

HUDSON, NH BOARD OF SELECTMEN
Minutes of the February 24, 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 Selectman Seabury

3. ATTENDANCE

Selectmen: William P. Cole, Kenneth J. Massey, Shawn N. Jasper, Ann Seabury & Teresa Stewart

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Richard Gendron, Chief of Police; Shawn Murray, Fire Chief; Ray Rowell; Leo Bernard; Richard Maddox; Pierre Comtois, SUN; Anne Lundregan, TEL

4. PUBLIC INPUT

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

5. NOMINATIONS AND APPOINTMENTS

Benson's Committee (1 Citizen Member; Rec Committee Representative)

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept the recommendation of the Recreation Committee and appoint Jeremy Griffus to the Benson's Committee carried unanimously.

David Chaisson was not present.

Carol Pomphret (interviewed 2/10/04)

Sandra Rumbaugh, also on the Conservation Commission, said she was passionate about preserving open space, so she was very interested in being a part of this committee.

Motion by Selectman Stewart, seconded by Selectman Seabury, to put all of the names forward.

Selectman Jasper spoke highly in favor of Sandra Rumbaugh, while Selectman Massey, although he agreed with all of the things Selectman Jasper praised Ms. Rumbaugh for, he was going to vote for Ms. Pomphret in order to get as many interested residents involved as possible. Chairman Cole agreed, adding that Ms. Pomphret wanted to attend the Benson's meeting on the 11th but couldn't make it, so her husband attended in her place. He then asked the Recorder to call the roll.

Vote: Selectmen Cole, Massey and Stewart voted for Carol Pomphret; Selectmen Jasper and Seabury voted for Sandra Rumbaugh. Chairman Cole declared that Carol Pomphret was appointed to the Benson's Committee.

6. CONSENT ITEMS

There was no response when Chairman Cole asked if anyone wished to remove any of the consent items.

Motion by Selectman Stewart, seconded by Selectman Massey, to accept the Consent items, 6 A-C, as noted or appropriate, carried 5-0.

A. Assessing Items

- 1) Veteran's Credits & Applications for Abatement (26 Burns Hill Rd; 31 David Dr) w/recommendation to grant
- 2) Application for Disabled Exemption (90 Kimball Hill Road) w/recommendation to grant
- 3) Veteran's Tax Credit Application (5 Parker Drive) w/recommendation to grant

B. Acceptance of Minutes

- 1) BOS Minutes of February 3, 2004 (to file)
- 2) BOS Minutes of February 10, 2004 (to file)

C. Committee Announcements

- 02/24/04 7:30 BOS in BOS Meeting Room
- 02/25/04 7:00 Planning Board in CD Meeting Room
- 02/26/04 7:30 ZBA in CD Meeting Room
- 02/27/04 3:00 Lt. Tousignant's Swearing-in Ceremony
- 03/01/04 7:00 Friends of Hudson's Natural Resources in CD Meeting Room

03/02/04 7:30 Library Trustees in Annex
 03/03/04 7:00 Planning Board Workshop in CD Meeting Room
 03/08/04 7:30 Monday--BOS Meeting in BOS Meeting Room
 03/09/04 Tuesday, 7:00 a.m. – 8:00 p.m. Town Meeting Voting @ Lions Hall
 03/10/04 6:00 Benson's Committee in BOS Meeting Room
 03/10/04 7:00 Planning Board in CD Meeting Room
 03/11/04 7:30 Sewer Utility Committee in BOS Meeting Room
 03/11/04 7:30 ZBA in CD Meeting Room
 03/15/04 7:30 Conservation Commission in CD Meeting Room
 03/18/04 7:30 Budget Committee in BOS Meeting Room
 03/23/04 7:30 BOS in BOS Meeting Room
 03/24/04 7:00 Planning Board in CD Meeting Room
 03/25/04 7:30 ZBA in CD Meeting Room
 04/01/04 6:30 Regional Water District Committee in Bedford

7. OLD BUSINESS

A. Benson's Property Temporary Use Agreement

Selectman Jasper said it would be a liability to allow people access to the property at this time. Selectman Seabury agreed. Selectman Massey said the State needs to finalize the Quit Claim Deed; anything else is a waste of time. Chairman Cole said the people at State level seem to be under the impression that the Town is creating passive recreation there now, which isn't the case, so the premise of the document is faulty, at best. The activities that the Town has been involved with have been cleared through the State, so the left hand has known what the right hand has been doing. The consensus of the Board was to not sign the agreement, which was reviewed by the Benson's Committee on February 11. Chairman Cole will draft a response to the State.

