

HUDSON, NH BOARD OF SELECTMEN
Minutes of the April 13, 2004 Meeting

1. **CALL TO ORDER** by Chairman William P. Cole at 7:30 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** was led by Chairman William P. Cole
3. **ATTENDANCE**

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

Staff/Others: (Steve Malizia, Town Administrator, was out of Town); Priscilla Boisvert, Executive Assistant; Kevin Burns, Road Agent; Shawn Murray, Fire Chief; Richard Gendron, Chief of Police; Police Lt. Don Breault; Toni Weller, Library Director; Jim Michaud, Assessor; Firefighter Steve Benton; Tom Sommers, Town Engineer; Cecile Nichols, Town Clerk/Tax Collector; Suellen Quinlan; David Yates, Recreation Director; Rebecca Hadley, Girl Scouts; Eloise Case; Joe MacLean; Robert Clegg; Rhona Charbonneau; Alida Weergang; Leo Bernard; Ray Rowell; Tammy McNulty; Karl Bond; Vincent Russo; Frank Bogan; Lynne Ober; Joyce Goodwin; Howard Dilworth, Jr; Mr. and Mrs. Fred Giuffrida; Michelle Champoin; Mr. and Mrs. Jim Battis; Linda Kipnes; Jean Serino; Greg Amaral; Raymond Scroggins; Len Lathrop, HLN; Scott Brooks, Union Leader; Ann Lundregan, TEL

Chairman Cole, who was not at the last meeting, extended a personal welcome to Selectmen Kathleen MacLean and Rick Maddox. He recounted a story by Ronald Regan when he was sworn in as President. Speaker of the House Tip O'Neal congratulated him and said he would be with him through thick. When President Regan asked about thin, the Speaker said, "Welcome to Washington."

Chairman Cole read a Proclamation in support of Library Week, April 18-24, 2004 that he presented to Library Director Toni Weller which proclaimed that the Selectmen acknowledged and supported National Library Week, encouraged residents to visit and take advantage of Hills Memorial Library resources, with thanks to library workers for providing services and making information accessible.

4. **PUBLIC INPUT**

State Senator Robert Clegg, was present to update the Board on the school funding issue. He provided a handout, saying the first page showed that if HB-608 was not passed, Hudson's share would have been drastically reduced. It also showed the difference between current law, HB-608, and SB-302, which increases Hudson's share of education funding by about \$500,000 while maintaining a \$3.24 statewide property tax. If Hudson wanted to maintain the grant it had been getting in FY-03, taxes would have to have been raised \$1.20 on the local level. When residents hear that the new plans will provide more money, they have to understand that they will get that additional money by increasing the statewide property tax. There is no free money. He'd rather have the local community tax than have the State tax and spend. People are starting to look at statewide property tax as a method of revenue for things other than education. People need to be vigilant. While it may be easy to raise the statewide property tax for education, it may be used to fill some other holes. Hudson doesn't get the \$7 million it used to, but it has a tax rate of \$2.56 lower than it did when it received the \$7 million. They could maintain the same level of funding at the local level by asking for \$1.20 back from the local taxpayer. The Board should also be aware of SB-429, which states that no community can discriminate against any contractor on the basis of benefits that it supplies. Unions from Boston, especially those who no longer have Big Dig work, are coming to local communities, trying to slide into contracts that only those contractors who provide apprenticeship programs, retirement programs, health care, vacation, etc., are allowed to bid on for public works projects. This bill is not about Home Rule; it's about fairness and he hoped Hudson would support it. If anyone has any questions, they can call him at home.

Chairman Cole stated that two people had signed up in advance for Public Input.

Suellen Seabury Quinlan, 50 Pelham Road, re. First Amendment Rights, said while she disapproved of what the Chairman said, she will defend to the death his right to say it, a quote attributed to François Voltaire in 1906. Now, a century later, it has more meaning in light of the recent events in Hudson involving comments allegedly made by Chairman Cole in a private conversation with a Hudson resident. In this recent controversy, they've heard everything from Mr. Cole's comments have made him unfit to serve in his capacity of Chairman to whether or not Italian-Americans are being denied their God-given rights to build a deck on their homes in Hudson, but she fears that the true victim of this controversy will be the First Amendment—Freedom of Speech. The notion that a free society required the unfettered exchange of ideas and opinions was so prized by the framers of the Constitution that it remains a cornerstone of our government, which protects the press, the media, our leaders and individual citizens. In today's political-correctness, the rush to uni-culturalize everything, press one to continue in English, they've forgotten that the First Amendment exists to say what one wants to say, to have opinions that may be contrary to the norm and, in essence, free to hate whomever one wants to. People's opinions can be uncomfortable and unpopular and can fly in the face of what one believes to be true, but the unpopular speaker is entitled to his opinions. To forget that for a second is to encourage a society of intolerance, of Marxism, Communism, Nazism or Totalitarianism. If they try to censor or control what another person says, they cease to be a free society and cease to be America. She has also heard comments that Mr. Cole should not have made the comments he did because of his position as Chairman. In her years as a law student studying the Federal Constitution, her 10-plus years as a practicing attorney in the area of criminal law where the Constitution is paramount, she has not found any authority that supports the notion that once a citizen becomes an elected official, his or her right to free speech terminates. None of them will really know what Chairman Cole said or didn't say about the various ethnic and social groups; none of them should, but she feels more comfortable in knowing that he said whatever he wanted to instead of uttering the politically-correct sound bite of the day. Voters can use that information in the way they are supposed to—at the polls. The comments made by Mr. Cole were not in his official capacity as Chairman and it should not be used as a cause for reprimand or removal. Hudson has more important issues to deal with—roads to repair, schools to improve, a community to make cleaner and safer, etc. She thanked all of the Selectmen for their service to the Town.

Frank Bogan, 116 Robinson Road, re an Assessing item. Mr. Bogan said he received a letter from the Assessing Office, and he was present to defend his property. He owns 12 acres between Robinson Road and Stoney Lane that has been in current use for over 30 years. He has never done anything to the property that would keep it from remaining in current use, which the Assessor is disputing. Mr. Bogan doesn't think he has violated the current use law, contrary to the Assessor's assessment.

Chairman Cole said this item was on the consent agenda, which he intends to pull off when they get to that section, at which time the Assessor and Mr. Bogan can make their remarks. He then asked if anyone in the audience wished to address the Board.

Fred Giuffrida, 14 Pinewood Road, said it has been over a month since Ms. Serino's accusations against Chairman Cole, and Mr. Giuffrida wanted to know what the Board had done about it. He talked to the Board at their last meeting and has been dismayed at some of the comments that were made, particularly by Senate Majority Leader Clegg. It was implied that this whole thing was a conspiracy cooked up by Mr. Giuffrida, Mr. Jasper and Ms. Serino--which was pretty funny. He wasn't at the meeting when Ms. Serino spoke, but he watched it on TV and then taped it because he couldn't believe what he heard. After he didn't see anything about it in the press, he wrote a letter to the HLN to inform the public of what happened, but he didn't consult with Mr. Jasper and Ms. Serino beforehand. Although it was a private conversation, it occurred in the Selectmen's Office and with a resident who had come in to ask a question. That strikes him as someone jumping up and down, saying, "No fair! I was being myself and not who I pretend to be in public." Regarding free speech, no one has said it's not Mr. Cole's right to say anything he pleases--but that does not make him fit to represent the Town, or for the Board to vote him Chairman. He'd like to know tonight what the Board is going to do and why--without stonewalling or votes without explanations.

