

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

1. **CALL TO ORDER** by Chairman Pro Tem Teresa Stewart at 7:30 p.m. in the Selectmen's Meeting Room, Town Hall.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Ken Massey
3. **ATTENDANCE**

**Selectmen:** Teresa Stewart, Kenneth J. Massey, Shawn N. Jasper & Ann Seabury. (William P. Cole on medical leave.)

**Staff/Others:** Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Shawn Murray, Fire Chief; Kathy Carpentier, Finance Director; Tom Sommers, Town Engineer; Richard Maddox; Rep. David Bouchard; Doug Robinson; James Battis; Kevin and Vivian McQuire; Linda Kipnes; Michelle Champion; William Tate; Jean Serino; Reverend David Howe; Emery Nadeau; Paul LaFerriere; Anne, TEL; Stephanie, SUN

4. **PUBLIC INPUT**

**Paul LaFerriere, 50 Dracut Road** -- Snowplowing Private Driveways with Town Vehicles. Mr. LaFerriere said a couple weeks ago, when he was traveling from the Middle School to Lowell Road, he noticed a Town truck plowing a driveway to a private residence. He called Town Hall to find out if that was proper and was told by the Town Administrator that past practice has been that the employees who are allowed to take trucks with plows on them home can also plow themselves out, or if someone elderly has a need, or some other special circumstance arises, that is also allowed. Mr. LaFerriere said that means residents' tax money is being used to plow private drives. He can understand elderly needing to get out to go to the hospital, but its not right for a Town employee, using Town equipment to plow a driveway on Town time. He asked that this "past practice" be stopped because if that employee was hurt plowing his own driveway, the insurance rates would go up and the taxpayers would end up footing the bill.

Selectman Jasper could appreciate this man's concerns, but there are just a few people who are allowed to take their trucks home, and who work extraordinarily long hours during snowstorms. He didn't expect they would be plowing their own driveways while they were on the clock. Mr. LaFerriere said this was about 8:30 a.m., so he assumed the employee was on Town time. Selectman Jasper said that isn't the practice, so this should be looked into. He did support their ability to plow out their driveways on their own time, which is allowed by the Town's insurance policy. The vehicles are housed with them and the employees are on-call and have to go out at all hours during a snow storm to take care of various problems. Since the trucks have plows on them, they shouldn't have to use other means to plow themselves out—on their own time. He asked the Town Administrator to look into that to clarify the policy. Mr. LaFerriere said he disagreed, although he praises them for doing an excellent job. If he can't have his driveway plowed by a Town truck, the employee shouldn't have that right, either. Just because it is housed there and he needs to get out in a hurry, he doesn't have the right to use Town equipment for himself. He didn't think the Fire Department did that. Chief Murray indicated they didn't. Selectman Jasper said historically, if people needed to get to work and couldn't because their driveways were blocked, a Town vehicle would plow them out. He thinks that practice has stopped.

Selectman Seabury said she has a couple of nurse friends who have to get to the hospital to work and the vehicles come over to help them get out so they can go to work. Mr. LaFerriere asked why someone can't plow him out so he can get to work. Selectman Seabury thought he was being unreasonable. There were four employees on duty that, when the snow starts coming down, they've got to get out of their driveway—so they use their plows. Common sense says that it's not practical for them to have to use a snow blower, when they've got a plow right there. When the Town needs employees to get out on the road to sand and salt them, they need to do so quickly. If there is a break in a water main, someone has to get out there in a hurry, and it isn't going to be a Selectman hopping into a Town truck to do it. She said if Mr. LaFerriere didn't like what the Selectman have authorized, he should put it in writing and they would take it from there. If the roads aren't being plowed in a timely manner, it is the Selectmen who get the complaints. Mr. LaFerriere understood that the vehicles could be housed at private homes, but they are 4-wheel drive and can go over anything, but they shouldn't be used for private purposes. Selectman Seabury asked how he would like it if the Selectmen tell people that because one person complained, the whole operation would be slowed down. Mr. LaFerriere thought she was taking it a little too far, to which she responded that she thought he was being a little too ridiculous.

Selectman Massey said they should agree to disagree on this issue because, practically speaking, when the plow is at an individual's home, it only makes sense they can plow themselves out, especially if they have to come home to a driveway full of snow after a long night on the roads. They need to be ready to go out again in a hurry. During the first storm of the winter, the Highway crews were out two days straight. They should continue with the past practice, but it would be worthwhile to reinforce that the plowing should be done on their own time. Mr. LaFerriere said he'd agree to disagree.

Chair Pro Tem Stewart asked if anyone else in the audience wished to address the Board at this time.

**Kevin McGuire, 148 Robinson Road** – Mr. McGuire said a few months ago, the new Animal Shelter was dedicated and there were some people who did not get proper recognition, people who formed committees and raised money, some of which is still in escrow. Some of the people who were not recognized are Jean Serino, John Knowles and his wife, and he was chairman of a committee for a number of years. They weren't even informed of the opening. He tried working with the dog officer, but he didn't get any response. He had always tried to make the people aware of what was going on, of the money that was raised and they put in warrant articles in previous years. These people should be recognized. Also, he said he'd like to spend the money in escrow on a project that would benefit the Animal Shelter, but he didn't know how to go about doing that.

Selectman Massey asked him how the money Mr. McGuire had in escrow was different that then money that was in the Capital Reserve Fund. Mr. McGuire said the money was raised by individuals for an animal shelter and put into a bank account, but has not been turned over to the Town yet. Selectman Massey said Mr. McGuire can make a presentation to the Board of Selectmen of monies he'd like to donate, indicating the amount and how he'd like it to be spent. The Board would be remiss if they didn't recognize those who expended time and effort for this project—Jean Serino, the Knowles, the McGuires and Angela Hirschman, who were instrumental in raising \$150,000—before interest—for the Animal Shelter. They are to be commended.