B. Fire Department Policies

Chairman Cole said these policies were the result of the positive workshops held on February 3 and 17. Chief Murray agreed, saying that from time to time he'd be coming to the Board to receive approval on some of the policies the Board had approved. The principal change to the Uniform Policy was that, effective July 1, 05, uniforms, etc. shall not have any reference to unions on them.

- 1) Fire Department General Order ADMN-21, Uniform Policy
Motion by Selectman Stewart, seconded by Selectman Jasper, to approve carried 5-0.
- 2) Fire Department General Order ADMN-1, Promotional Policy
Motion by Selectman Jasper, seconded by Selectman Stewart, to approve carried 5-0.

8. NEW BUSINESS

A. Public Hearing on Acceptance of a \$10,513 Grant to the Police Department to put toward the purchase of Taser Weapons

Chairman Cole recognized Police Chief Richard Gendron, who explained and demonstrated an (unloaded) Taser weapon. He said some 3,000 agencies in the US use the Tasers, seven of which are in NH. They currently use pepper spray, expandable batons, a weapon that shoots beanbags and firearms. Last year, the PD used force in 42 incidents, either to effect an arrest or take someone into custody. In half of those, they had to use physical restraint. In six instances, they used pepper spray; in one incident they used the baton; and 11 instances, they used a firearm. In 10 of those 11 instances, they made arrests at gunpoint; in one case, they had to use their weapon. When force is used in an arrest, someone usually gets hurt, either the officer or the suspect. Departments that use Tasers have seen a dramatic reduction in injuries. When using a Taser, you can be 15 feet away from the subject, which reduces the risk of the subject using physical force against the officer. Once word gets out that a department is using Tasers, the number of resisting arrest incidents go down. Officers are reluctant to use batons because, even when used properly, it can result in injuries which can be used in civil litigation. When a Taser is used, there is only a small bee-sting-like mark. Two filament projectiles shoot out from the gun that has barbs on the ends and that is what penetrates the skin and gives a five-second jolt of 50,000 volts of electricity. Even the most violent, super-aggressive person will be taken down immediately by a Taser. Every officer that goes through training will be hit with one of them. He has already been through it and said the only thought he had was wanting the five seconds to be up. You are immobile and don't even think about trying to pull out the barbs. If the suspect refuses to be subdued, the officer can zap him as many times as it takes. The Taser will not hurt innocent bystanders, will not cause a heart-attack, even if someone is wearing a pace-maker; will not cause electrocution, even standing in water; and it has no after-effects. An officer can easily remove the probes. The ultimate goal of implementing the system is to reduce injuries. It is not a substitute for a firearm.

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The Town's match is \$1,168. They plan to purchase 10 Taser guns for each street officer and 45 holsters so the officers can swap the guns without taking off the whole belt. They also hope to purchase a data-port software for \$249, which will allow them to download the information off the gun-- when it was used, how many times it was used, and the duration. It's a way for administration to find out what is going on out in the street. They plan to purchase 50 Taser cartridges, which can be used only once. They are all serial-numbered and after they are used, they have to be wrapped and saved for evidence. Taser weapon system costs \$10,772, plus shipping. They plan to purchase different holsters than the ones that comes with the system. Selectman Jasper asked if the \$500 donation from BAE counts toward the match. Chief Gendron said it could. Selectman Massey said the Discovery channel runs a program that talks about innovative weapons, such as the Taser system. He thinks this will be a boon to law enforcement. Chief Gendron said they will be doing a live demo on March 15 at 4:30 or 5:00, and have invited Superior Court and Nashua District Court judges,

hospital officials and the Board of Selectmen is invited. Chairman Cole asked if the \$10,000 was a fixed amount, or if it was the Town's match. Chief Gendron said the Town's match doesn't change. They should be in operation sometime around June.

Chairman Cole opened the Public Hearing at 8:10 p.m. and asked if anyone wished to speak. Being no response, he closed it.

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept a \$10,513 Federal Block Grant from the Dept of Justice and to authorize the Police Dept to use the funds to procure TASER weapons for the Department's Patrol Division carried 5-0.

