate, except the Fire Cadets who have helped in the past, some of whom are 16 or 17 years old. He thinks it is too much to ask businesses if they can stand in front of their store for eight hours a day, seven or eight times to collect the same amount they can collect in three days at this intersection. The Firefighters' Union hasn't been at Old Home Days for the past few years because he didn't have the manpower, but he will do his best to see if he can get people to help him this year and in subsequent years. The Fire Department has been there every year and bring the trucks, walk around and greet people. He hoped his precautions were appropriate enough for the Board to approve the request and, hopefully, they can reach \$20,000 this year "for Amanda and the other needy kids in New Hampshire."

Selectman Maddox said he is very reticent to act on something handed to him at a meeting. FF Benton said it was difficult getting everything together, especially the insurance information. Selectman Maddox asked for the age of the youngest Cadet. FF. Benton thought 15 or 16. Deputy Rodgers said Cadets can be as young as 14 years old, but didn't know if Hudson had any that age or not. Selectman MacLean asked if minors had to submit parental permission slips. FF Benton by virtue of the fact that they are in the Cadet program, they are covered. Relative to the signs, Selectman MacLean suggested including the word CAUTION on the warning signs. FF Benton said that would be no problem.

Selectman Massey thought the sign should be much larger than 4' square, consistent with the MDA poster. He would not support anyone under the age of 16 participating, not even a Cadet, and he would expect to see a signed parental permission for anyone under the age 18, as they are potentially in harm's way. It is extremely competitive and he could see someone wanting to be #1 hustler. FF Benton said he doesn't encourage that type of competition.

Motion by Selectman Stewart, seconded by Selectman MacLean, to approve one boot drive to take place on June 12 at the intersection of Chase, Derry & Ferry Streets from 9 am–3 pm, to incorporate Selectmen MacLean and Massey's ideas, and come back to the Selectmen on June 22 with a full report, including information from other NH Locals who conduct boot drives in traffic carried 5-0 by roll call vote.

Selectman Massey asked if they would consider approving the other dates if the safety issues were addressed. Selectman Stewart said yes. Chairman Cole said he wanted to dispel the notion that there is a quid pro quo between this and Old Home Days participation. He asked him how many locals there were in NH because the backup information indicated 22 participated. FF Benton said 33. Chairman Cole asked why they other 11 didn't. FF Benton said he'd try to get an answer at the convention next month.

D. Cable Access Policy and Procedures

Chairman Cole recognized Coleman Kelly, who said he had been asked by the Board to cover the history of cable television in Hudson and to draft a policy and procedures to cover the operation of access television. Cable television came to Hudson in August 1967, with a letter authorized by the Board of Selectmen to Harold Solomon, who was operating Hudson Community Television, to establish cable television facilities in Town. In 1973, Mr. Solomon was bought out by Harmon White, who was operating Americable. In April 1993, the Board of Selectmen reacted to citizens' complaints by holding a

public hearing at Library Street School with about 400 people in attendance and, as a result of that meeting, formed the Cable Committee in May 1993. Around that same time, Congress passed the 1984 Cable Act. In the Board's '93 discussions, cable television was determined to be a necessity for the Town and then was further acted on by discussions with Herron, who bought out Americable, after negotiations for renewal were opened in the fall of 1994. Subsequently, Herron sold out to Adelphia. Negotiations continued and were finally consummated in August 2003. The policy and procedures draft is incomplete because there are facilities that are normally offered and operated by an access television operation in a city or town that Hudson is not in a position to offer at this time. His recommendation was to accept the draft, as presented, and then go over the document in depth at a future meeting.

Chairman Cole proposed a workshop at 7:00 p.m. on May 18, to which the Board agreed. Hopefully, they will have the additional information from Coleman and the Cable Committee before then. Selectman MacLean said she had another commitment, but could make the meeting by 8:30. Selectman Massey proposed submitting questions in advance so those concerns can be considered beforehand, then adequately addressed at the workshop. Chairman Cole agreed.

Selectman Maddox hoped they would have information on how other towns of similar size handle their cable operations, instead of starting from scratch. He was pleased to see other members of the Cable Committee in attendance, that Coleman was not the only member. He asked Mr. Kelly to introduce them. Mr. Kelly recognized Harry Schibanoff, Steve Boucher and Denise Babcock. John Beike and Michael O'Keefe were not present.

Selectman Massey said a lot of his concern had to do with language and some with the separation between HCTV and the Town. He would prefer to frame the questions with some forethought for the workshop, rather than wordsmith them tonight. Chairman Cole asked how many channels the Town has, what they are for and what is on them. Mr. Kelly said the Town has three channels—20, 21 & 22 and has constrained programming on Channel 20 to what would be public.

(Start Tape 2, Side A)

Channel 21 is the replay of the Hudson School Board and programming from Alvirne High School. Channel 22 is constrained to the Hudson Board of Selectmen and, during the budget process, the Budget Committee meetings. The three channels are for Public, Education and Government.

Selectman Maddox recommended that the Town Administrator invite the School Board to the workshop because they should be taking some ownership of the education channel, to explain what they are doing at Alvirne and the content they would like to have aired on their channel, even though the Town is the franchising authority. Chairman Cole asked Coleman who his point of contact was on the school side. Mr. Kelly said he met with the Chairman of the School Board and the Superintendent a couple of weeks ago to give them a rundown of where they were. He intends to forward a copy of this draft to them, indicating that there would be a future workshop. Selectman Maddox already has 37 things circled, but he'll wait for the workshop. Chairman Cole asked Coleman if he ever found the document that establishes the Board of Selectmen as the agent to set the franchise fee for Hudson. Mr. Kelly said he did not, but is asking Washington, DC to check their files for the 328 Form.

Motion by Selectman Stewart, seconded by Selectman MacLean, to hold a cable access policy and procedures workshop on May 18, 2004 at 7:00 p.m. carried 5-0.