Jim Battis, 6 Potter Road, said before possibly re-electing Mr. Cole Chairman, the Board should consider that he suppressed the videotaping and broadcasting of *Dollars and Sense of Open Space*. The general facts of the matter are not in dispute; it's Mr. Cole's intent in suppressing the videotaping and his authority to do so. Mr. Cole had said his authority was implicitly delegated by virtue of the fact that he was elected Chairman. Mr. Battis didn't contest Mr. Cole's statement, but thought it was irrelevant because the Board cannot delegate powers that it does not possess and does not possess the power to supersede the Constitution or Federal law. This is the only time the Chairman censored the broadcast of a public meeting on public access television. Combined with the fact that the Board was opposed to certain warrant articles that might be advanced by the presentation, the conclusion must be reached that this was an attempt to suppress the First Amendment rights on members of the Conservation Commission and the Friends of Hudson's Natural Resources. Federal law concerning editorial control is clear and well established and outlaws such censorship. Mr. Battis said Mr. Cole's action was a clear abuse of power and demonstrated a profound lack of judgement. Therefore, he urged the Board not to re-elect Mr. Cole as Chairman. If, however, they do, they will have implicitly condoned this act of political oppression.

Robert Clegg, 39 Trigate Road, said the last time he came to the Board, it was as a private citizen, not in his capacity as Senator. He supports Bill Cole as Chairman, who works well with a lot of the department heads, and that means a lot. As far as suppressing the right to influence the vote, Mr. Cole made the right choice. Federal law says election laws have to be fair, so you can't allow one side to use public television to try to influence the voters without giving the other side the same opportunity. He didn't think there was enough time for all of that to happen. He supported what Chairman Cole did, as it was done fairly, and he would undoubtedly allow it to be shown today for future use. The cable system should not be used by one side to unfairly influence voters who may not know the other side.

Raymond Scroggins, 18 Easthill Drive, said he was from Chicago and has been here a little over a year. He believed in freedom of speech, but certain things should not be said if you are representing the public. He comes from a racist area, with shootings and killings. Here, he would help anyone out. Everyone that he's spoken to in Town has spoken back to him, whether they wanted to or not. He wanted to know if the Chairman represented him, an American citizen. He's not asking Mr. Cole to either step down or apologize; he's saying run, because if Mr. Cole makes it again, that will represent the people and will tell him what kind of Town he's living in. Mr. Scroggins said the next thing he has to worry about is whether or not a cross will be burning in his front yard. So far, he's had only good things to say about the Town, but people told him bad things about the police, that if you are riding around in a nice car, you will get pulled over, but he hasn't had any trouble with the police. Here, friends and neighbors welcome you into Town by bringing cookies and things, which is nothing like his home. These people are up to twenty-oh-four, not 1950. Then he hears Trent Lott stuff, so he doesn't know what to think. If the person who said those things was any kind of a man, he would step down because he can't look people in the eye now. That person isn't representing him--and for him to buy a house in Hudson? Mr. Scroggins said the man that said good things about Chairman Cole had to because he was on his payroll.

Cecile Nichols, 5 Putnam Road, said she supported Bill Cole as a Selectman and as the Chairman. In all of the years she has known him, he has been an honorable person. Perhaps some of the remarks should not have been said, but there was no one in that room that hasn't made similar remarks. He works well with the people in Town, he shows professionalism and she supports him.

Jean Serino said she wasn't going to say anything so she doesn't have anything written, but feels she needs to speak. Many years ago she lived in Italy, when she was young, stupid and heroic. The Mafia was where she lived. The workers went to her.

(Start Tape 1, Second Side)

She told them she was an American and no one would suspect her, so she offered to see what she could find out. This was in 1968. There were assassinations and they lost all their good people. She was shot at, her house was set on fire, the wild dogs that were living under her house, which was an Army-Navy compound where there were Swedes and all kinds of people, were killed and thrown on her front porch. She had to go to the American embassy and was taken out of Italy in the middle of the night and arrived in America in time to hear that Sharon Tate had been murdered--the first really horrendous murder in the States. She thought this was America; she hasn't stopped fighting. The people who murdered her dogs and things like that were the workers who had come to her in the beginning and asked her to help them. She hoped Americans were more courageous than that. She represents a lot of people who agree with her. She went into the office to talk to Priscilla, when Mr. Cole came into the office and asked what she was doing there. She had told him she was looking for a list of Senators so that she could mail them a statement she had given at a hearing opposing SB-143, which says that gay and lesbian couples who are married in other states will not be considered married in New Hampshire, a bill she thinks is mean-spirited. From there, he proceeded with his comments. He's known her for a long time, known that she is a Civil Rights worker and she isn't easily frightened. A lot of people wanted to come to the meeting, but they were afraid. She fears that the gays and lesbians in Town will be frightened and doesn't think that Mr. Cole should be representing the people. She chose to make Mr. Cole's remarks public because she didn't know how to take them. At the time, she called several people including Selectman Massey, Brad Seabury, David Alukonis and Shawn Jasper, and everyone was appalled, but nobody did anything. People say that Shawn Jasper masterminded this whole thing, but Michelle Champion is a graduate of William & Mary and has another degree from a school in New Mexico. She is retired Captain in the Air Force. She, Ms. Serino, has a couple of degrees from Tufts, has been a therapist for 10 years and a teacher. Concerning private conversations, she heard from many incest and rape victims, asking her why she said anything, and their mothers would ask why they would do that to their father. Ms. Serino said she was afraid that if people don't speak up, things get terrible and she was afraid that other people feel the same way Mr. Cole does. She is thrilled that Fred and other people spoke out. She didn't think you could disobey a First Amendment right and get away with it, pulling off the TV show at the last minute when everyone thought it was going to be shown. The free flow of information should be a right. From her point of view, she never said any of the slurs and, other than take a lie-detector test, she didn't know what she could do. She is not manipulated and neither is Michelle or Jim Battis and didn't think anyone on the Board was, either. She doesn't manipulate anyone, nor does she allow anyone to manipulate her, and she doesn't allow anyone to use racially and ethnically derogatory words in her presence without saying something. Mr. Cole should resign or, at a minimum, apologize and hoped the Board would not elect him as Chair.

Selectman Stewart said she'd done some research and asked if Ms. Serino recalled a night in June 1990. Ms. Serino said she didn't recall yesterday. Selectman Stewart said in June 1990, during the Council form of government, some of the members were trying to oust Mr. Bednar. In a public hearing at Memorial School, Ms. Serino made the statement that she didn't think it was right to throw somebody out of office for the way they talk or the way they comb their hair. Selectman Stewart offered to provide a copy of the Minutes to Ms. Serino. Ms. Serino didn't know what Selectman Stewart was referring to, or what he said, so she can't defend herself. She didn't recall saying that, nor did she think it was pertinent.

5. NOMINATIONS AND APPOINTMENTS

Acknowledgement of Letters of Resignation by Selectman Richard Maddox from the Planning Board and NRPC.

Acknowledgement of Notification of Resignation by Laurie Jasper from the Benson's Committee.

Acknowledgement of Letter of Resignation by Leo Fauvel from the Zoning Board of Adjustment.

Motion by Selectman Massey, seconded by Selectman Stewart, to acknowledge the resignations of Richard Maddox from the Planning Board and NRPC, Laurie Jasper from the Benson's Committee and Leo Fauvel from the ZBA, with the Board's thanks and appreciation, carried 4-0. Selectman Maddox abstained.

A. Benson's Committee (1 member, no expiration date)

Rhona Charbonneau, 2 Old Derry Road, said she was very interested in being back on this committee. Her interest goes back to 1984 when she was a Senator. Governor Sununu, at that time, said the State could not finance the project. She, the Governor, Senator Roberge, Commissioner O'Leary, then Commissioner Kennison, then Commissioner Murray and some Hudson residents have been interested in this property. The Town needs to exert more pressure to get things moving faster. She hoped that she would be able to help do that. Damage was being done to the land, and they don't want that to continue.

Selectman Maddox said he was glad to see her coming back, that she would bring knowledge and insight to the committee.

Motion by Selectman Maddox, Selectman Stewart, to waive the Board's procedure and appoint Ms. Charbonneau carried 5-0.

Chairman Cole welcomed her aboard, saying that the next Benson's Committee meeting was tomorrow night.