**Michelle Champion, 7 Chiswick Road** – Ms. Champion said she wanted to speak in favor of the warrant article for the purchase of protective Easement and restrictive provisions for property known as the Nadeau Farm, which is also a Selectman's article. She petitioned it, just in case the Selectmen didn't forward theirs to the warrant. She and other people have been working on acquiring the entire Nadeau Farm property, but they were unable to do that. Part of the property was sold and the family has now made an agreement to sell the 144 acres to QROE Farm Development. This warrant article was in support of

that effort and to have the Town purchase development rights on that property for \$700,000 to be paid in five-year installments—\$300,000 this year and \$100,000 a year for four years after that. She thinks the QROE proposal is a good compromise between preserving open space and developing the property. Rather than 54 homes on the property, there will be 27 homes on 27 acres and 116 acres will be preserved in open space. The per-acre price the Town would pay is \$8,000—a bargain. She said their open space committee has been trying to develop costs for development versus open space because they'd like it to be an annual thing where money is put aside to purchase open space. In order to do that, they have to be able to show an economic value. She believes 30%-40% of the Town's population are in favor of this because they like open space for emotional reasons but, in order to get things to pass, they have to prove that it works economically. She came across a worksheet that she gave to QROE Farms, who filled it out and Selectman Jasper has a copy of it. She believes that Selectman Massey looked at the numbers, too. She thinks there are some things on there that they overestimated. They used 1½ children per house as an estimate on how many students would be in school and, after some statistical research, she thinks that is high and thinks it is around .7 or .8 per household. However, QROE got their figures directly from the Town's Planning Department, who said to use two. Nobody can accurately predict what is going to happen, how many children will be in a house, what the tax rate will be like, so it's difficult to come up with a figure of what you will save. However, detailed studies have been done in at least 12 NH communities, and others throughout the US, and in every case, the cost of community services for residential development are more than the revenues they bring in. The cost of the open space is less than the revenues brought in. You may not pay off in five or seven years, but eventually you will bring in more revenues from open space than paying out in services. If a developer puts in 50 houses, the Town will pay more in services than they bring in in revenue. The only community that this doesn't hold true for is Alton, in the Lakes Region. They count vacation property, which doesn't have school children. If they look at residential only, it costs them \$1.54 for every dollar in revenue they bring in. This will pay for itself in the end; they are getting a good price. Even if it comes out even, there are intrinsic values you can't put a price on—the jack-o-lanterns at Nadeau Farm every year or driving on Old Derry Road because of the view of the farm, water quality, trees which affects air quality, etc. She didn't have any trouble getting signatures for the petition. Everyone felt that fewer houses and keeping a farm in Town was worth the price. This should be looked at from all angles, not just the dollars and cents point of view. Some things can't be measured in numbers. She urged Selectmen's support.

**Jean Serino, 118 Robinson Road** read the following prepared statement, also in support of the aforementioned article.

How does one put a monetary value on land on our planet earth. For make no mistake, we are talking about our Mother Earth. What is the value of a tree, a field, a meadow, a brook, of eagles and hawks, beaver and fox? The Native Americans, the Indians, did not understand the White Man's concept, which was that the earth could be owned, could be bought and sold. To them, the earth was their mother and the sky, their father. To the natives, they called themselves "the people." To the people, the earth, the sky and the sun were sacred because they provided the people with life. They still do. As we travel through their country—our country now, all of ours—we see the earth destroyed, paved over, defiled. We see our once blue sky blackened with smoke. Putting a monetary value on the last farm in Hudson, a Town whose history was farming, and therefore, whose last farm is an historic property, in my opinion, is like putting a value on a person's soul. One must value these things as sacred and, therefore, of incalculable value, unquantifiable. Since the summer of 2002, a small group of us have been trying to save the Nadeau Farm. Our first attempt was to buy it outright with the financial help and expertise of the Trust for Public Land. That attempt failed in the 11<sup>th</sup> hour when people from the Trust were persuaded that the people of Hudson wouldn't purchase the farm. They, I believe, were wrong and I'm sorry they withdrew their funding. We thought all was lost until these people from QROE came along with a proposal to develop part of the land and to let the Town own the easement, development rights to 80% of the 149 acres, which is 116 acres. They made a presentation, I think in October. They showed us other communities where they had similar developments. It was a compromise which we not only could live with, but were eager to embrace. They have been extremely patient. They have considered the lives of the farmers who are selling the property—the Nadeaus. These farmers, who have given a great deal to this community and who would like to continue to live out their lives looking out the same window they've looked out for 42 years and seen the same beautiful fields across the street from the historic farm. They have lived through hard times, for make no mistake about it, farming is the most difficult job in America and the least appreciated. For their endurance, for their sucking it up, they should be well compensated. You have to have a feel for land and for animals and a sense of something beyond the mundane to stick with farming. Believe me, I know. My farm is a sanctuary, so I lose money on it. The Nadeaus barely broke even. But I gain my health emotionally and spiritually from farming, from respecting the earth and learning to bend to and not fight with nature. I wish the Indians had won all those battles. I wish they still owned the land and were not in reservations. Out of respect to them, out of respect to our Mother Earth and our Father Sky, out of respect for our quality of life, our minds, our hearts and our bodies, out of the incalculable value of beauty, we need to preserve this farm. We need to buy the development rights. We need to think of the history of what we are leaving our children on this planet. James Hoffman, Michelle Champion and I, and many, many others, want to leave a legacy to our children and their children

(Start Tape 1, Second Side)

of beauty and respect for the value of nature and to mankind. I pray that we try to understand Chief Seattle's words, "We are the lands. We are brothers, after all, children of Mother Earth and Father Sky." This is the last big piece of beautifully tended land in Hudson. I implore you to vote for the warrant article to give the people a chance to save it and to support the rightness of the purchase. I thank you for listening to me.