E. Merrimack Valley Regional Water District Charter

Selectman Massey said the Water District approved the charter language that is in their packets, with the provision that it was going back to the Nashua Board of Aldermen for one final pass, relative to the governance model. Bedford has voted to ratify and join the District, and he believes Nashua has, too. According to the Memorandum of Understanding between the communities that formed the Merrimack Valley Regional Water District Committee, when three towns ratify the Charter and vote to join the District, the District is a legal entity. The only substantive change since the Board last saw this document was Article 13, Surplus Revenue Credits. Prior to April 2, the surplus revenue credits were going to be distributed on the basis of revenue. After a lengthy discussion on April 2, it was changed to metered customers. On that basis, Hudson being a bulk water purchaser would no longer be eligible for surplus revenue credits. Although technically a community can use surplus revenue credits to offset the water rate, they were advised that bonding companies would not be pleased if tax-free money was being used to subsidize rates and, therefore, it would be ill-advised to use the surplus revenue credits for rate reduction. Hence, the only thing it could be used for would be capital improvements for District-owned property—and bulk water purchasers have no district-owned property. If they go forward with this, they will have rate discussions for bulk water purchasers, which would include making sure the rate being charged for bulk water is revenue/expense neutral. The cost to sell it would not exceed the revenue that is charged. He recommended ratifying the Charter. The next step would be to decide whether or not to join the District.

Motion by Selectman Massey, seconded by Selectman Stewart, to ratify the Merrimack Valley Regional Water District Charter, as presented.

Selectman Maddox asked why they should join the District in view of the Nashua-Pennichuck situation and, if they did, how Hudson would benefit. Selectman Massey said it was never envisioned that Nashua would be the only entity negotiating with Pennichuck. The creation of the District makes it legally possible for them to engage in direct negotiations with Pennichuck. The eminent domain proceedings are based on the fact that when they created the legislation to allow regional water districts to exist, the State Legislature did not grant them eminent domain power. The only entity in this case that can invoke eminent domain proceedings is the City of Nashua.

Vote: Motion carried unanimously.

Motion by Selectman Massey, seconded by Selectman Stewart, to hold a public hearing on May 11 during the Board of Selectmen's meeting for public input on the advisability of Hudson joining the Merrimack Valley Regional Water District carried unanimously.

Motion by Selectman Stewart, seconded by Selectman Massey for a recess at 9:00 p.m. carried. The meeting resumed at 9:07.

F. Report by the Ethics Committee regarding Complaint 2004-1

Chairman Cole recused himself and turned the gavel over to Vice Chairman Stewart, who said last week, the Board received the report from the Ethics Committee. One of the recommendations was to develop a cable policy, which they have already started to do by setting a workshop meeting for May 18th to review the policy and procedures draft that was presented to them this evening. Another recommendation was that the Selectmen communicate better. She didn't perceive they had a problem and asked if the other Board members did and, if so, how it could be improved.

Selectman Maddox suggested the Board could meet with the Town Attorney to see just how much they can communicate effectively outside of this room, when the need arises, and still comply with the Right-to-Know law. Selectmen Massey and MacLean thought that was a great idea. Vice Chair Stewart asked Mr. Malizia to look into that. Selectman Maddox said the Board should also ask the Attorney about e-mail communication, which has been an issue at the State level. Selectman Massey said all of their e-mails are public documents, subject to disclosure, but he'd be interested in legal advice on where Town e-mails should be stored and maintained.

Selectman Maddox said on the months with five Tuesdays, the Board should hold a workshop and schedule, on a rotating basis, departments and boards, so the Selectmen are always touching base and, within a two-year span, they will have met with all of the Town boards and departments. He will make that motion under Other Business.

Vice Chair Stewart asked for a motion to defer, since they received a legal opinion just this morning and the members haven't had time to study it. Selectman MacLean so moved, but there wasn't a second. Vice Chair Stewart opened the floor to the Board. Selectman Maddox said the Ethics Committee did a thorough and professional job. With a military background, Chairman Cole makes a decision and moves on—but they are not a brigade—and he needs to understand that he is just one Selectman, 1/5th of the Board. Chairmen do have to make decisions, but most of them should be made by all members. This has gone on long enough and it should be put to bed, by a censure, to make Chairman Cole understand that this is not a regiment, that making a rapid decision is not always in the best interest of democracy. He has to understand where he cannot unilaterally decide what the Town will do.

Selectman Massey said when he learned on a Friday night that the Chairman had made this decision, he concurred with it, believing that it was appropriate because the presentation was scheduled to be heard on May 11. Had he not agreed with it, he could have tried over the next three days to convince the other members of the Board to overturn the decision. He, therefore, will not support a motion to censure.

Selectman MacLean said that it seemed that the decision itself made more people upset than how Chairman Cole made the decision. If the decision was to have granted permission to televise the presentation, it would not have gone to the Code of Ethics, because they would have been happy with the decision; it wouldn't be an issue. However, other people may have been upset with that decision. That still doesn't negate the fact that a unilateral decision was made. She thinks the timing was the issue; they wanted it out immediately and he said to wait. She wondered if all of this would have occurred if the unilateral decision was different than what it was. Relative to the censure, she could go either way. She hasn't made up her mind and was hoping this would be deferred. Selectman Maddox said she should so move.

Motion by Selectman MacLean to defer this until May 11, seconded by Selectman Maddox, failed 2–2. Selectmen MacLean and Maddox were in favor; Selectmen Massey and Stewart were opposed.

Motion by Selectman Massey that the Board of Selectmen respectfully disagrees with the Ethics Committee and declines to issue a censure to Chairman Cole. Selectman MacLean had a question, which the Vice Chair would not accept until she had a second, which was not forthcoming.

Motion by Selectman Maddox to issue a censure to Chairman William Cole, in accordance with the recommendation of the Ethics Committee. Selectman MacLean had a question but, again, the Chair would not accept it until the motion was seconded. Selectman Maddox told Selectman MacLean she could second it for discussion.