B. Building Board of Appeals (1 member, term to expire 12/31/06)

Roger A. Lacroix, 136 Barretts Hill Road, said he was looking for an opportunity to serve, as he did when he lived in Dracut, MA. He served on their Building Committee for over 10 years and is Clerk of the Works for the library expansion in Dracut. He has been in the field of construction/planning/engineering for over 30 years in the aerospace, medical lab and plastic film industries. He is retired, so he is a free spirit, spending his winters in Florida. He wants to bring his expertise to this committee. Selectman Maddox said he would be asking every candidate that comes before them if they've ever attended a meeting of the committee to which they are applying. However, this committee meets once every 26 years, so it doesn't apply here. A lot of applicants sign up for something, not knowing what they are really getting into.

Motion by Selectman Stewart, seconded by Selectman MacLean, to waive the Board's procedure and appoint Mr. Lacroix tonight carried unanimously.

C. Nashua Regional Planning Commission (1 alternate, term to expire 12/31/06)

Being no applicants, this vacancy will be readvertised.

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

1) Bill Tate (current alternate, term to expire 12/31/04) was not present.

2) Vincent Russo, 14 Greeley Street (current alternate, term to expire 12/31/06) said he's been involved with the Planning Board for a little over a year and learned a lot about how the Town operates and what can be accomplished through teamwork. Everyone has their own way of thinking and this has been an eye-opening experience for him.

Selectman Massey asked what Mr. Russo thought was the most important characteristic a member of the Planning Board should have. Mr. Russo said open-mindedness and being willing to listen to another point of view. Selectman Maddox, as a Planning Board member and Chair, was a good role model because he was open-minded and fair. Selectman Massey said, during the time he has been Planning Board liaison, all three candidates have been there for all the meetings, with possibly one or two exceptions.

Selectman Maddox didn't have any questions, as he had a working knowledge of all three candidates.

Selectman Stewart said she was at CIP Thursday night, along with Mr. Bond, while Mr. Russo was at the Zoning meeting, along with some other Planning Board members. They keep busy.

Selectman MacLean asked why an alternate would want to become a member. Mr. Russo said an alternate attends as many meetings as the regular members to keep current on all of the issues, but an alternate may or may not be seated as a voting member that evening, which happens only if a regular member is not present.

3) Karl Bond, 7 Easy Street (current alternate, term to expire 12/31/05) said he is in his second year as a Planning Board alternate and a

member of the Capital Improvements Committee. He has enjoyed this learning process, although it is a lot of work. As an alternate, he felt it was incumbent to be as diligent as possible in learning all facets of each matter because an alternate never knows when they will be called upon to be seated, whether it is at the beginning of the meeting or towards the end of it. He considers Planning Board members citizen judges. They have to weigh all sides of the issue, including legal and emotional considerations and make judgements between factual and non-factual information, and all of this is done on the fly. If someone hasn't done their homework, they won't be able to make a rational decision in a timely manner to manage the Town's growth. He has enjoyed serving on the Planning Board.

Selectman Massey asked Mr. Bond what he would bring to the board to complement the rest of them. Mr. Bond said teamwork, individual thinking and the ability to explain a point that would be germane to the issue before them. He believes in sticking to facts in making decisions.

Chairman Cole asked if the Board wanted to waive its procedures and appoint someone tonight. Following a brief discussion, Selectman Massey suggested they follow normal procedures and appoint at their second meeting of the month at which time, hopefully, Mr. Tate will be present. The rest of the Selectmen concurred.

E. Zoning Board of Adjustment (1 member, term to expire 12/31/05)

Tammy McNulty, 14 Pelham Road (current alternate, term to expire 12/31/05) said she has been a ZBA alternate since 2001 and during that time, she has learned an awful lot; it has been phenomenal. She is also becoming a licensed real estate agent, so that information has been helpful in her capacity as a ZBA member. As a Hudson resident since 1976, she has seen a tremendous growth in Town—not always in a good way. She wants to be a team member with the ZBA and help make decisions.

Selectman Massey said the ZBA is a quasi-judicial Board and, as such, its rulings have the force of law. He asked what she thought, therefore, was the most important characteristic for a member to have. Ms. McNulty said knowledge of NH Planning and Use Regulations to understand how they should be used.

(Start Tape 2, Side A)

Selectman Maddox said he had recently received a flyer from Ms. McNulty, informing him that she was a realtor and stated that she was a member of the ZBA. He asked if that would cause problems because sometimes she might be tied in with developers. Ms. McNulty said if there was an issue, she would be willing to step down, but she anticipated her role as a realtor would be minimal. She thinks her knowledge in the real estate field would be beneficial to the Board on various issues.

Motion by Selectman Stewart, seconded by Selectman MacLean, to waive the procedure and appoint Tammy tonight carried 5-0.

With this appointment, there would be two alternate vacancies on the ZBA, which will be advertised.

6. CONSENT ITEMS

Chairman Cole removed Item A 3, at the request of the Assessor.

Motion by Selectman Stewart, seconded by Selectman Maddox, to accept consent items, A – E, with the exception of A-3, which will be taken up separately, carried unanimously.

A. Assessing Items

- 1) Tax Deferral Application, 8 Sunland Drive, w/recommendation to sign
- 2) Current Use Lien Release, Map 142/Lot 43, w/recommendation to approve
- 3) (Taken up separately)
- 4) 2003 Abatement, 4 Meadow Drive, w/recommendation to approve
- 5) 2003 Abatement, 15 Constitution Drive, w/recommendation to approve
- 6) Veteran's Tax Credits--12 Ridgecrest; 23 Teloian Dr; 11 Adelaide St; 5 Katherine Court (2), w/recommendation to approve.
- 7) 2003 Abatement Application, 34 Webster Street, w/recommendation to approve
- 8) 2003 Abatement Application, 261 Lowell Road, w/recommendation to approve
- 9) Yield Tax Warrant, Map 186/Lots 005, 006 & 007, w/recommendation to sign
- 10) Requalification & regranteeing of 41 Elderly Exemptions, noted on Assessor's memo of 4/13/04, w/recommendation to grant.
- 11) Requalification & regranteeing of 6 Disabled Exemptions, noted in Assessor's memo of 4/13/04, w/recommendation to grant.

3) Current Use Lien Release, Map 117/Lot 37

Town Assessor Jim Michaud said this property was owned by Frank Bogan. In doing pickups this year and his review of current use property, he noticed physical changes to this 12-acre property, which was in current use. A wide driveway had been installed, and there were physical changes, including land clearing, not consistent with current use. You can log or have farms on current use, but you can't put driveways in and start a house lot. In checking the records, he found that the ZBA had granted a variance to allow for less than the minimum amount of frontage for a building lot and granted a special exception to fill in wetlands for the installation of 75' of 15" culvert pipe. Serious physical changes have occurred, which triggers its removal from current use. He wrote to Mr. Bogan, informing him that he would be recommending a \$12,000 current use penalty, based on a market value of \$120,000, which was an incorrect figure. The median land sales price is actually \$140,000 so the penalty would be \$14,000. If this use of the property is allowed, then the whole current use program is threatened. This driveway is not paved, but neither is it a skidder trail. Minimum zoning for that area is two acres, so that is what the request to release is.

Selectman Massey said if the ZBA variance was granted in March 1999, it was his understanding that if it wasn't acted upon within 12 months, it would be lost. Mr. Michaud said no, the variance runs with the title to the property and is not dependent upon the owner. Selectman Massey said if no substantial change is made to the property within a specified period of time, the variance is moot. Mr. Michaud did not know the answer to that, adding that this work was done some time ago; it was not done this year. Selectman Massey asked if changes had been made, other than the

clearing. Mr. Michaud said no.