**Sandra Rumbaugh, 39 Beechwood Road** – Ms. Rumbaugh spoke in favor of the two warrant articles relative to the monies from the Land Use Change Tax Fund. The first one was to put those monies into a Capital Reserve account. In a survey, the Hudson citizens were asked what Hudson was like today. Some of the responses were "growing; congested; lack of public access to Merrimack River; lack of walking and biking trails; shrinking agricultural land; beautiful, but dwindling conservation land." The question was asked six years ago and was published under the Natural Resources section of the Hudson Community Profile. Those responses are still true today. Hudson has very few permanently protected conservation lands. Approximately 1,100 acres, or 5.9% of Hudson's total land area, is protected either through public ownership or private conservation efforts. Efforts to preserve Hudson's beautiful but dwindling conservation land have moved in a couple of directions. One, through zoning, the Open Space Development Ordinance, which has been successful—the Pond View subdivision and the Royal Oak Estates. The other is through the current use program. In 1999, Hudson voted to put revenues collected from the current use tax penalties into the Land Use Change Tax Fund, with the intent to purchase open space. Unfortunately, it is a lapsing fund which means if the money is not appropriated or spent for a specific purpose by the time of the annual meeting, it reverts to the Town's General Fund. At the 2000 Town Meeting, approximately \$108,000 was unappropriated and went into the General Fund. At the Town Meeting in 2001, \$50,000 was used to purchase development rights for the Hills Farm; \$13,000 went to a Capital Reserve Fund. At the 2002 Town Meeting, approximately \$72,000 was unappropriated and reverted to the General Fund. This year, there is approximately \$525,000 in this fund, of which \$268,000 will go to the Ingersoll Farm payment, which leaves \$257,000 unappropriated. This article seeks to prevent money intended for open space from going into the General Fund. Protecting open space is a high priority in Hudson. The 1990 Conservation Plan, the 1996 Hudson Master Plan and the 1998 Community Profile identified open space as a priority. They should remember past failures—the Friary, Shepherd's Hill, Nadeau Farm—but should also remember the successes—Musquash, Bicentennial Farms,

Benson's and Ingersoll Farm. She asked for support of this article to protect the future of open space.

The second warrant article deals with taking money from the Land Use Change Tax Fund and putting it into a Conservation Fund. There are three compelling reasons for setting aside money for land preservation in a Conservation Fund. Money in the Conservation Fund will help provide matching funds that are required by most Federal, State and private grants that might be available, such as L-CHIP (Land & Community Heritage Investment Program). A recent usage of that money was for the Ingersoll Farm. The Conservation Fund is also a vehicle to accept donations, gifts and bequests for conservation purposes. Under the current system, the only time money can be appropriated for open space is at an annual meeting, or at a special Town meeting. Unfortunately, land owners aren't always ready to sell land in March. Last year, Michelle Champion proposed a similar article last year and her reasoning still holds true today. "In times of rapid development, a delay could prevent the deal from going through." The Friary property is a good example. By the time of Town Meeting, the price of the property went beyond what the Town could afford. With a Conservation Fund, the money can be spent any time with two provisions: a public hearing and subject to the approval of the Board of Selectmen. Decisions are not made in a vacuum. A survey of the towns surrounding Hudson protect open space as follows: Nashua, Conservation Fund, 100%; Londonderry, Conservation Fund, 100%; Windham, Conservation Fund, 100%; Pelham, Conservation Fund, 75% not to exceed 50k; Litchfield, Conservation Fund, 100%; Hudson, Land Use Change Tax Fund, 100%. This highlights how the neighboring communities are responding to intense development issues. She hoped the Board would support this article, as well.

**James Battis, 6 Potter Road** – Mr. Battis spoke in favor of the open space articles because as land is developed, it is no longer available. Developers are developing very marginal lands and are willing to put a lot of money into changing the topography of Hudson. This affects the water supply. There are a lot of people in Town with drilled wells, which are being recharged from the hilltops. Shepherds Hill is an amazing operation. If the Town wants to preserve more than wetlands and unbuildable sites in Town, they need to consider purchasing all types of open space. They need to consider the long-term value of all types of natural land to the community. He hoped the Selectmen would favorably consider the articles for open space.

**Emery Nadeau, 98 Old Derry Road** – Mr. Nadeau said 98 Old Derry Road is what his address used to be. As of September 30, 2003 the farm is still for sale to anyone who brings the money; there is no buyer.

**Bill Tate, 83 Wason Road** – Mr. Tate asked if the whole remaining parcel, 144 acres, was what they were talking about. He was told yes, it was. Mr. Tate asked if anyone had been in touch with the owners relative to a development agreement. Selectman Jasper said the warrant article is specific to the land and not to a developer, although there is a developer who they are working with and what this has been put together based on, and the concept is that there would be 27 homes built on 144 acres. Excluded from the development rights they are looking to purchase is one acre for each home, which would be a buildable area for the owners, all the areas which would be necessary for driveway and roadway easements, all slopes of 20% or greater and all wetlands. They would be looking at up to 116 acres, but would be dependent on what the Planning Board ultimately approved. The people who are interested in buying this also said they would be willing to grant a walking easement throughout the property, which is a new, attractive development. As Mr. Nadeau said, there is no sale right now, but there is a little more to the story than that. The rest of the Nadeau family is very interested in selling the property to QROE Farm. The Town would be purchasing good land for \$8,000 an acre. Mr. Tate said he is in favor of purchasing open space or development rights. About 15 years ago, Londonderry purchased an apple orchard, about 150-200 acres, for \$1 million. If that land was developed, the services today would be well over \$1/2 million a year. It would behoove the movers and shakers of this community should cause this to happen, even if something comes in at the 11<sup>th</sup> hour. He came before the Board about seven years ago, with the concept of the Town buying open space. Now that other people have come forward, he hoped they'd go forward with this.