B. Receipt of \$500 Donation from BAE to put toward the Police Department's Taser Project

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept the \$500 donation, with appreciation, carried 5-0.

C. Capital Improvements Program (CIP)

Selectman Stewart asked for the will of the body on directing the Town Administrator to put together the Combined Dispatch packet for submittal to the CIP. Selectman Jasper didn't think the departments should put a lot of time into submittals until they know what happens on March 9. The consensus of the Board was that Combined Dispatch would move forward, conditionally, as appropriate. Selectman Massey asked if they should consider a Rec Center expansion/relocation and a Senior Citizen center. Selectman Stewart said the Rec Center would come under the Rec Department's submittal. Chairman Cole asked if anyone had any other project they wanted to talk about. Selectman Seabury asked about the Library and was told they would submit their own project. Chairman Cole said Chief Murray and Chief Gendron are to meet to "retool" the Combined Dispatch project.

Chairman Cole said the CIP schedule indicates submissions are due by April 2. On April 8, the CIP begins talking to department heads about their projects. The Board of Selectmen should vet the submittals prior to that in order to avoid a misunderstanding or waste of time. He proposed that department heads submit the cover sheets for their projects for the Selectmen's March 23 meeting. That will be after the elections, so they will know where to make adjustments. The Board approved of this recommendation.

D. Receipt of a \$400 donation from Merrimack Valley Beekeepers to the Recreation Department

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept the \$400 donation, with appreciation, carried 5-0.

E. Receipt of a \$101 donation to the Fire Department from Steven and Sarita Croce

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept the \$101 donation, with appreciation, carried 5-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Stewart said the Budget Committee thought it would be helpful if brief employee job descriptions are included in budget submissions. Selectman Seabury's thought the Budget Committee wanted to know the benefit of each position to the Town. Chairman Cole will plan to get together with the Budget Committee chair after the March 9th elections and find out how the Board can support them in this area.

Selectman Massey didn't have any remarks.

Selectman Jasper said it appears Litchfield will join Hudson's legislative delegation. It passed the House and it's on its way to the Senate.

Selectman Seabury was exceedingly opposed to the idea of filling in and building on the Meadows' wetlands. She asked Selectman Massey if that came before the Conservation Commission meeting Monday night. Selectman Massey said the Meadows was before the Commission last fall and they recommended approval, with stipulations relative crossing the wetlands in the back property. She was very surprised that the Conservation Commission approved that. She was astounded, asking how they could even consider letting someone cross that major wetland. The EPA won't even let the State cross wetlands for their highways. Selectman Massey said the key stipulations were forwarded to the Zoning Board, who can disallow the crossing. Selectman Seabury thought the Conservation Commission is getting a little too liberal, and she may apply for that board. Selectman Massey said, in defense of the Commission, at that time they didn't have the benefit of counsel and

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there was mixed reaction whether or not to move forward. A comment he made that night probably led the Commission to believe they had to say yes. That was the impetus for his request to the Town Administrator to schedule a meeting with the Town Attorney and the Conservation Commission so they will have a clear understanding of their role and responsibilities, pertaining to hearings on wetlands special exceptions. Selectman Seabury said if something is approved by the Conservation Commission, it is very difficult for the ZBA to deny it. If the Conservation Commission felt that the wetlands shouldn't be filled, that should have been their recommendation. Selectman Massey said the Zoning Board still has to hear the case and they will have an opportunity to look at it again. He didn't think Selectman Seabury should consider the Conservation Commission as being liberal, but as responding to an issue he raised that evening. Selectman Seabury said the wetlands are precious and every time development is allowed, it is detrimental to the future. There are areas in Town where development should not occur, and the Meadows is one of them. It's ok to put in a Dunkin' Donuts on the front, but she will fight against a wetlands crossing.

Selectman Massey said he had cautioned the Conservation Commission that night to be very careful that their actions didn't result in a taking of the property by denying the use of the 38 acres in the back and that is what the Commission based their decision on. Selectman Seabury said in a recent case, the court agreed with Hudson. The judge decreed that if they could not reach a site by the road frontage, they couldn't get to it. Selectman Stewart said when she was liaison to

the Planning Board, the Conservation Commission never seemed to tiptoe around things and would recommend every plan that was forwarded to them. Selectman Jasper believed the Conservation Commission was under the impression that they couldn't not recommend something and, if they didn't recommend it, they were afraid the ZBA or Planning Board would allow the wetlands crossing to take place without benefit of their input. At that time, he suggested the Conservation Commission meet with the attorneys in order to understand their responsibilities and is sorry it hadn't happened sooner. The Conservation Commission could decide not to recommend something and then outline the stipulations, in case they are overruled. Since this is a rather recent sale and they were well aware of the wetlands, there is no hardship. Or the buyers could have purchased on contingency of approval.