Selectman MacLean asked how it was determined that the work was not done recently. Mr. Michaud said the Town's road inspector, Gary Webster, said it was done four or five years ago. In looking through the records, the State application for filling in wetlands was dated 1999 and all of the other data supports that the work was done in that timeframe. Selectman MacLean asked Mr. Bogan if he denied that this was a driveway. Mr. Bogan said this was an access road, 50' wide and 300' long, but a driveway pertains to something leading to a house. That access road is before getting to his 12 acres and it is impassable. He had the access road made so he could get to his property. After it was put in in 1999, he received permission to put up a house for his son. It was after he got that permission that he put in the access road. At the end of the access road is a big hill, consisting of sandy gravel, but he is having a difficult time getting someone to move it so he can continue with the road until he gets to a place where there is enough room to put up a house. He said the infractions he was cited for were cutting timber, building a driveway and moving dirt. He argued that cutting timber doesn't violate current use and the access road had to be built for him to get to his property, with some stones being the size of automobiles. After he cut down the timber and firewood, he made a small road around the hill big enough for a pickup truck to get in to pick up the wood, but he didn't remove any dirt. Selectman MacLean asked if he was in the process of putting in a house on the property. Mr. Bogan said once he gets the access road through, he can build a driveway and put up the house. Selectman MacLean asked if the fact that those plans were in place meant the land was off current use. Mr. Michaud quoted from the Current Use Law: "Land shall be considered changed and the Land Use Change Tax shall become payable when actual construction begins on the site, causing physical changes in the earth, such as building a road to serve existing or planned residential, commercial, industrial, institutional buildings or excavating or grading the site for present or future construction of buildings or any other act consistent of the construction of buildings on the site." This wasn't cited as an access roadway, but for placement of a driveway in the special exception and for road frontage for a single-family home. The State has the application for a driveway construction access across a wetland to access a buildable portion of land for a single-family residence. If a road was built to access timber, a driveway permit wouldn't be needed, and a road of that magnitude wouldn't have been put in. When there is betterment to a property, including a culvert and wetlands crossing, typically a foundation goes in before he even has a chance to get out there. Mr. Bogan said the access road was built to Town engineering standards. Mr. Michaud added, for a driveway. Selectman MacLean asked if the fee had to be paid in one lump sum, or if they could pay it over a period of time. Mr. Michaud said the law reads that full payment is due in 30 days.

Selectman Maddox asked if the Road Agent or Town Engineer had inspected it. Mr. Michaud didn't know. Selectman Maddox said it is clearly a driveway on to the property, as stated in the permit and what the ZBA granted, not a roadway. He asked when Mr. Bogan was going to build the house. Mr. Bogan said he is having difficulty getting a contractor to take out the hill so he can level it enough to put in the access road. He invited anyone who wanted to visit the property to do so. Before the Board makes a decision, he'd like someone else, who is familiar with current use, to give an opinion on it.

Motion by Selectman Stewart, seconded by Selectman MacLean to defer action on this item until April 27.

Selectman Maddox asked the reason for this being deferred. Chairman Cole said Mr. Bogan had asked for someone else to be here, and he'd like to get some additional information from the Assessor. Selectman Maddox asked for an estimated time when the house would be built. Mr. Bogan said probably within a year after the hill is removed. Selectman Maddox said if they are not going to build a house and they are going to block that road so it is almost in current use, he could understand that position, but if they are actively looking to excavate that site, it is out of current use. Mr. Bogan said they haven't done anything to actively construct the house since the access road was put in--and the culvert was put in with the Town Engineer's O.K. He also said he was going to be assessed for two acres, the current house lot size, but in 1999 house lots were 45,000 sq. ft. He thought he'd be grandfathered. Mr. Michaud said it would be a lot of record today, with the variance, with two acres. Some ¼ acre house lots go for \$150,000 and some two acre lots go for \$150,000.

Selectman Massey said the minute a bulldozer goes in and starts leveling the land, it's out of current use. The issue is not when a house gets built, it's when the land changes its topography. To go in with a piece of equipment and level a piece of real estate, the land has been changed. He didn't think they should be confused on that issue.

Vote: Motion to defer this matter to April 27, 2004 carried unanimously.

B. Sewer and Water Utility Items

Sewer Acceptance--Overlook Circle @ Woodland Heights, w/recommendation by the Sewer Utility Committee to accept.

C. Licenses and Permits

Permit to place Sign on Town Property by Taylor Falls Bridge to advertise Charity Auction by Nottingham West Lions Club forwarded to the Road Agent to coordinate placement.

D. Acceptance of Minutes

Minutes of the March 23, 2004 BOS Meeting referred to file, as presented.

E. Committee Announcements

04/14/04 7:00 Planning Board in CD Meeting Room
 04/14/04 6:00 Benson's Committee Meeting in BOS Meeting Room
 04/15/04 7:30 Budget Committee in BOS Meeting Room
 04/16/04 3:00 Retirement Ceremony for K9 Officer Dino
 04/17/04 8:00 - 2:00 West Road Landfill Open
 04/19/04 7:30 Conservation Commission in CD Meeting Room
 04/19/04 6:30 School Board in BOS Meeting Room
 04/21/04 6:00 Library Trustees at the Annex
 04/22/04 7:00 CIP in BOS Meeting Room
 04/22/04 7:30 ZBA in CD Meeting Room
 04/27/04 7:30 BOS in BOS Meeting Room
 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
 05/04/04 7:30 Library Building Committee in the Ferry Street Annex
 05/05/04 7:00 Planning Board Workshop in CD Meeting Room
 05/07/04 VFW's Loyalty Day Dinner
 05/11/04 7:30 BOS 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
 05/19/04 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 7:30 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

Motion by Selectman Stewart, seconded by Selectman MacLean, for a recess at 8:50 p.m. carried 5-0. The meeting resumed at 9:00 p.m.

7. **OLD BUSINESS**

Glen Drive Sewer District (from March 23, 2004)

Chairman Cole recognized Sewer Utility Committee Chairman William Abbott and Town Engineer Tom Sommers. Mr. Sommers said two actions needed to be addressed tonight—sewer acceptance and establishment of a sewer district. By accepting the sewer, which he said has been signed off on by the appropriate staff and is standard practice, a number people who want to connect quickly, who will make their application and then connect.

Motion by Selectman MacLean, seconded by Selectman Stewart, to accept the sewers contained within the Glen Drive sewer assessment district carried unanimously.

Mr. Sommers said the memo dated March 12, 2004 lays out the recommendations from the Sewer Utility Committee, which were brought up at the public hearing at the Selectmen's meeting on March 23.

Motion by Selectman Maddox, seconded by Selectman Massey, to approve the Glen Drive Sewer Assessment District, as recommended by the Sewer Utility Committee and the Town Engineer, outlined in their joint memo of March 12, 2004.

Selectman Massey thought the conditions should be specified in the record, as follows:

1. The sewer permit application shall be \$50.
2. The interest rate shall be fixed at 3.5%.
3. The Sewer Capital Assessment fee shall be waived 100% if connection is made by November 15, 2004 and a 50% waiver for connections made between November 15, 2004 and November 15, 2005.
4. The Sewer Capital Assessment fee will continue to be waived if a signed installation contract and sewer permit are in place within a waiver period, but work is not done because of circumstances beyond the homeowner's control.
5. The assessment district shall begin as of July 1, 2004 with billing to start January 2005; quarterly payments shall be allowed on each annual billing; and a Notice of Assessment shall be recorded at the Hillsborough County Registry of Deeds for each lot, on or before the commencement of the assessment district.

Selectman Maddox suggested the Sewer Utility Committee formulate a set of criteria or guidelines to define the circumstances that are considered beyond a homeowner's control. Mr. Sommers said these permits are routed through Engineering, so the intent was to leave that decision with the Engineering Department. They would expect to see a signed contract, a permit with the fee paid, and then they would contact the contractor to make sure that the issue is outside of the homeowner's control. A contractor might have a lot going, and didn't get to it. He expects this will more likely happen at the end of the first year than at the end of 2005. Mr. Sommers said the criteria, basically, is his judgement. Selectman Massey said the contract should have an estimated start date. Mr. Sommers said that was correct.