**Vivian McGuire, 148 Robinson Road** – Mrs. McGuire said when she and her husband moved here in 1978, they chose Hudson because it was a nice, warm community where everyone knew everyone else. It has, however, grown into something they don't recognize any more. In the 80's, she asked some of the people who were running for Town Council what impact mass development would have on the schools, the roads, police and fire service and was told she was being foolish. She doesn't think it was a foolish question and asked how many more schools have been built since then, how much more use are the roads getting, how many more police and fire personnel have been hired, how many more people does it take to run the Town. The Town has had opportunities to purchase land in the past, but have blown it. She'd hate to see this opportunity go to waste. She didn't want to leave a legacy of tacky-tacky houses, each one looking the same as the other. She uses the old country roads whenever possible, which are beautiful to her. She urged the purchase of open space, especially the Nadeau land.

5. **NOMINATIONS AND APPOINTMENTS** (To be taken up at the February 10<sup>th</sup> meeting.)

6. **CONSENT ITEMS**

*Motion by Selectman Massey, seconded by Selectman Seabury, to accept the Consent items, 6 A-E, as noted, carried 4-0.*

A. **Assessing**

- 1) 2003 Application for Abatement, Map 026/Lot 017/Sublot 002, with recommendation to approve.
- 2) Application for Disabled Tax Deferral, 7 Alpha Street, w/recommendation to grant.
- 3) Yield Tax Warrant, 176R Highland Street, w/recommendation to sign.
- 4) Application for Elderly Exemption and Abatement, 28 Hazelwood Road, w/recommendation to grant.
- 5) Veteran's Credit and Application for Abatement, 134 Dracut Road, w/recommendation to grant.
- 6) Supplemental Tax Bill, 5 Linden Street, w/recommendation to grant issuance.

B. **Sewer Utility**

Sewer Allocation Request, Oblate Properties, Map 10/Lot 17, w/recommendation to approve

C. **Licenses and Permits**

- 1) Application for a Fishing Tournament by Hudson Kiwanis on Robinson Pond on Sunday, February 8, 2004 from 7:30 a.m. to 1:00 p.m. w/recommendation from staff to approve, as noted, and with the stipulation that the ice is determined to be safe.
- 2) Application for a Raffle Permit by Alvirne Bronco Booster, Inc., to hold a 50-50 Raffle during Home Basketball Games at Alvirne School Gym

D. **Acceptance of Minutes**

Minutes of the Board of Selectmen's Meeting of December 23, 2003 (Accepted/referred to file.)

**E. Committee Announcements**

- 1/13/04 7:30 BOS in BOS Meeting Room
- 1/13/04 Last day to post/publish bond hearing notice
- 1/13/04 Last day to accept petitions
- 1/13/04 7:00 School Budget Public Hearing at Library Street School
- 1/14/04 6:00 Benson's Committee in BOS Meeting Room
- 1/14/04 7:00 Planning Board in CD Meeting Room
- 1/15/04 7:00 Town Budget Public Hearing at Library Street School
- 1/19/04 Town Hall closed in recognition of Martin Luther King Day
- 1/20/04 7:30 Library Trustees at Ferry Street Annex
- 1/20/04 Last day to hold bond public hearing
- 1/20/04 7:15 BOS in BOS Meeting Room
- 1/20/04 7:30 Budget Committee in BOS Meeting Room
- 1/20/04 7:00 Planning Board in CD Meeting Room
- 1/21/04 First day to file for Candidacy
- 1/21/04 6:00 Chamber of Commerce Awards Dinner @ the Castleton
- 1/22/04 6:30 Regional Water District Charter Committee in Bedford
- 1/22/04 7:30 ZBA in CD Meeting Room
- 1/22/04 6:30 Pennichuck Regional Water District Cmt. In Bedford
- 1/26/04 Last day to post the Warrant
- 1/26/04 7:30 BOS in BOS Meeting Room
- 1/27/04 State Primary
- 1/27/04 1:00 Trustees of the Trust Funds
- 1/28/04 7:00 Planning Board in CD Meeting Room
- 1/30/04 Last day to file for Candidacy
- 1/31/04 9:00 a.m. Town Deliberative Session @ Lions Hall
- 2/4/04 9:00 a.m. Highway Safety Committee in CD Meeting Room
- 2/4/04 7:00 Planning Board Workshop in CD Meeting Room
- 2/7/04 School District Meeting at Lions Hall
- 2/10/04 7:30 BOS Meeting
- 2/11/04 7:00 Planning Board Meeting in CD Meeting Room
- 2/12/04 7:30 Sewer Utility in Community Development Office Area
- 2/12/04 6:30 Regional Water District Charter Committee in Bedford
- 2/12/04 7:30 ZBA in CD Meeting Room
- ~~2/12/04 7:00 CIP in BOS Meeting Room~~
- 2/16/04 Town Hall closed in recognition of Presidents' Day
- 2/18/04 7:00 CIP in BOS Meeting Room
- 2/19/04 7:30 Budget Committee in BOS Meeting Room
- 2/23/04 7:30 Conservation Commission in CD Meeting Room
- 2/24/04 7:30 BOS in BOS Meeting Room
- 2/25/04 7:00 Planning Board in CD Meeting Room
- 2/26/04 6:30 Regional Water District Charter Committee in Bedford
- ~~2/26/04 7:00 CIP in BOS Meeting Room~~
- 2/26/04 7:30 ZBA in CD Meeting Room

Selectman Seabury addressed Selectman Jasper, saying that the School Moderator told her that once the Budget Committee or Board of Selectmen have recommended or not recommended an article, they can't change that vote at the deliberative session, or it can be challenged. Selectman Jasper said that was very interesting because the Selectmen and the Budget Committee have been doing that. After the deliberative sessions, they amend their recommendations appropriately. Apparently, that is not entirely legal because there is a bill winnowing its way through the legislature that would specifically allow recommendations to be changed. He supposed that someone could challenge that but, as this bill will probably meet with a favorable result, it is unlikely that any challenge would be successful. Technically, they are not supposed to—but that doesn't make any sense.