Selectman MacLean seconded the motion and asked if a censure would end things, or if there were other requirements. Vice Chair Stewart said that would be the end of it. Selectman Maddox said he was doing this to, hopefully, put this behind them and to indicate to Chairman Cole that his unilateral decision should not have been made, nor have checked with only one other Board member The Ethics Committee's report was fair, and it was voted on unanimously.

(Start Tape 3, Side A)

Selectman Massey said no one made an effort to contact the entire Board to ask them to overturn the Chairman's decision. He is the only one that a member of that organization contacted via e-mail to ask that the decision be overturned. Because he concurred with the Chairman's decision, he can't vote to censure him. For the most part, the Ethics Committee's report is well written and it does strike at the heart of unilateral decision-making, but there is nothing in their findings of fact that they attempted to find out if any other member of the Board of Selectmen agreed or did not agree with that decision, so their investigation was incomplete on that score. Selectman Maddox said Selectman Seabury was contacted, but too late. Selectman Massey said there is nothing in the report that suggests they attempted to learn if any of the Selectmen, other than the Chairman, agreed or disagreed with the Chairman's actions.

Selectman MacLean asked if Selectman Massey agreed with the decision made, or with the decision to make it. Selectman Massey said he agreed with Chairman Cole's decision that the presentation not be telecast that night. If he didn't agree with it, he would have gone to the other Board members, asking them to override the decision. The Chairman made a unilateral decision that he agreed with, but the people involved had already been notified that the televising was not going to occur, and that is what he agreed with because they had already let the people who were involved know that the presentation would be televised on May 11 and, in fact, it's still on that agenda.

Vote on the motion to censure failed by a vote of 22. In favor were Selectmen Maddox and MacLean; opposed were Selectmen Massey and Stewart.

Vice Chair Stewart asked for a motion that the Board of Selectmen respectfully disagrees with the decision of the Ethics Committee and declines to censure Chairman Cole. Selectman Massey said he already made that motion earlier, but because of the division on the Board, it would be inappropriate to send that message to the Ethics Committee. Selectman Maddox asked to defer this so they could come up with a middle ground that recognizes the performance of the Ethics Committee, their three concerns and a method by which they can move forward without being tied.

Motion by Selectman Maddox, seconded by Selectman Massey, to defer until May 11, 2004 carried 4-0.

Vice Chair Stewart was going to read a portion of the legal opinion, but Selectman Massey cautioned that would make the document public. Vice Chair Stewart thanked everyone, then turned the meeting back to Chairman Cole.

G. Liaison Assignments

Chairman Cole said he recommended deleting the joint meeting between the Selectmen, Budget Committee and School Board because that committee never found its stride. He was also recommending including the Hudson Seniors, in response to a letter he received from them, requesting participation by various department heads at their meetings and in their projects. He and Lucille discussed this on several occasions and agreed that perhaps a liaison would be the way to go. The Chair was also recommending a separate liaison Engineering Department, which he did from a functional standpoint, not an administrative one. Taking into consideration the enhanced role of the Town Engineer, it warrants its own liaison. He also thinks Information Technology should be separated out because of its nature. He also isolated the Water Utility as a separate area, considering the Town has its own water company, a crying need for a water project and the involvement with the Water District. Continuing, he said, pursuant to statutory authority, the current Budget Committee and Planning Board BOS representatives must resign and the new appointments made separately. Selectman Stewart resigned from the Budget committee and Selectman Massey from the Planning Board.

Motion by Selectman Maddox, seconded by Selectman Massey, to acknowledge Selectman Stewart's resignation from the Budget Committee carried unanimously

Motion by Selectman Massey, seconded by Selectman Stewart, to appoint Selectman Massey to the Budget Committee, and Selectman MacLean as alternate carried unanimously.

Motion by Selectman Maddox, seconded by Selectman Stewart, to acknowledge Selectman Massey's resignation from the Planning Board carried unanimously.

Motion by Selectman Massey, seconded by Selectman Stewart, to appoint Selectman Maddox to the Planning Board, and Selectman Stewart as Alternate carried unanimously.

Selectman Maddox said he had a problem appointing a liaison to the Seniors and thought they should have a committee to oversee the events and issues. Chairman Cole said the Seniors have a Board of Directors, they have letterhead with an address, and they elect officers. Selectman Maddox said they don't appoint liaisons to civic groups. Chairman Cole agreed that the Seniors was not an authorized Town committee, but neither is the Chamber of Commerce, yet they have a liaison to them. Although the Seniors isn't an ad hoc committee like Benson's, he thinks there is a need. Selectman Maddox asked why not set up a committee that brings in a number of Seniors in the community to provide the Board with input. For one Selectman to go out to a club sets a bad precedent. He didn't have an issue with the Seniors, but he did have an issue with appointing a Selectman to a non-existent committee.

Motion by Selectman Maddox, seconded by Selectman Stewart, to remove the Hudson Seniors from the liaison list and for the Board to set up a committee to address Senior issues in the Town of Hudson.

Selectman Maddox said the Board should first set up a committee and then they can come before the Board, like the Conservation Commission does. There would be a group of people reporting to the Selectmen, with a Selectman's rep appointed to it. Selectman MacLean thought that would just complicate things because the Seniors already exist, and they have officers. A liaison could attend their meetings and then report back to the Board. Selectman Maddox asked, if there were ten groups of ten people who were seniors, and have issues, are the Selectmen going to go meet with them also? Selectman MacLean said the idea was for the Seniors to have one Selectman they could focus on to bring their needs and concerns to. It would be easier for them, as they wouldn't have to make a lot of calls, write letters and come down to Selectmen's meetings. She wanted to simplify the process for them.