Vote on the revised motion carried unanimously.

(Start Tape 2, Second Side)

Chairman Cole asked for personal privilege to address certain items of interest to the Board. There being no objection, he read a prepared statement. (Copy attached.) He then moved on to the next item. Jean Serino approached the microphone, stating she wanted to be recognized. Chairman Cole said Public Input was closed. Ms. Serino interrupted, repeating that she wanted to be recognized. Chairman Cole denied the request. Ms. Serino accused Chairman Cole of lying. Chairman Cole said she was not recognized. Ms. Serino continued, saying she would take a lie-detector test and he should, too, and that Priscilla should be put under oath. Selectman Stewart called for a point of order, reminding Ms. Serino that Public Input was over. Ms. Serino continued to shout that Chairman Cole lied and then asked Selectman Maddox to recognize her, but he declined. Continuing, Ms. Serino said she couldn't stay quiet when Chairman Cole was telling outright lies, that he said things that were worse than what she accused him of, adding that he knew he had offended her, but she isn't a coward and she doesn't back down—and she continued to accuse Chairman Cole of lying.

8. **NEW BUSINESS**

A. Amended Sewer Application and Instructions, Policy & Procedure IV C

Town Engineer Tom Sommers said this was new construction and applications for residential connections and applications for industrial, commercial and business facilities. The Sewer Utility Committee has reviewed them on a number of occasions and are recommending approval by the Board of Selectmen. Essentially, they are revisions to update forms, etc. The packet contained both the old documents, as well as the suggested revisions, and since the formatting was changed, he was not able to edit them in the manner the Selectmen would like them to be, with brackets, strikeouts, italicized type and underlining.

Motion by Selectman Stewart, seconded by Selectman MacLean, to approve the recommended changes, as recommended by the Sewer Utility Committee and Town Engineer, carried unanimously.

B. Renewal of Contract for FY-04 Line Striping

Road Agent Kevin Burns recommended accepting the existing contractor's offer to extend the contract another year, at the same price. Otherwise, with the increase in fuel costs, he expects prices will rise. Selectman Stewart asked for an update street sweeping. Mr. Burns said, because of the rain, they are about 30% done.

Motion by Selectman Massey, seconded by Selectman Stewart, to waive the bid procedures and approve the contract extension by L & D Safety Marking, for 2004, in an amt. not to exceed \$17,352.50, as recommended by the Road Agent, carried unanimously.

C. Award of Bid for Replacement Wheeled Loader

Road Agent Kevin Burns said this item is in the budget and was put out to bid. They received two back and he was recommending to accept the bid for the Cat. It is a little higher than the other bid, but it comes with a lot of extras that are not included with the other one. Additionally, the dealer will give them additional extras. Selectman Massey asked if the warranty was included. Mr. Burns said it was not. Selectman Massey said, therefore, the overall cost is going to be less by about \$4,000.

Motion by Selectman Maddox, seconded by Selectman Stewart, to award the bid for the five-year lease-purchase of the replacement wheeled loader to Southworth-Milton for a 2004 Caterpillar IT38G, in the amount of \$129,862.55, as recommended by the Road Agent and Finance Director, carried unanimously.

D. Request for authorization by the Police Department to participate in the "Join the NH Clique" Seat Belt Program

Police Lt. Don Breault said this was a one-year grant at 100% reimbursement, with this being the fourth year they have participated. The program provides overtime patrols for seatbelt enforcement, which the officers sign up for, and a media campaign is done. In the past, they set up near Wal-Mart or by Alvirne. Warnings and citations are given out. Selectman Maddox thought there had to be another infraction in order to pull people over for violating the seatbelt law. Lt. Breault said the seatbelt law is an infraction in itself that someone can be stopped for, especially with the child safety seat laws, which is what they are trying to target. This doesn't apply to drivers over 18. This is a child seatbelt safety law. Children have to be buckled.

Motion by Selectman MacLean, seconded by Selectman Stewart, to authorize the Chairman of the Board of Selectmen to sign the grant application carried unanimously.

E. Request by IAFF Local 3154 to hold 2004 MDA Boot Drives (June 12, July 24 and August 28, 2004 at the intersection of Chase, Derry & Ferry Streets, 9:00 am-3:00 pm.)

Firefighter Steve Benton, President of Firefighters' Local was recognized, saying he was there to ask permission to do their three boot drives for the year. This will be their eighth year to participate in the Muscular Dystrophy program. This Local has been the highest fundraiser in the State. Last year, they collected \$18,000 in the three boot drives and other events. This is IAFF's 50th year to participate in Muscular Dystrophy drives, so they are trying to make it their best year ever and outdo everybody. Firefighters across the State have said they are going to try to beat Hudson's amount, which is good because the more money that is raised, the better it will be for the program. He received a letter from the principal of Nottingham West School with a \$150 donation to start this year's drive. The collection dates are June 12, July 24 and August 28. He displayed the plaques they received, which they proudly display at the department.

Selectman MacLean asked how the money is actually collected. Firefighter Benton said with volunteers, who wear florescent safety vests, are given a boot and approach the cars, saying they are collecting money for Jerry's Kids or for Muscular Dystrophy and they give a sticker in return for a donation. They go from one car to another, trying to work in conjunction with the traffic lights. If someone doesn't want to donate, they either ignore the person collecting, or they don't roll down their window. The collectors don't try to intimidate anyone, but he will ask people for the change in their ashtrays because every penny counts.

Selectman Stewart said relative to boot drives, safety concerns by the Board of Selectmen have been an issue since at least 1999. One guy was out in the middle of traffic, trying to make change from the boot when the light changed and had to cross over another lane. Last year, she received three phone calls from people who felt intimidated. She supports MDA, but for safety concerns, other avenues to fundraise should be considered, such as at Old Home Days and in front of local business establishments. A couple of months ago, she was "arrested" by the Nashua Firefighters, and that was a safe fundraiser. CHIPS uses Hannaford. Girl Scouts are not allowed to sell cookies at an intersection.

(Start Tape 3, Side A)

Motion by Selectman Stewart, seconded by Selectman Massey to defer this until April 27, for the Local to come back with safer locations.

Selectman Maddox said they need to put a couple of things in place to balance out Selectman Stewart's concerns. Last year, he doesn't remember

seeing vests being worn, which could be used to identify that they were collecting for the MDA drive. He also didn't think anyone under 18 should be collecting. It probably is a great place to fundraise because of all of the traffic going through at any given time. A compromise might be to collect there on two of the days and at Old Home Days on the other one.

Selectman MacLean thought it would be more lucrative to fund raise at a stationary place, such as Wal-Mart. Mr. Benton said one day collecting at Wal-Mart brought in \$1,500; one day at the intersection brings in \$8,000. He believes this is the best location in the State and doesn't think anyone can outdo him if he collects there. Old Home Days has always been a fundraising location for them, but the top amount there was \$500. It has been a tradition for firefighters to hold boot drives at intersections. Tonight is the first he's heard of any complaints. He will fix what he can, but asked that this intersection not be taken from him. If it is, then his donations to MDA are gone, as well. He won't even come close to their first year of \$4,100. Selectman MacLean asked if there was a lot of prior notification. Mr. Benton said there are announcements in the HLN and Telegraph. He has taken a picture of Amanda, the girl who lives across the street that has Muscular Dystrophy, in front of the Fire Station with a sign and that is what he tries to put with the announcement. He tries to get the message out to as many people as possible.

Selectman Stewart said approving the request before them was setting a precedent for other private organizations to request the same traffic intersection because it's a money-maker. Mr. Benton understood Selectman Stewart's concerns, but collecting money at intersections has always been a tradition with firefighters--collecting money for worthy causes happens all over the country. International has been the highest contributor for the MDA for 50 years—and he'd like to keep the tradition going. He will do whatever he needs to do, but pleaded with the Selectmen not to deny the use of this intersection for their fundraising.