**7. OLD BUSINESS**

**A. Public Hearing on Selectmen's two bonded Warrant Articles:**

**1) Water Utility Capital Improvements**

Shall the Town of Hudson raise and appropriate the sum of \$4,630,000 gross budget for the purpose of Town of Hudson Water Utility Capital Improvements and to authorize the issuance of not more than \$4,630,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act, (RSA Chapter 33), and to authorize the Board of Selectmen to issue and sell such bonds or notes and to determine the rate of interest thereon?

(Start Tape @, Side A)

Chairman Pro Tem Stewart recognized Selectman Massey, who recognized Town Engineer Tom Sommers for all of his work on this project, then presented the merits of the article. Selectman Jasper said this was a bond hearing, so funding is the only thing that should be addressed.

Chair Pro Tem Stewart opened the Public Hearing at 8:32 p.m.

Richard Maddox, 323 Fox Run suggested an increase in the hydrant fees. Selectman Jasper said as hydrants are added, more is paid into the system. Mr. Maddox said that's because more hydrants have been put in, not because the fee is increasing. Selectman Jasper said

true, but the more hydrants, the more revenue.

Being no more speakers, Chair Pro Tem Stewart closed the hearing at 8:34 p.m.

2) **Radio/Communications Interoperability**

Shall the Town of Hudson raise and appropriate the sum of \$845,000 gross budget for the purpose of Radio/Communications Interoperability and to authorize the issuance of not more than \$845,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act, (RSA Chapter 33), and to authorize the Board of Selectmen to issue and sell such bonds or notes and to determine the rate of interest thereon?

Chair Pro Tem Stewart opened the Public Hearing at 8:34 p.m. Being no speakers, she closed the hearing.

- B. Public Hearings on acceptance of a State Grant in the amount of \$26,716 which represents 20% of project costs for an Infiltration/Inflow study of the Hudson Sewer System, and**  
**C. on acceptance of \$1,000 from Jean Serino to put towards the purchase of Open Space in Hudson**

Chairman Pro Tem Stewart opened the public hearing on the two aforementioned items at 8:35 p.m. and asked if anyone in the audience wishes to speak on either of these items. There being no response, so she closed the hearing.

*Motion by Selectman Jasper, seconded by Selectman Massey, to accept the State Grant in the amount of \$26,716 which represents 20% of project costs for an Infiltration/Inflow study of the Hudson Sewer System carried 4-0.*

*Motion by Selectman Jasper, seconded by Selectman Massey, to accept, with the Board's appreciation, the very generous donation of \$1,000 from Jean Serino to the Town to put towards the purchase of open space carried 4-0.* Selectman Massey recommended putting the money into an expendable trust fund, managed by the Trustees of the Trust Funds. Selectmen Jasper and Seabury were not in favor of that idea. Mr. Malizia said he planned to put it into a donation account that can carry forward, if the Board encumbers it. Selectman Massey stood by his recommendation, adding that Ms. Serino is to be commended for her commitment to this cause, knowing that she deeply values this cause, and they should be grateful that the Town has citizens like Ms. Serino.

**D. Corrected Warrant Article for Wage & Benefit Increase for Employees of Hills Memorial Library**

*Motion by Selectman Massey, seconded by Selectman Jasper, to approve the corrected figure of \$14,601 in the article carried 4-0.*

**E. Warrant Article – Protective Easement and Restrictive Provisions, Map 115/Lot 3 (Nadeau Farm)**

Selectman Jasper noted that a petitioned article had been submitted with identical language, so it would be a redundancy to do this one.

*Motion by Selectman Jasper, seconded by Selectman Massey, for a recess at 8:40 p.m. carried 4-0 and resumed at 8:47 p.m.*

8. **NEW BUSINESS**

**A. Petitioned Warrant Articles**

*Motion by Selectman Jasper, seconded by Selectman Seabury, to forward the petitioned articles to the warrant carried 4-0.*

1) **Recreation Center**

*Motion by Selectman Jasper, seconded by Selectman Massey, to not recommend carried 3-1.* Selectman Stewart was opposed.

Discussion: Selectman Jasper said he supports the concept of expanding the Rec Center, this would have the effect of adding about \$236,000 on the tax rate this year, and he can't support that. He would have, however, supported it as a bond project. Selectman Massey said during the budget deliberations, the Board voted to put monies into the Capital Reserve Fund and not recommend a warrant article for an expansion of the Rec Center, so his vote will be consistent of his previous vote.