Selectman Stewart agreed with Selectman Maddox in that the Seniors is a private group, no different than the Lions, Kiwanis or Girl Scouts, and some of their members are non-Hudson residents. A requirement for membership on Town boards is to be a Town resident. Additionally, not all Hudson seniors are members of the Hudson Seniors. Selectman MacLean understood, but the Lions could approach the Board any time they wanted to, as well. Any senior can talk to her, or any Selectman, any time they want to, whether or not they have an official liaison assigned to them.

Chairman Cole asked Mrs. Boucher if the Seniors have officers. Mrs. Boucher said they have a Building Committee, they have their regular club with officers and a committee, and it was the Fire Chief who suggested she contact the Board about setting up an advisory board, which would include Town department heads. Hudson is probably the only town in Hillsborough County that does not have a senior center, and that is what they are striving for. Chairman Cole didn't know whether or not the Seniors required special handling, but if they have someone on the Board as an inroad to Town Hall, instead of going directly to department heads randomly, it's a positive thing. The Seniors may be a private group, but it does represent the Town, even though some members may be outsiders.

Vote: Motion carried by a vote of 3-2. Selectmen Cole and MacLean were opposed.

Chairman Cole asked Selectman Maddox if he would be coming back with something at a future meeting with regard to a possible ad hoc situation. Selectman Maddox said he would. Selectman Stewart said it should be treated like any other committee and advertise for members. They should also decide how many they want on the committee, and not limit it to just members of the Hudson Seniors, and they must be Hudson residents. Selectman Maddox said all of that would be considered. Chairman Cole said Selectman Maddox might want to talk to Lucille in the formulation of this.

Selectman Maddox declined the Cable Committee assignment, due to outside issues. Selectman MacLean said since the Seniors were removed from the list, which she had been appointed to, she would be the liaison to the Cable Committee.

Motion by Selectman Stewart, seconded by Selectman MacLean, to approve the Chairman's recommendations for liaison assignments carried unanimously.

8. NEW BUSINESS

A. 2004 Property Value Update Contract

Assessor Jim Michaud said this contract was for public utility property in Hudson—Public Service, Tenaco, NE Hydro, NE Power and Keyspan, which is a specialty appraisal job.

Motion by Selectman Maddox, seconded by Selectman Stewart, to award the contract for public utility appraisals for 2004 property tax year to George Sansoucy, in an amount NT \$9,500 as recommended by the Assessor carried 5-0.

B. Request by CHIPS to use Lions Hall for Fright Night

Motion by Selectman Stewart, seconded by Selectman Maddox, to approve the request by CHIPS to use Lions Hall for Fright Night from Friday evening, October 28 through midnight on October 29, 2004, carried unanimously.

(Start Tape 3, Second Side)

C. Request by the Fire Department to purchase a Thermal Imaging Camera

Deputy Fire Chief Gary Rodgers said the Cairns representative was able to offer them the camera for \$9,800 as opposed to the \$16,000 they paid for the first camera in 2002. Since then, the Fire Department has raised money through donations to purchase a second camera, and upgrade the first one for a total cost of \$10,600. The second camera will be put on Engine 4, so it and Engine 2 will have a camera, which is used to check for heat in the walls and to search for fire victims. It can even be used to look for someone who is lost in the woods, or outdoors because it detects body heat.

Motion by Selectman Maddox, seconded by Selectman Stewart, to authorize the Fire Department to purchase a second Cairns Viper thermal Imaging Camera for \$9,800 from Cairns Advanced Technologies of Salem, NH, with funds expended from the donation account established for this purpose carried unanimously.

Motion by Selectman MacLean, seconded by Selectman Maddox, to authorize the Fire Department to expend \$800 to upgrade the first Cairns Viper Thermal Imaging Camera, with funds expended from the donation account established for this purpose carried unanimously.

D. Emergency Boat Ramp to Merrimack River-Item withdrawn by Town Engineer Tom Sommers.

E. Route 102 Road Improvement Project, Highland Street to McDonald's

Community Development Director Sean Sullivan said the 102 road project dates back to 1994, when the Town first did a traffic study on the stretch of road between Highland Street and McDonalds. It was subsequently determined that the Town would be eligible for an 80% Federal transportation grant, administered through the State, with a 20% local match. The original cost of the project was \$1.3 million, but has escalated to \$3,280,291. The original 20% Town commitment was \$270,000 which would have come from the corridor fee accounts, but the new figure for the Town's share has mushroomed to \$656,058 which exceeds the balance in the 102 corridor account, which is about \$540,000. In June 2002, DOT notified the Town that the project had increased significantly in cost, "due to hazardous materials and drainage issues" and requested that the Town confirm, in writing, that funding would be available and would be paid, once the contract was awarded. Town records have been searched, but a written response has not been found, nor does the State have a confirming letter in their files. Mr. Sullivan said the supposition that a written reply was never sent.

Although the balance of the account is \$540,000 the Town has committed \$70,000 for improvements to the Robinson Road-West Road-102 Intersection. That commitment was made prior to the \$411,000 expended by the private sector at that intersection. In his memo of April 15, 2004, Route 102 Road Improvement Project, Highland Street to McDonald's to Town Administrator Steve Malizia, he recommended Option 3, which would commit the full \$656,058 match and attempt to locate additional available funds of \$116,058 in the FY-04 budget; and put other Route 102 projects on hold. However, the Town Administrator thought an appropriation would be necessary to make that expenditure.

He did not recommend withdrawing support from the project because the Town has a good working relationship with DOT and to withdraw from the project would not be a good thing--and the Town might still be responsible for a portion of the money DOT has put into engineering and design for the project to date. The best option might be to notify DOT that the Town would like to place the project on hold and aggressively propose a warrant article through the Town Meeting process. He and Tom Sommers met with DOT and that option was acceptable to them.