Chairman Cole said it seemed the institutional mind-set of the Commission is to recommend disapproval and, if so, what the need was for that board. Selectman Jasper said a lot of that came from an engineer, who does not work for the Town and practices law on the side, without the benefit of a degree. Mr. Malizia confirmed that the attorney will be at the Commission's meeting on March 15. Selectman Massey said as a result of that case, the Conservation Commission now understands that they have the power to say no, and Mr. Sommers is providing valuable technical engineering guidance in some of the wetland cases. Selectman Jasper said in Louisiana, there are miles and miles of raised bridges, so wetlands can be bridged without filling them in and with relatively little disruption of the habitat.

Chairman Cole asked if Selectman Seabury had another library factoid tonight, but she didn't have that information with her.

Chairman Cole said the Town received a letter from the VFW, requesting the name of an employee to be honored at their Loyalty Day Dinner on May 7. The employee does not include the Police or Fire Department; as they are separate. Last year Gary Webster was nominated. This year, he suggested Rick Melanson, a mechanic in the Highway Department since 1999 and currently is serving as a Motor Sergeant in a Combat Engineer Battalion in the Middle East, supporting operations in Iraq. He has been there for a year and is due to rotate back to the States soon. Chairman Cole asked for a motion to that effect. Selectman Stewart so moved, seconded by Selectman Jasper, and carried 5-0.

Chairman Cole recognized Lt. Todd Hansen and Lt. Dave Morin for their 20 years of outstanding service to the Town. They have been with the Fire Department since February 26, 1984. He offered the Board's congratulations and thanks.

Continuing, Chairman Cole thanked the residents who came out to voice their opinions at the public hearing on February 18 on the Glen Drive sewer betterment district, with special thanks to Selectman Jasper and Selectman Massey, Town Engineer Tom Sommers and the Engineering staff, Jess Forrence of the Highway Department and the Sewer Utility Committee. Everyone did a good job. The input received by the SUC will be discussed at their meeting on March 11. It's anticipated they will formulate their final recommendations on the fee structure, timing, etc., to the Board of Selectmen, by April or May.

The Benson's Committee met on February 11 at which time Mike Sherer of Troop 21 presented a plan for his Eagle Scout project for consideration and Megan Cook of Girl Scout Troop 1002 proposed a Gold Award project, also for consideration. Both projects have to do with trail construction and rehabilitation at Benson's. Duane King is acting as their advisor. They will be coming to the Board of Selectmen in March for approval of the projects. They are well-spoken and outlined their projects very well. The projects are expected to be completed by May.

Motion by Selectman Seabury, seconded by Selectman Jasper, to set Saturday, May 22 as Benson's Clean-up Day, 9 – noon, carried 5-0.

10. NONPUBLIC SESSION

Motion by Selectman Stewart, seconded by Selectman Jasper, to enter nonpublic session under 91-A:3 II (a) 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) Hiring of a public employee carried 5-0 by roll call vote.

Nonpublic Session was entered into at 8:55 p.m., following a five-minute recess, and was terminated at 9:23 p.m.

Motion by Selectman Stewart, seconded by Selectman Jasper, to appoint Vincent Mastropieri to a temporary, full-time position of Firefighter in the Hudson Fire Department for a period of time not to exceed one year, or upon the return of Jerry Carrier, whichever comes first, effective 2/29/04, at a rate of \$12.95 per hour and, after successful completion of probation (if applicable), at \$13.85 per hour carried 5-0.

11. ADJOURNMENT

Motion by Selectman Seabury, seconded by Selectman Stewart, to adjourn at 9:25 p.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert
Executive Assistant

HUDSON, NH BOARD OF SELECTMEN

William P. Cole, Chairman

Kenneth J. Massey, Selectman

Shawn N. Jasper, Selectman

Ann Seabury, Selectman

Teresa Stewart, Vice-Chairman