2) **Land Use Change Tax Fund Monies to Conservation Fund**

*Selectman Jasper, seconded by Selectman Massey, to not recommend carried 4-0.*

Discussion: Selectman Jasper said this is the same warrant article they had last year, which didn't have the Board's recommendation and subsequently failed. At the time, he said he would put in a piece of legislation to change the law relative to the current fund, and that bill is scheduled for a hearing next week. He anticipates it will meet with a favorable review because it is not controversial at all. He has had calls from various land conservation groups and they seemed to be in support of it. He had a problem with the Conservation Commission needing the Board's ultimate consent; that is new to him. Selectman Massey passed out a copy of the applicable RSA, "36-A:4 Powers. Said commission may acquire in the name of the town or city, subject to the approval of the local governing body." He said there are so many subordinate clauses, adjectives and follow-on verbs, it is hard to decipher the language. In speaking with Atty. Buckley, about the next convoluted clause that runs for seven lines, that the language effectively says any land purchase still has to be approved by the Board of Selectmen, apart from what 36-A:5 says that monies that are in the Conservation Fund are at the sole control of the Conservation Commission. He thought Selectman Jasper's bill was a better way to go. There is at least one bill being submitted to the General Court that would change the language in 36-A:5, in particular. As a result, he'd prefer to go the way recommended by Selectman Jasper. That is why he is opposed to this article. Selectman Seabury asked if any money would be lost by doing this. Selectman Jasper said no, but the funds would no longer be under the control of the Board of Selectmen. Right now, the Selectmen have jurisdiction over it and then Town Meeting. They would not be able to negotiate for the purchase of development rights or land outright. That would be

solely be under the jurisdiction of the Conservation Commission. They would have veto power over it, but wouldn't have the ability to be the initiators of it. Petitioned articles would have the ability to tap into it, such as this article. If they put it in the Conservation Fund, no one would be able to petition that money. The Town would lose total control of the money and would be under the jurisdiction of an unelected board, which is a big problem he has. Selectman Massey said at the end of a fiscal year, any monies left in the Land Use Change Tax Fund reverts to the General Fund, which can be used to offset the next year's tax rate. Selectman Jasper said his bill would give the option to put the money into a non-lapsing fund. It would automatically roll over and still be under the jurisdiction of the Board of Selectmen. Selectman Massey said he found out, after conversations with Finance Director Kathy Carpentier, that there are two components to the Land Use Change Tax Fund—accounts receivable and monies on hand. They currently have bills that date back to January 2003, so even though someone may say there is a fund balance of \$400,000 in fact, physically, there is only \$90,000 in the account. Selectman Jasper said it's time to get the Legal Beagles on that. Selectman Massey said the Town Clerk told him that she follows up on these at least once a month, but some of them are subject to litigation because the owner of record contests the assessment placed on the tax. In general, they have about 18 months from the time the tax could be collected to where it can be assessed to the property owner.

(Later in the meeting, Selectman Massey stated that someone from the Board should go to Concord next week to support Selectman Jasper's bill, HB-1211. The consensus was for Selectman Massey to go.)

3) **Unappropriated Balance from Land Use Change Tax Fund to existing Capital Reserve Fund**

*Motion by Selectman Massey, seconded by Selectman Jasper, to recommend carried 4-0.*

Discussion: Selectman Massey said based on current revenue projections and the budget, they are not using the monies in this fund. They have consistently said current use taxes are appropriately used for this type of purpose. Because it's a Capital Reserve Fund and requires a vote of the Town to expend it, it addresses Selectman Jasper's concern that an elected body should make the determination on how to spend the money.

4) **Converting two Part-Time Library Positions to one Full-Time Position**

*Motion to recommend by Selectman Jasper, seconded by Selectman Seabury, failed on a tie vote of 2-2.*

Selectmen Jasper and Seabury were in favor.

Discussion: Selectman Massey said he would be voting against this because, as he said before, this should be a \$0 article, and it is not. Selectman Seabury thought this was a fully justified request, as the Library Trustees have tried everything in their power to get this. No one with a degree would even consider this position at its current salary and with no benefits. If this position isn't filled, services will be cut, and she doesn't want that. The Library is an important resource and the Town should support it.

(Start Tape 2, Second Side)

5) **Restoring \$75,000 cut from Library Budget, Full-Time Salaries**

*Motion by Selectman Jasper, seconded by Selectman Massey, to not recommend and refer it to the Town Attorney carried 4-0.*

Discussion: Selectman Jasper questioned the legality of this article, suggesting that it be referred to the Town Attorney because it is dealing with a line item in a budget. There is ample opportunity to attempt to amend the Operating Budget on the floor of Town Meeting. Doing this is setting a dangerous precedent whereby every time a recommendation from the Budget Committee is made to the voters, someone could petition to restore that recommended cut. That is all the Budget Committee does—make recommendations to the voters at deliberative session. Selectman Seabury didn't know if this warrant article was legal or not, but this cut was made out of spite because the Library purchased some computers that didn't have the approval of the Budget Committee. If the schools or Town have extra money in their line items, they make whatever purchases they need throughout the course of the year but, when the Library did the same thing, they were penalized. Selectman Jasper said he agreed with what Selectman Seabury said, but asked her to consider the long-term ramifications. If this were to go on the warrant, it would be to add another \$75,000 and they would have the debate on the floor of the deliberative session and someone would make a motion to amend the appropriate line items and put the \$75,000 back in. This is a warrant article, which is totally different. For instance, if \$25,000 was cut out of the Highway or Police or Fire or Rec by either the Selectmen or the Budget Committee, somebody can petition for every single line item that an amount was cut from. They could have 35 warrant articles to restore cuts. There already is a proper procedure to handle that, which is the floor of deliberative session. He said the Board should, however, recommend to the Budget Committee that, at the appropriate time, they support restoring this money because he thinks it was wrong of the Budget Committee to do this in this manner. Selectman Seabury said Selectman Jasper changed her vote, adding that he could filibuster very well. Selectman Massey said he didn't support what the Budget Committee did to the Library budget and the \$75,000 was an ill-advised cut, but the appropriate place for the restoration to occur is either concerned residents showing up at the Budget Committee on January 15<sup>th</sup> and making known their desire for this cut to be restored to the Library budget and, further, that if they do not get a favorable action from the Budget Committee, they make an amendment to the Operating Budget on the floor of the deliberative session. He is opposed to the motion because this is the wrong venue to correct a mistake.