Selectman Stewart said in the Minutes of August 10, 1999 there was something about a liability draft from Mr. Benton that was referred to the Attorney. She asked if that was ever executed. Mr. Benton said Muscular Dystrophy sponsors this and they provide the insurance waiver. Except for Old Home Days, he's never been asked to produce anything, but he can, if so requested. Selectman Stewart asked Mr. Benton if he'd consider Old Home Days this year. Mr. Benton said yes, as long as three members participate. Selectman Stewart couldn't remember the last time there was a boot collection at Old Home Days. Years ago, kids put on turnout gear and their picture was taken for \$1. She'd like to see something like that come back. Mr. Benton said that was the Local, not the Fire Department. He will try to get as many guys as he can to participate, but it's not fair to ask three guys to participate for the whole weekend. He will make every attempt to be at Old Home Days this year and every subsequent year. Selectman Stewart said she supported MDA, but the safety issue is of great concern to her.

Selectman Maddox suggested they put up a sign at the bridge, alerting drivers of the boot drive by the Local, as another safety measure and that the Local comes back with another approach. Mr. Benton said 3 X 5 signs are put up outside of each of the four-way intersections announcing the MDA boot drive and smaller signs are put on sign posts. Selectman MacLean wondered why it was such a problem getting volunteers for Old Home Days when there wasn't a problem getting volunteers for the boot drive. Mr. Benton said different times of the year. Three days at the end of summer is difficult. Selectman Maddox said if the motion was asking for Mr. Benton to come back with a safer location, he'd vote against it, because it was too limiting. They should consider all alternatives, including safety measures at the existing location. They weren't looking to prevent this; they were looking to improve it.

Amendment by Selectman Maddox, seconded by Selectman Massey, to look at other locations or other avenues relative to safety issues at existing locations, carried unanimously.

Vote on amended motion to defer this until April 27, to look at other locations or other avenues relative to safety issues at existing locations carried unanimously.

F. Girl Scouts' request to use Robinson Pond this Summer

Recreation Director David Yates and Rebecca Hadley, Camp Services Director with Swift Water Council, were present. Mr. Yates said this will be the third year the Girl Scouts would be using Robinson Pond. The few problems they had the first year have been rectified. He and Community Development Director Sean Sullivan have reviewed the contract and recommend the Board approve the Girl Scouts' request to use Robinson Pond. Chairman Cole explained that the first year the request was made, it was a new contract and, as Chairman, he spent a great deal of time on it because several things had to be ironed out. This year the contract is well done and accomplishes the mission of both the Girl Scouts and the Town. Selectman Massey asked when the Town would get the certificate of coverage. Ms. Hadley said before they bring children on site.

Motion by Selectman Stewart, seconded by Selectman MacLean, to approve the agreement between the Town of Hudson and the Girl Scouts of Swift Water Council, allowing the Girl Scouts to use the Robinson Pond Recreation Area for the operation of its day camp for the 2004 summer season and to authorize the Town Administrator to sign the agreement carried unanimously.

G. Application for License, Hudson Speedway

Selectman Massey said everything was done in a timely fashion this year, through cooperation between the departments involved and with the Speedway owner.

Motion by Selectman Stewart, seconded by Selectman MacLean, to grant the license, in accordance with the schedule presented, including any limitations, restrictions or caveats and in accordance with recommendations of staff.

Amendment by Selectman Stewart that the kids are still in school on June 13 and 20, so the race times should be amended to noon to 5:45 p.m. from 3:00 – 8:30 p.m., seconded by Selectman Massey, carried unanimously.

Vote: Amended motion carried unanimously.

H. Acceptance of a Monetary Donation of \$195 by Flash Photo Sports to the Recreation Department

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

I. Acceptance of Monetary Donations by Hudson Nottingham West Lions Club of \$300 to the Police Department to put towards a Digital Camera and \$300 to Animal Control for Supplies

Motion by Selectman Stewart, seconded by Selectman Massey, to accept with the Board's appreciation carried 5-0.

J. Award of Bid for Police Cruisers

Chief Gendron distributed the bid paperwork. There were two State bids, one for the Ford Crown Vic and one for the Chevy Impala. They also went to several vendors that the department has done business with in the past. The Department wants to purchase five police package vehicles to replace 2001 and 2003 cruisers that will have about 80,000 miles on them. The lowest Ford bid came in at \$79,110 after trade, for five vehicles. Hilltop Chevrolet came in at \$64,622. In addition, they usually buy a base warranty, good for 75,000 miles with zero deductible. The recommendation was to purchase the Crown Vics from John Grappone Ford because the officers prefer the Crown Vic. Its larger and can accommodate the officer, a laptop, video camera, police radio and rifle. He also recommended purchasing the extended warranty for \$10,150 for all five vehicles. It is in the budget under 5630-402. This also does not include the cost of switching to the new cruisers and the graphics.

Selectman Stewart asked about safety issues with the Crown Vic police package if Ford has worked that out. Chief Gendron said there have been several recalls of the Crown Vic. The serial numbers on the Town's fleet were checked and they were not in the group that was problematic.

Selectman Maddox questioned why he was receiving the information this evening, especially since the request was to approve \$15,000 more than the lowest bid. Chief Gendron said they were waiting for all of the bids to come back to be fair to all the dealerships. Additionally, because of the holiday, GM took Friday and Monday off, and the Chief was on vacation. They did their best to speed up the process. He had an option of postponing this to the 27th but, if the Board wanted to go with the Chevy's, they would have missed the deadline. He apologized for the last-minute submittal.

Selectman Massey said the Chevy trunks were considerably smaller, and the officers have a difficult time getting all of their safety equipment in there. Chief Gendron said yes, but both the Chevy and Ford vehicles have their pros and cons. Crown Vics are more comfortable for the officers who drive them eight hours a day and is more adaptable for police work. He drives an Impala and it is fine for him, but he's not carrying a lot of equipment or hauling prisoners around like the officers do.

Motion by Selectman Stewart, seconded by Selectman MacLean, to approve the recommendation of Chief Gendron and purchase five police cruisers from Grappone Ford in the amount of \$89,260, after trade-in, which includes extended factory warranties.

Selectman Maddox said he was going to vote against this \$90,000 expenditure that was just presented tonight and the fact that a vehicle is roomier isn't sufficient justification. The taxpayers will pay an extra \$15,000 with no maintenance records to justify the purchase. He didn't think the Board was provided with enough information to make an educated vote. Chairman Cole agreed to a degree and believed the Chief did, too. He was going to ask that it be deferred, but the Chevy bid is only good for another couple of hours so, if the Board wanted to go with Chevy's, they would have that opportunity.

(Start Tape 3, Second Side)

Vote: Motion carried 4-1. Selectman Maddox voted in the negative for the reasons previously stated.

K. Election of Board of Selectmen Chairman and Vice-Chairman for 2004, effective April 14, 2004

Chairman Cole opened the floor to nominations for Chairman of the Board of Selectmen. Selectman Maddox nominated Teresa Stewart. Selectman Stewart nominated William Cole. Chairman Cole asked the Recorder to call the roll. Selectman MacLean wanted to make a statement prior to voting. She said she was in an uncomfortable position because, as a new Selectman, she found herself in the middle of something that started before she was elected. She could sympathize with both sides, having not always chosen her words wisely and having offended people after the fact, not meaning to. She has also had her feelings hurt when she has heard words that offended her or her position on different issues. Given the choice, she would rather suffer the hurts than be responsible for inflicting them on others. She understands the offense that Selectman Cole is accused of was said in private, misunderstood, not intended and clearly not against any law. But all of that doesn't change the fact that it became known and feelings were hurt in the process. She believes it takes an honorable man to forgive, rather than condemn and it takes an even bigger man to admit poor judgement, as opposed to being adamant or self-righteous. Selectman Cole, along with all of them, share the flaws of an imperfect human being, has proven to have a wealth of experience in Town matters and has been a good leader for the Board as Chairman in the past. She believes that he cares deeply for the Town of Hudson and is working for the common good of all its citizens. Therefore, she will put aside, and hoped they all would, all differences and support him as Chairman of this honorable, yet imperfect, Board.