Selectman Maddox asked where this project, that has been on the on the State's 10-Year Plan for about seven years, was. Mr. Sullivan said DOT told them the contract would be put out to bid this fall. In viewing the actual plan at the State, it was evident that a lot of time and effort had gone into it. Selectman Maddox said there is \$50,000 or \$60,000 in the Tracy Lane account, and the State was going to count the monies that were done by a private citizen at the lights towards the Town's match. Mr. Sullivan said he has written to Commissioner Murray, asking that the Town be credited with that full amount, but he has not received a reply. Selectman Maddox asked Mr. Malizia if there was a mechanism by which the Town could borrow from another corridor account and put it into another one. Mr. Malizia said the monies were collected and reserved for a specific purpose, so he would have to get a legal opinion. Mr. Sullivan said if that is possible, the Route 111 account should be tapped because the Lowell Road project is still pending. Selectman Maddox said it would be used for highway improvement, and it would be replaced by the collection of money to the corridor accounts. It was just a matter of shifting money within the corridor accounts. He didn't want to put this on the warrant, and thought they should commit the \$600,000 provided the money can be transferred.

Selectman Massey said on January 29, 1997 the Board of Selectmen communicated to the NH DOT that they had voted on

January 28, 1997 to authorize the commencement of the project. He asked where the \$270,000 Town match was. Mr. Malizia said it is still available in the corridor account, but the new Town match is \$686,000. Selectman Massey said they should still complete the Robinson Road project, which is estimated to be \$1.6 million. They can't do both projects. They will have to go to Town Meeting for bonding authority. If the State would commit to the project next year, he would figure out how to come up with the \$656,000 such as borrowing from other corridor funds.

Chairman Cole said there were so many problems associated with the project, he didn't have time to go into them all. He asked if anyone knew why there was such a huge jump in the total cost of the project, other than the fact that someone from DOT said the cost escalated. He asked if there was a cost breakdown. Mr. Sullivan said he did not have that information. Chairman Cole said it was being suggested that in 2002, a letter was sent to Mr. Sharon, the Town Administrator, requesting that the Town confirm the required funds were available, but a response to the State was not found. Mr. Sullivan said that was correct. Selectman Massey said the State did the asbestos testing. Mr. Sullivan said there was less asbestos than anticipated.

Chairman Cole asked why the Town would still be responsible for \$270,000 if local support was withdrawn from the project due to lack of funding. Mr. Sullivan said DOT said the Town could be on the hook for the \$270,000 that was committed. Chairman Cole said this project should be dumped because it wasn't going anywhere. He also wasn't a big fan of robbing Peter to pay Paul, and the Robinson Road project has to be done. He asked if there was a timeframe they were working within. Mr. Sullivan said the State hoped to get an answer soon, but were not under a rigid timeframe.

Motion by Selectman Maddox, seconded by Selectman Massey, to authorize the Chairman to communicate to the delegation the Town's wish to have the \$411,000 that was put into the intersection at West Road towards the Town's 20% match and to investigate if money can be borrowed/transferred from other corridor accounts into the 102 account.

Selectman Maddox said if the Town could get the \$400,000, combined with the money already in the corridor account, it would be just about enough for the project. If the delegation talked with the Commissioner and asked for a ruling, that might influence the direction in which they head. Chairman Cole asked Selectman Maddox to meet with Mr. Sullivan to draft the letter and then they could coordinate with the Town Administrator relative to the corridor accounts.

Vote: Motion carried unanimously.

Chairman Cole asked Mr. Sullivan to submit a cost breakdown so they could understand the escalation. Mr. Sullivan said he would. Selectman Massey said in June 2002, DOT said the increase was due to hazardous materials and drainage issues. He'd like to see a cost breakdown of the current costs and estimated inflationary factors over the next year to see what they are looking at as the Town's contribution--\$686,000 may not be the correct figure. Chairman Cole agreed, saying that he'd like to see the methodology that got them from \$1.3 million to \$3.6 million. Selectman Massey said if they are going to make a commitment on behalf of the Town, they need to know what number they are dealing with. Mr. Sullivan said he'd pull together that information.

F. Community Development File Restructuring

Community Development Director Sean Sullivan said about a month ago, the Board approved his request to close his office for the first four Fridays in April in order to convert their 4,000 plus files from the old map and lot numbers to the new ones. Significant headway has been made, but the task has proved to be greater than anticipated. They are about half done, with nine employees working on this for eight hours. He would like to be able to complete the task, and asked for authorization to close his office at noon this Friday and the first three Fridays in May. A couple employees will work on the project all day long, but from 12:30 – 4:30, all nine employees will be working on them, with the goal of completion on the 21st, the Friday before Memorial Day weekend. During the Fridays they have been closed, there has been minimal disruption to the public. At the direction of the Board, specifically Selectman MacLean, a table was provided outside the office with forms available. He has not heard a lot of complaints.

(Start Tape 4, Side A)

Selectman Maddox asked why there were only nine employees instead of 13. Mr. Sullivan said Engineering would remain open because of road and water projects. Selectman Maddox said he does not like a department to close and suggested keeping someone at the counter to answer questions, while the others work on the files. Mr. Sullivan didn't think that was feasible because questions would inevitably involve other staff, especially the technical questions.

Motion by Selectman Massey, seconded by Selectman MacLean, to approve the request to allow the Community Development Department to close at 12:00 noon on Friday, April 30, May 7, 14 & 21, 2004, to continue with the file conversion carried 4-1. Selectman Maddox was opposed.

G. Public Hearing re expenditure from Planning Bd. Residual Agency Fee Account for Traffic Impact Fee Update

Community Development Director Sean Sullivan said in March, they were notified by the traffic consultant, who is updating the impact fee matrix, that the '96 fly-over data does not line up with the corridor plan, so it needs to be aligned and fine-tuned. The additional \$2,000 would provide for a superior product. Selectman Maddox asked about budgetary considerations. Mr. Sullivan said this was a budgeted in the Planning Board cost center. Selectman Maddox thought the \$2,000 should have been a part of the original scope. Mr. Sullivan said when they went out to bid in the fall, they were still talking and meeting about Arc IMS. There was no specific date when that was going to come on line. It came on line after the scope of services had been drafted and after the contract had been signed.