6) **Purchase of Protective Easement and Restrictive Provisions for property known as the Nadeau Farm**

*Motion by Selectman Jasper, seconded by Selectman Seabury, to recommend failed by a tie vote.* Selectmen Jasper and Seabury were in favor.

Discussion: Selectman Jasper said the statistics that came in caused some issues. If there were any mistakes made, they were made in good faith because the numbers were provided by Town staff. Even if the number of students per house was the same, this is still a win situation for the Town. Relative to the memo from Jim Michaud to Selectman Massey relative to the 107 traditional single family homes and there only being 42 students from there, it looks like only .39 children per home in this Town. The problem is they are looking at new homes being built with new families coming in, looking at a two-year snapshot. Most people moving in, buying new homes, are starting out with new families, whose kids have not hit the system yet. You cannot use this number to look at the average in Town. They are looking at two years on new homes—a totally skewed number. To say that .4 kids per house isn't costing the Town money is not a true picture. The dirty little secret is they use a number as the average student cost of \$5,832 for elementary and high school as \$5,990, that is used only for comparison from one school district to another because transportation is backed out of there. If they didn't have any

students, would they still pay the same for transportation? Of course not. If they didn't have any students, they wouldn't have any transportation costs. If they didn't have any students, would they still have bonds and indebtedness? Would we still build schools for no children? Of course not. The bonded indebtedness is backed out of that number. One other number is also backed out of there, that he couldn't think of right then. If you take the pure number, and the number of students and the budget for this year, for the projected coming year, you come out with a number just over \$8,400 a student. A substantial difference. That is the actual cost, the actual amount the Town spends. With either number, there are revenue offsets, but that revenue offset is the same in either case. They are looking at a cost of some \$2,800 difference, almost half again as what they think they are spending, so the cost is much greater. Under any scenario, the number changes greatly. There is no circumstance where an average house anywhere near supports half a kid. What is important is that they are permanently preventing revenue losses to the Town to the tune of either 23 houses up to 30 houses. That is a good deal for the Town, no matter how you look at it, and that's before you get into the issue of the fact that the good Lord is not making any more land. He is not going to make any more fields in Town, or a place like that, and if they can do anything to preserve that, and if the Town doesn't take any action to prevent that, people 10 or 20 years from now will wonder what kind of idiots were living in Town. There is no way this doesn't make sense to the Town. One could make the assumption that if the Town does nothing, the project will happen anyhow. He can't be 100% sure that it won't, but he can say with 75% - 80% accuracy that it won't and he's not willing to take that risk because this is \$8,000 an acre of good land, which would be otherwise buildable. He has heard it said this is a precedent they don't want to set, but this is exactly the kind of precedent they must, should and would be foolish not to set. They should put a bond out there for \$25 million if they thought they could buy up every buildable acre in Town for \$8,000 an acre. The school budget goes up and the Town budget goes up and, therefore, taxes go up each and every year to a large degree as a result of the growth in the Town. If they could stop that growth by buying up all the developable land, the taxes would not go up at the same rate they are now because they'd never have to build another school and, in fact, they would probably be closing schools in a short period of time. There is no down side to this. There is only, "Maybe I'm making a little bit more money for someone else," but even if they are, the long-term is so important that it's an opportunity that should not be passed by. God forgive them if they don't do this.

Selectman Massey said this isn't about whether or not they were for or against open space in Town. Reasonable people, when provided with indisputable facts, will reach the same conclusion. Those same people, when presented with facts that are open to interpretation, can and often do, reach contradictory conclusions. They reached a conclusion based upon their interpretation of the facts. Tonight they are being asked to provide financial support to a developer in order that they might build homes with dedicated open space. They have no plan to look at, nor any indication of what really is planned. Presentations and projections have been made, but they have no real plan before them. The alternative to what the developer is saying that would like to do if the Town provides them with the financial support is for them to build a standard grid subdivision that would result in substantially more homes. If the numbers they hear are close to what would actually happen, it would be at least double the number of homes. The rationale that the developer is using in asking for financial assistance from the Town in the amount of up to \$700,000 is that the Town will generate twice as much tax revenue as will be spent by the Town in services to the homes. One of the key facts behind their rationale is the average number of children in standard grid subdivisions and the type of development they are proposing. It is here that the facts are subject to interpretation, rather than being indisputable. They have supplied these numbers are being 1.5 for a standard sub-grid division and .5 children per household. However, he presented the Board with the number of .39 children for what they are using for 1.5. Neither sets of numbers are either right or wrong because they both were arrived at by using a set of assumptions that someone created. The justification the developer is using for this transaction is open to interpretation and therefore, he chooses to err on the side of caution. In this case, caution is to not recommend this warrant article.