Selectman Massey said he had intended to say some things, but he didn't think it would be any more eloquent than what Ms. MacLean just said, which he fully agreed with. Selectman Maddox said his nomination was not against Bill Cole, it was to move in a different direction, to take them out of a position that the Board had been pulled into and it was for a Selectman who has served the longest on the Board and who filled in admirably when Chairman Cole was out. The Board needs to say that the mistake by the Chairman was just that—a mistake. A vote for Ms. Stewart is not a vote against Mr. Cole, but a means to take them forward.

Being no further comments, the Chairman asked the Recorder to call the roll. Chairman Cole abstained; Selectman Maddox voted for Teresa Stewart; Selectmen Stewart, Massey and MacLean voted for William Cole. Chairman Cole announced that he was elected Chairman for the current year. He then opened the floor to nominations for Vice-Chairman of the Board. Selectman Massey nominated Teresa Stewart, who said she did a great job last year and undoubtedly would again. Being no further comments or nominations, Chairman Cole asked the Recorder to call the roll. Ms. Stewart abstained. The other four Selectmen voted for her. Chairman Cole said Teresa Stewart was elected Vice-Chairman of the Board of Selectmen for the current year.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Ken Massey said there was finally light at the end of the tunnel. The Board of Alderman sub-committee on the Pennichuck Waterworks

approved the language that the Merrimack Valley Regional Water District Committee approved on April 1. If the Aldermen do not overturn the vote that was unanimous by the sub-committee, the governance model will remain as is, which is one member, one vote, except for the three items that are based on customers--water rates, capital improvements plan and bonding. He recommended that the Selectmen hold a hearing on May 11 to entertain entering into the district. On the 29th, the committee is meeting to ratify the agreement.

Selectman Massey said he will be meeting with Road Agent Kevin Burns tomorrow about alleviating traffic congestion from Elm Street to Taylor Falls Bridge that will come to the Board or the Highway Safety Committee.

Selectman Kathleen MacLean *moved to start the Selectmen's meetings at 7:00 p.m. from now on, seconded by Selectman Maddox, carried unanimously.* The hope was an earlier start would mean an earlier finish, especially for those who have to be up early the next day.

Selectman MacLean said since the last meeting, she and Selectman Maddox have met with the Highway Department, the Recreation Department and she had a tour of the Library. She thanked everyone, saying she is continuing to learn.

Selectman Rick Maddox didn't think people realize what a diamond in the rough some of the recreation facilities are. For instance, Merrill Park, which is right on the river, is underutilized. He also didn't realize how much potential the Robinson Pond site has. He thanked Dave Yates for the tour. When he and Selectman MacLean toured the Highway facility, he found it to be the neatest, cleanest and most well-kept facility he has ever seen, and he commended the Highway Department for the shape it is in.

Selectman Maddox thought all of the departments should submit monthly reports and emulate the Police Department's, which is well done and provides not just figures, but explanations and documentation they could follow. When he tried to read the Water contract, he had questions that even Tom Sommers couldn't answer. The report talked about Pennichuck painting hydrants, and gave a number "to date," but it didn't say when the period started. If all of the information was put into a consistent, semi-uniform format, it would be easier to understand and would eliminate the need for a lot of research.

Selectman Maddox was hopeful that, because of Chairman Cole's statement tonight, all of the things that go along with that will be put to bed so the Board move forward with the things they are supposed to be doing in support of the taxpayers.

Selectman Terry Stewart thanked the DPW, the Fire Department and the Police Department for their efforts in handling the situations caused by the recent floods. The warrant article for County Road Bridge failed this year, which is an area that was affected.

Selectman Stewart wanted to clear up a statement that was made in Public Input by an individual who referred to Bob Clegg as being on "someone's payroll." She didn't know if he was referring to Chairman Cole or the Town's payroll but, regardless, that was a misstatement as Mr. Clegg is not on either.

Continuing, Selectman Stewart said thoughts and prayers were with the Town Administrator and his family on their return from Russia with their new baby girl. The other Board members added their well wishes, as well.

Chairman Bill Cole reminded everyone that Officer Dino (K-9), who has served with Officer Sullivan, is being retired. The ceremony will be on April 16 at 3:00 at the HPD and the public is invited. Officer Sullivan is training the new K-9, Akim.

Now that the Board of Selectmen officers have been selected, the liaison positions will be on the next agenda. He asked for Board members to get back to him no later than Thursday on their preferences. He thanked the Board for its continued support of him and confirmation of his performance, even with his flaws. He assured everyone he would do his best and endeavor to continue to do what is best for the Town, representing himself as a Selectman and, with thanks to the Board, as Chairman during the upcoming year.

10. NONPUBLIC SESSION

Motion by Selectman Stewart, seconded by Selectman Maddox, to enter Nonpublic Session under RSA 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted; (b) The hiring of a public employee; (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community carried 5-0 by roll call vote.

Nonpublic Session was entered into at 10:30 p.m. and was terminated at 11:43 p.m.

Motion by Selectman Maddox, seconded by Selectman Stewart, to grant a merit award to David Yates, Recreation Director, in the amount of \$4,250 to be paid in a lump sum with the next payroll processed carried 3-2. Selectmen Massey and MacLean were opposed.

Motion by Selectman Stewart, seconded by Selectman Maddox, to grant a merit award to John Dolan, Police Prosecutor, in the amount of \$4,250 to be paid in a lump sum with the next payroll processed carried 3-2. Selectmen Massey and MacLean were opposed.

Motion by Selectman Stewart, seconded by Selectman MacLean to promote Officer Kevin DiNapoli to the rank of Sergeant at an hourly rate of \$26.09 in accordance with the Police Union Local 3657, effective Sunday, May 2, 2004, carried unanimously.

Motion by Selectman Stewart, seconded by Selectman MacLean, to hire Gayle Kummerer as a full time dispatcher in the Fire Department, effective May 2, 2004 at an hourly rate of \$13.10 in accordance with the IAFF Local 3154, carried 4-1. Selectman Maddox was opposed.

11. ADJOURNMENT

Motion by Selectman Stewart, seconded by Selectman MacLean, to adjourn at 11:46 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

Statement by William P. Cole, Chairman, Hudson Board of Selectmen – Attachment to April 13, 2004 BOS Meeting Minutes

There's an old saying that advises "Never explain...your friends don't need it and your enemies won't believe you anyway." That sage advice aside, I would like to take this opportunity to respond to the allegations which were leveled against me by Jean Serino during the Public Input portion of the Board of Selectmen's meeting on 8 March.

First, I want to clear up a misrepresentation that has been made with regard to my absence from the Board's 23 March meeting. For the record--I did not steal away in the dead of night to avoid these false accusations. In point of fact, I was, along with my wife and two sons, in Kanab, Utah during the period 21 Mar thru the 27th. We were there on a trip that had been planned since...but more importantly, paid for since last September. Our purpose for being in Utah was the same as it has been in the past--to work as volunteers at the Best Friends Animal Sanctuary--taking care of and tending to the daily needs of some of the 1700 dogs and cats that make the Best Friends Sanctuary their home. I would be less-than-honest if I said I looked forward to trading in the tranquility and luxurious solitude afforded by Utah's high desert region for the chronic commotion that often serves as the hallmark of Hudson politics--but here I am. I would also take this opportunity to thank all those--friends and strangers alike who have offered their support. Such expressions have meant and continue to mean a great deal--and won't be forgotten.