Chairman Cole opened the public hearing at 10:29 p.m. There being no one to speak, he closed the hearing.

Motion by Selectman Stewart, seconded by Selectman MacLean, to authorize the expenditure of an amount notto exceed \$2,000 from the Planning Board Residual Agency Fee Account to cover the cost increase for the GIS project carried 4-1. Selectman Maddox was opposed.

H. Scheduling Budget Hearing Dates

Selectman Stewart said she will be away October 29 through November 9. She'd like to set the budget dates now, so department heads aren't running around trying to meet cutoff dates at the last minute. Following a brief discussion the consensus was to set the budget deliberations for October 20 and 22, Wednesday and Friday, at 7:00 p.m. Selectman Massey recommended the Board set budget parameters on September 14. Other Board members said it needed to be done much earlier.

I. Policy for the use of Town of Hudson Meeting Rooms

Town Administrator Steve Malizia said he drafted a policy for the use of Town meeting rooms, which includes Town Hall and the Police and Fire Departments. Selectman Maddox asked about the Kirby Building because at the tour on Saturday, he saw a meeting room there. Mr. Malizia said he included the PD's community room, but not the Kirby Building. However, the Board could amend the policy. He tried to codify the kinds of activities that may or may not be permitted by a consistent and fair treatment of everybody—Hudson civic groups, non-profit organizations, committees and boards (including the School Board). A policy was clearly needed because things have been somewhat inconsistent, either by word of mouth, or by habit. Selectman Maddox thought the policy was a good idea, but he didn't think one of the procedures would apply in the Fire Department's case, that the form could be obtained at the facility where the meeting rooms are located. Mr. Malizia said the forms could indicate that forms for the use of fire station meeting rooms could be picked up at Central Station.

Selectman Massey said, for clarity and to avoid ambiguity, the word Hudson should precede the words nonprofit organizations in the Statement of Policy section. He also clarified that Town properties, including meeting rooms, would not be available for political purposes, would not preclude Senator Gregg or Representative Bass from holding hours to provide constituent services. Mr. Malizia said that was correct. Selectman Massey also clarified that "private entities to conduct public events" would mean that a non-civic organization who wants to hold a meeting that's open to the public would not be permitted. Mr. Malizia said that was correct. Selectman Massey said it was an excellent policy.

Chairman Cole allowed a member of the audience to address the Board when he asked to do so. Pastor Clay Good, 284 Webster Street, Calvary Assembly of God in Hudson, said he hasn't seen the policies, but he wanted to bring some information to the Board regarding recent court cases that allow religious use of public facilities. He distributed a handout, saying he hoped it would help the Board in finalizing the policy. Chairman Cole asked the Board if they wanted to take a recess to read the material. Selectman Maddox believed they were ready to make a decision..

Selectman Maddox asked to include the meeting room at the Kirby Building, change Police Department meeting room to rooms, and that forms for the Fire stations could be picked up at Central Station. Mr. Malizia said he would make those changes. Selectman Maddox referred to, "Meeting rooms will not be used for private entities to conduct public events," and asked if that would prevent the Hudson Seniors having a meeting to discuss a fundraiser. Mr. Malizia said it would not prevent them from having an organizational meeting to talk about a fundraiser, but it would not allow them to actually have the fundraiser. Selectman Maddox asked if the Lions Hall was included in the policy. Mr. Malizia said no, the policy before them addresses meeting rooms, not a for-rent facility. There are some groups renting the hall that they have continued to allow, but they haven't been booking any new groups. Selectman Maddox asked if the policy has been run by the attorney. Mr. Malizia confirmed that yes, it has. Selectman Massey asked if the attorney was aware of the handout the Board was just given. Mr. Malizia said not specifically because he was just handed this tonight. Selectman Massey thought it would be worthwhile to defer this, pending an opinion from counsel, to ensure they are on solid ground before finalizing the policy. Mr. Malizia said the policy does not discriminate against a church, it says that the meeting rooms won't be used by the public for a public meeting. Private meetings can be held. Selectman Massey said after a cursory reading of the handout, they would be well advised to defer this.

Motion by Selectman Massey, seconded by Selectman Maddox, to defer to May 25 in order to get a legal opinion on the relevance of a Supreme Court decision relative to religious organizations' access to Town and governmental facilities.

Selectman Massey said the handout may not say what they think it says. Selectman MacLean said the handout seems to be in line with the policy, so she didn't see the need for a legal opinion. Selectman Massey said the court cases on the handout appears to be dealing with a religious organization wanting to show a film that dealt with contemporary issues. Mr. Malizia asked why the motion was to defer to May 25th and not the 11th. Selectman Massey said he didn't want to put undue time constraint on the attorney. Chairman Cole said the bottom line is there is a policy before them, something that is needed, which is what generated this effort by the Town Administrator. If somebody has a problem with a Town policy, they can appeal it, bring a lawsuit, etc. but the Board of Selectman cannot possibly respond to every group that walks in and lays a sheet of paper on the desk. The policy is sufficient to get them moving forward, in order for some control, in a positive manner, of Town facilities.

Vote on the motion to defer failed by a vote of 2-3. Selectmen Maddox and Massey were in favor.

Motion by Selectman MacLean, seconded by Selectman Stewart, to approve the Town of Hudson Meeting Room Policy, as revised, presented by the Town Administrator Steve Malizia in his memo of April 22, 2004 carried 3-2. Selectmen Maddox and Massey were opposed.

J. Water Utility Administrative Issue

Finance Director Kathy Carpentier asked for authorization to change an employee's status from part-time to full time to support the Water Utility. Warrant Article 27 for a part-time Water Clerk failed on March 9 by 160 votes. The prior year, the article failed by 270 votes, even though both articles were recommended by the Selectmen and the Budget Committee. As a Hudson resident, taxpayer and water user, she respects the voters' wishes, but additional help is needed in the Water Utility, which Hudson has owned for six years, has added 1,000 new customers for a total of 5,000 customers, and the Town still has just one clerk, who is responsible for billing, receivables, collection and customer service. Customer service includes adding new accounts, coordinating change of addresses, coordinating and scheduling service appointments with Pennichuck, and resolving customer problems and billing issues. The Utility gets 80-90 calls per day, so many days the mail box is full. Billing is done monthly, so resolving problems is crucial to billing the customers accurately, thereby ensuring the Water Utility's continued financial strength.

Selectman Stewart said this was creating a new position because there isn't already a slot for this person. Ms. Carpentier said it was changing the status of a current employee. Selectman Massey said it would be creating a new position, but eliminating an existing position.

(Start Tape 4, Second Side)

Selectman Maddox asked if this work could be handled by the Town Clerk's Office, during their slow time. Chairman Cole didn't think that was practical or would be effective, efficient or successful. Selectman Massey said he met with the Finance Director, Town Engineer and Road Agent last week, and they looked at where this person might come from. Customer service is a problem because many of them are people who calling back two, three times because their calls aren't answered the first time because of the clerk's time and other responsibilities. At the end of the recording, it refers the caller to the Highway Department, but sometimes the calls go to the Finance Department or Community Development. One clerk does all the billing, collections, handles customers and handles requests for change of meters, new connections, etc. It is overwhelming for one person. If someone else isn't dedicated to this for a specified time, customer service will remain a problem. A new position has to be created or a current part-time employee could be made full time, to help in the Water Department. They currently have collections in excess of 60 days, but collections are at the bottom of the priority list. The primary focus is to get the bills out in order to get the revenue coming in.

Selectman MacLean understands that the Water Clerk has a lot of work to do, but she objects going against the voters--and maybe that's why there is low voter turnout. If the Selectmen find a way to get around the vote, they figure their vote doesn't even count. Maybe if the voters get upset enough for not getting good service, they will vote for a clerk the next time around. Since the voters said no on this, she was going to say no, too.

Selectman Maddox asked if any of the work could be out-sourced to Pennichuck, even if it was at an additional charge. Ms. Carpentier said the Town wanted ownership of the function in order to control the utility. She thought a better alternative was to absorb the cost and use an under-utilized Town resource. In order to do that, she needs more funding. She is working within her staff to get the work done. She respects the voters' wishes, but the voters who opposed this may be the ones who are not paying their bills. It's not fair to the taxpayers and voters who do pay their bills on time.

Mr. Malizia said when the Town took over the Utility, Pennichuck proposed doing all of the customer service and billing, at a cost of \$80,000 or about three times more than what the Clerk was hired for. The thought at the time was why would the Town own the utility, and then have no control over it. The service level wouldn't increase by going to Pennichuck. The Town needs to have their own person representing Hudson's customers. When he was Finance Director, he had the same problem. Giving this function to Pennichuck will move Hudson's customers to a back seat. No disrespect intended; it's just a fact.

Selectman Massey said it would be funded by the Water Utility, not tax revenues. The Utility is a growing, complex business, yet the Town is still using the manpower they started with six years ago. They must do something to fix the business problem. Chairman Cole echoed Selectman Massey's comments, saying that he respected the will of the voters, but they needed to deal with reality.

Motion by Selectman Massey, seconded by Selectman Stewart, to approve the recommendation of the Finance Director to change an employee's part-time status (30 hours) to full-time (40 hours) which would include benefits, to support the Water Utility, failed by a vote of 2-3. Selectmen Cole and Massey were in favor.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Stewart said she keeps getting calls from AARP, looking for an address for Robert Clegg. She wished him a happy 50th birthday... and to please open his mail.

Selectman Massey said tomorrow night at 6:30, the Hudson Planning Board will hold a ceremony at Library Park to dedicate the new granite bench in memory of Leonard A. Smith, a 30-year Planning Board member. The monies for the bench were donated by the individual members of the Planning Board and other interested citizens. All are welcome to attend.

Selectman Maddox said he went on a ride-along with the Police Department. The Police force is excellent—professional and well-managed. They are a good group of people doing a fine job for the Town—which is just what he expected to find.

Motion by Selectman Maddox, seconded by Selectman Massey, that on the months with five Tuesdays, either the first or the last at the discretion of the Chair, would be for workshops to meet with all of the departments and committees on a rotating basis.

Selectman MacLean thought it might be better for the Selectmen to go to their meetings rather than have them come to the Selectmen's meetings. Selectman Maddox said the groups would be coming to visit the Selectmen, and it could be televised. It would be on a set day and each group would come in only once every two years, which he didn't think was too much of an inconvenience, and it was a good way to open up the lines of communications. Chairman Cole said, for example, if the Community Development was to come before the Board, asked if the intent would be for Sean Sullivan and his key people to come in and talk about issues. Selectman Maddox said yes, just as they did with the Fire Department, when they looked at their policy and procedures, mission statements, job descriptions, personnel, etc. Is there a booklet they run their department by? Who are they? How do things work? Why wait till there is a problem when you can meet with them on a regular basis. It would be up to the Chair to schedule the departments. One might need only a few minutes, but another might need an hour.

Selectman MacLean said this just sounded like more work for everyone. If someone wanted to know what was going on, that Selectman could go to that department, meet with them on their time, or after work, or have lunch with them. To call everyone in for a night meeting is asking too much. Selectman Massey thought the time could be used equally well by the Board taking issues they would like to spend a little more time on for future direction of the Town. This wouldn't have to be exclusively for specific departments or boards. They could meet with the Planning Board to talk about future growth. What they should be telling the State about the Circumferential Highway because a lot of Hudson's growth pangs are the result of zoning changes pegged to a plan that is unlikely to happen. He didn't think it would benefit for a board or department to come before them. He saw it as an opportunity for the Board to establish some direction for the future of the Town and to have the other boards march to that vision, as opposed to constantly reacting. Selectman Maddox agreed. Once the agenda is set, questions should be prepared by both sides.