While Miss Serino's allegations made for compelling, dramatic, even emotionally inspired TV, as they were intended to, the hard facts continue to be in opposition to her less-than-precise recollections. Realizing that there are those who view the truth, all too often, as an inconvenient part of any discussion, I want to extend my apologies to those whom I may well inconvenience with my remarks.

On the afternoon of February 25th, I had--as I usually do--stopped by Town Hall to pick up my distribution in the Selectmen's office, sign documents and discuss Board items with the Town Administrator and/or members of Town Staff, as appropriate. When I went into the office of the Board's Executive Assistant, I ran into Miss Serino. She indicated that her purpose in being there was to get contact information for NH's State Senators. According to Miss Serino, the State Senate was considering or proposing legislation aimed at keeping same-sex couples, married in other states, from actually coming into New Hampshire. While I was aware that Washington politicians were considering a possible amendment to actually include a definition of "marriage" in the US Constitution--and while I was aware that the legislative bodies in other states were involved in discussions revolving around same-sex marriages, civil unions and the like--I was unaware, until that moment, that NH legislators had or were thinking of getting into the business of trying to "legislate morality," an endeavor which, to my way of thinking, is not only a waste of time and taxpayer dollars, but, the ultimate "fool's errand." Did I make an "outrageous" statement in response to this? Yes I did! Did I intend for the statement to be "outrageous?" Yes I did! Did I intend for the statement to be derogatory against any particular group? Absolutely not! Had I given it any thought, would I have had any expectation that my statement would eventually be taken out of context or that a rational person would take it literally? Of course not!

Was Miss Serino offended by my remark? While I certainly had no way of knowing what may have been going on in her mind at that moment, she gave no indication of being offended or upset. Her only comment in response was that I had used a "term" which I was not allowed to use. She then went on to explain that only members of this particular group could use certain terms to describe themselves. When used by a non-member, its use was unacceptable and incorrect. This left me more than just a little confused since the "term" in question is commonly found in main-stream media publications and on the airwaves--the "term" is even found in the title of a television program currently enjoying a certain degree of popularity. Miss Serino then continued my education with the following example: she said it was perfectly all right and permissible for her, as an Italian--when referring to or talking about another Italian--to use a term such as "Wop" -- her word, not mine.

Now I was raised in an Italian neighborhood, in an Italian parish. On two occasions while I was growing up, we lived in the same house with Italian families. I learned very early on that the use of such words was both unacceptable and not very smart. In my neighborhood, you didn't make that mistake more than once. As a side note--there is an individual in Hudson who took issue with my alleged use of the term "Wop." While I certainly understand and appreciate his point of view in this regard, I would respectively suggest that if he has a problem, he take up the issue with Miss Serino. It was, after all, Miss Serino who introduced that term into our conversation on the 25th--not me!

With regard to her thoughts concerning who may or may not be permitted to use certain terms--depending on whether or not one belongs to a particular group--I never for a single moment thought that she was serious or actually believed what she was saying. As such--and those who know me are aware that one of my many flaws is my inability, sometimes, to quit when I'm ahead--I just couldn't resist the temptation to "pull her chain"--to make a flip comment as it were. To that end, I questioned if certain other terms were permissible under her "same group" theory? In all honesty, I don't recall what her answer was, or if she even answered my question. Was Miss Serino offended? Once again, there was no indication.

In fact, she literally followed me into the Town Administrator's office and continued talking about a number of items to include: her rather unusual (at least from my perspective) view on just why God created homosexuals; the status of the Nadeau dairy farm property, and her long-held and often-voiced opinion that I--and people like me (whatever that means)--are obviously not intelligent enough to understand the importance of preserving Open Space in Hudson. During the course of this

somewhat disjointed conversation, which covered at least 15 or 20 minutes--did Miss Serino give any indication that she was offended or outraged? Not at all! To be frank, given her rather unusual theories relative to group dynamics, ethnic terminology, and her unique understanding of God's plan for homosexuals, the possibility that we were having a serious conversation never really crossed my mind.

In the days immediately following this encounter, did Miss Serino give any indication that she was offended or outraged by my remarks? Once again, the answer is no. Not until the Public Input portion of the Board's 8 March meeting--13 days later--did these allegations see the light of day. My only contact with Miss Serino during the time between the 25th of February and the 8th of March occurred on the evening of March 2nd at the Lion's Hall at the conclusion on Candidate's Night. We spoke briefly with regard to my decision not to allow the TV taping of a presentation that had been sponsored by the Friends of Hudson's Natural Resources the previous evening, March 1st. On this occasion, she made no reference to our conversation of the previous week - or gave any indication that she had been offended.

As a possible point of reference for what was yet to come, our conversation at the Lion's Hall that evening came to a rather abrupt end when Miss Serino--I assume because of her obvious displeasure with my decision regarding the TV taping issue--stated--in the presence of several witnesses--that she intended to do everything in her power to ensure that I was never again elected to public office in the town of Hudson. This, of course, curiously brings us full circle to the BOS' 8 March meeting and Miss Serino's allegations. Do I believe Miss Serino's allegations have anything to do with issues of sexual preference, ethnic slurs, or the like? Absolutely not... what I do believe, quite strongly, is that this is, on the part of a few individuals, nothing more than a distasteful attempt at "pay-back" for past political differences and a clumsy effort to have me removed from office. Failing that, their goal--with an eye to matters that may well come before the BOS in the future--is to neutralize, as much as possible, my credibility with and influence on the Board of Selectmen.

Now, with regard to exactly what I may be guilty of and how I should make amends. One of Hudson's more prolific letter writers has graciously offered his absolution if only I admit to a list of "sins" he attributes to me. With all due respect, I'll pass on his generous offer. As I was taught by the good nuns, I prefer to seek absolution at a somewhat higher level than will ever be occupied by this individual. So, exactly what am I guilty of? Intolerance of others--as portrayed by Miss Serino? Absolutely not! While it is certainly true--and I freely admit that I don't gladly suffer fools or tolerate hypocrites and those who put their self-interest above the well-being of others--this attempt to paint me with the broad brush of bigotry is painfully transparent and contemptible.

Ethnic or Racial prejudice--as a decorated veteran with over 21 years of Active Duty service to my country, in an environment which recognizes only one color--US Army Green--and having proudly shared a foxhole, both in peacetime and war, with a great many truly outstanding soldiers from every possible ethnic and/or racial background, this allegation is even more contemptible. Bad judgment--absolutely! That I demonstrated a serious lack of judgment, and even a degree of stupidity, on the afternoon of 25 Feb goes without saying. It would be disingenuous of me to attempt to blame this situation, and the vile attempts to slander me on my detractors. Quite honestly, if I was forced to view life through their sad eyes and shallow perspective, I may well have behaved in the same manner. No, the fault, the blame, the ultimate responsibility falls squarely on my shoulders.

That said, I want to offer an apology to: My friends for putting them in the position of having to defend me against these allegations in the first place; My fellow Board members, who have--through no fault of their own--been caught up in this situation. I am certain that they had better things to do during the last month than to be distracted by the situation my poor judgment created; To those who so easily allowed themselves to be offended purely on the basis of an unsubstantiated allegation--I'm sorry if my poor judgment contributed to your being in such a position in the first place. I would though, hasten to suggest that in the future you at least make an attempt to get both sides of the story before jumping to the proverbial conclusion; And last, but--by no stretch of anyone's imagination--certainly not least, I sincerely apologize to my wife for the heartache and difficulty this situation--brought about by my lack of judgment--has caused.

Those of us in public service--even on a part time basis--Often delude ourselves into believing that what happens to us or what is said about us during our time in office has no affect on our families. Since we are, for the most part, big boys and girls, it serves our interest to pretend that there is no impact on our families or that our loved ones don't feel the hurt resulting from any attack against us. But unfortunately, that is not the reality of Public Service, especially in today's society. We know it...and those who would attack us also know it--all of which makes such attacks all the more vile and despicable.