Chairman Cole appreciated Selectman Maddox's effort to try to enhance the process, but he did not see the need to ask people to come in on another night, when many of them already put in many nights in their capacity as key personnel. If the Board has a need to discuss something in a workshop environment, as they did for the Cable Committee, they can do that on an off Tuesday. He would not like to institutionalize filling up every fifth Tuesday.

Vote on the motion to hold a workshop on months with a fifth Tuesday failed, 2-3. Selectmen Maddox and Massey were in favor.

Selectman MacLean said a Cub Scout den mother contacted her about doing a project relative to Town government. so she said the Den would be holding a mock Selectmen's meeting on Monday, May 3 at 5:30 in the BOS meeting room. The Scouts have been getting various forms from the Town and learning about the routing of them before they get to the Board of Selectman for finalization. She will chair the meeting and said Coleman offered to tape the meeting for rebroadcast so the Scouts could see themselves on TV. She asked if he would be allowed to do that. Chairman Cole didn't think there was a problem with the Scouts using the room to learn about their civic responsibilities, but for Coleman's taping and re-broadcasting, he asked for the will of the body. Selectman Stewart thought it was a wonderful idea and didn't think the schools teach about democracy enough. She was in full support of the idea. Selectman Maddox said he plans to attend. Selectman Massey asked if Mr. Kelly volunteered his time to do this. Selectman MacLean said he was very excited and happy about it, so she assumed he was. Mr. Kelly confirmed that yes, it was on a volunteer basis. Selectman Massey agreed it was an excellent idea. Chairman Cole said the consensus of the Board approved this effort, that a formal vote probably wasn't needed.

Chairman Cole recognized Deputy Fire Chief Gary Rodgers.

Fire Department Radio Upgrade

Deputy Chief Rodgers said when this request failed when it went before the Town for full funding. They have received Homeland Security Grants and APCO-25 capable base radios. They are asking the Board to acknowledge the fact that the Federal Government is granting the State of NH monies to purchase 3,000 mobile radios. Each department had to do a survey to say how many radios they have in their vehicles. Hudson's came up with 31. On Thursday, they were notified that the 3,000 have been purchased and are in and would like to start installing them this week into the vehicles. The Police had their grants in previous years. The Federal Government has granted the State \$11 million for the purchase of interoperability digital radios—APCO-25 approved radios. With that, they are getting 24 radios installed into the apparatus at the end of this week. Later on in this fiscal year, there is the possibility of getting three more radios with more channels to put in the ambulance and then shortly thereafter, they will be supplying the department with portable radios. The State is doing this for all of the towns that responded to the survey, which is 92% of the towns in NH. The radios are given to the Town, but are the property of the Federal government until after they are all installed, which is done by Cybercom, who was hired and paid by the State. There are 128 channels and several banks. The first 48 channels are local option. They are currently using 48 channels, and a lot of them are duplicate for their fire ground and dispatch frequencies. Channels 49-128 are going to be issued by the State. They haven't been set up yet, but when they are, Hudson Fire Department will be able to talk to any Fire Department in the State. After installation, the radios become the property of the Town, with no strings attached. Their current radios will possibly go to the Highway Department and Community Development, so they will have interoperability, but not with the Police Department, at this time. They have a few APCO-25 radios the Fire Department purchased with their Homeland Security Grant, but this will equip the Fire Department radios to reduce the amount that will be requested in next year's budget significantly, from about \$442,000 to about \$188,000.

Selectman Stewart said at the beginning of July, the Fire Department will have two new Tahoes and if the equipment would be put in them, or the old vehicles. Deputy Rodgers said the State will install the radios in the new vehicles and have been set aside for that purpose. Selectman Massey asked if these radios were a part of the original interoperability request. Deputy Rodgers said yes, they are the same radios. Chairman Cole said the radios that the Town was going to buy has been handed to them, to a certain degree. The State is looking for an OK to go ahead and start installing the radios. If they don't take advantage of this opportunity, they could end up at the back of the queue.

Motion by Selectman Stewart, seconded by Selectman MacLean to accept this grant of equipment from the State of New Hampshire of 31 radios for the Fire Department and approve the APCO-25 Fire Department project.

Selectman Maddox asked Deputy Chief Rodgers to give the Board something in writing as to exactly what they authorized. Deputy Chief Rodgers said he would. Chairman Cole asked if Selectman Maddox was talking about a listing of equipment. Selectman Maddox said no, something like, "through this grant we will receive X number of radios from the Federal Government, to go towards a budget reduction of X, etc.", within a day or two. Chairman Cole asked Deputy Chief Rodgers if he could prepare such an executive summary sheet. Deputy Chief Rodgers said yes, they could do that.

Vote: Motion carried 5-0.

Chairman Cole said at the last meeting when they approved the Speedway permit, they amended the schedule for racing times on June 13 and 20 because school was still in session. However, §264, Article II Hours of Operation in June of the Code allows the Speedway to operate during the later hours in June, so the racing schedule had to revert back to the original request.

10. NONPUBLIC SESSION -- There was none.

11. ADJOURNMENT

Motion to adjourn at 11:32 p.m. by Selectman Massey, seconded by Selectman Stewart, carried 5-0.

Recorded and Transcribed by Priscilla Boisvert

Executive Assistant

HUDSON, NH BOARD OF SELECTMEN

William P. Cole, Chairman

Teresa Stewart, Vice-Chairman

Kathleen R. MacLean, Selectman

Richard J. Maddox, Selectman

Kenneth J. Massey, Selectman