Selectman Seabury said Selectman Jasper went through the process and talked with someone who wanted the property and got him down to \$8,000 an acre with about 100 acres of open space, but they wouldn't pay the \$8,000 for wetlands or steep slopes. The warrant article says they are going to use \$300,000 of funds they already have. She wondered if they were going to treat this like they did Hills Farm, put in the budget so it doesn't go before the voters, which would ensure they would keep the land. Selectman Jasper said they could, or if they had the funding within the Capital Reserve Fund, they could remove it each year from that. Selectman Seabury said she'd like to do it that way to make sure the funding isn't lost. Selectman Jasper said, however, that would be an annual budgetary decision. Selectman Seabury said in the Nutting days, people were concerned about open space, but they didn't worry too much about it. Back then, they decided they ought to start looking at saving some of the open land to preserve some of the community's heritage. Then Mr. Nutting said he had about 30 acres down by the river and wondered if the Town would be interested in buying it. They put it on the ballot and wonder of wonders, the Town supported it. A few years later, Nash came forward to see if the Town wanted to purchase 300-400 acres on Musquash Pond. They presented it to the voters and they approved that, too. They then picked up Merrifield Park, which is used a great deal. Even though people laugh and think it's a joke, they all voted for Benson's. That should give a clue that people want open space and they should have the right to vote for it. The people "out there" should vote on that open space, not the individual Selectmen. They are not going to take all this money and hand it to somebody who is nebulous. No, they are going to keep that money, but they should be given the right to go forward and say yeah, "we'd like to have some open space." She would give up the \$4.3 million bond to buy that open space, more important than the water—they've lived for years without water going down there. She would evengive up the \$800,000 for interoperability to buy the open space. She thinks it is shortsighted not to approve this, especially when people are crossing the border by the thousands to come into New Hampshire. There is a deluge coming into the community. She didn't care if it was a lot 100' x 50' she wanted the Town to keep it. It's that important. The farm is going to be sold to somebody—QROE, Slattery, Sousa—it will be sold, but the Town will have the money in the back to stop that development.

Selectman Jasper said he was concerned with Selectman Massey's comments because he, Selectman Jasper, suggested throwing out the numbers because he agreed that numbers can be made to go any way they want. He had said they should consider all things to be equal, but as he listened to the discussion, he concluded that Selectman Massey, who read a prepared statement, didn't listen to a thing he, Selectman Jasper, had said, without so much as changing a comma. Selectman Massey countered that yes, he did listen to what Selectman Jasper had said, but that was ok, as he was entitled to his opinion. Selectman Jasper addressed Selectman Massey and said there were indisputable facts. The irrefutable fact was that single family homes are a money-loser at an annual assessment of \$320,000. He asked if Selectman Massey disputed that. Selectman Massey said yes because the "facts" are open to interpretation. Selectman Jasper said no, the fact that they have X number of single-family homes in Town and X number of students. When you do the math and come up to the number per single family homes, or dwelling, the irrefutable fact is when you take all the dwelling units in Town and you look at the cost of education, it doesn't come anywhere near providing enough revenue. That is an irrefutable fact and if you don't want to

realize that, then you have no place to go. Every single family home on average—and you have to deal with averages. Selectman Seabury said to check out Bradford Woods; they have baby balloons on all the mailboxes.

Selectman Jasper said Selectman Massey is the only person in all of Selectman Jasper's years in Town government that ever disputed the fact that single family homes are a money loser for the Town. Nobody has ever disputed that fact before from any place. Every home they prevent from being built in Town is a benefit to the taxpayers who live here today. That is an irrefutable fact and no statistic will ever be found that will show otherwise. That's the way it is. Selectman Massey said he would never dispute the fact that the tax revenue from a single family home does not pay, in its entirety, for the cost of educating a child. But with this, they don't know exactly what they are buying because they don't have a plan. Nothing has been put before them. Everything is open to interpretation. The facts he is talking about that are open to interpretation are the values that one is using to cost out this particular proposal and, since they are open to interpretation, he is opposed to the motion.

(Start Tape 3, Side A)

Selectman Jasper said no, they don't know what they are buying, but they are not buying anything by doing this. It says, "To see if the Town will authorize the Selectmen to enter into." That's what this is about. Nothing could be done until such time as the Planning Board gave approval to this project. Until then, they cannot know how many acres are involved. The Planning Board will determine how much land is there. The Board of Selectmen will determine how much is in the easement and all the details. If the Board of Selectmen decides it's not a good deal at the end of the day, the Board of Selectmen doesn't have to because it does not require the Board of Selectmen to do anything. You don't lose any money. If it's not used, it goes back into the fund. The Board of Selectmen have 100% veto power over what happens. He was upset about the Friary purchase because they knew how much money the Town had available. The Board made a bad decision, one which he didn't agree with, but he was in the minority. If they knew \$1.2 million was available and authorized, why would the offer somebody \$1/2 million. They kept upping it \$100,000 at a time and by the time they got done playing that little game, someone came along and offered them \$50,000 more than the Town. His point is that the Board of Selectmen weren't required to do anything; they were authorized. This is just empowering the Board of Selectmen to do the negotiations and to look at the plan the Planning Board approves. They don't have to buy into it, but QROE has agreed to allow and give an easement for a walking trail and probably a small parking and picnic area near the pond up there. There is no down side to this, but if they don't recommend this, they lose an opportunity that will never reappear. This could set a wonderful precedent and create a demand where other parcels like this could be developed with the Town aid and assistance and it becomes a win-win situation and becomes a model for projects to be built throughout this State to help curtail the sprawl. The downside is only in not exploring all options.

Selectman Seabury said she feared the vote was going to be two-to-two and they would lose this. She asked Selectmen Stewart and Massey what their fears were about this going to the ballot. Selectman Massey said this was going to go on the ballot; it was a petitioned article. He said they know what's in it for the developer, but he has yet to find out what is in this for the Town. The developer wants to be able to build a certain type of home and he wants the Town to help him finance it. He didn't think it was appropriate for a Town government to help a developer. Selectman Seabury asked Selectman Stewart how the Town was helping the developer because she couldn't see that. Chair Pro Tem Stewart said by giving him \$700,000. Selectman Seabury thought the Town gave Mr. Hills \$600,000. Selectman Jasper said it was \$300,000 for 50 acres. Chair Pro Tem Stewart said you can't compare the two and would echo Selectman Massey's comments—there is no plan, the Town's rights to access the open space, the wetlands issues, and no purchase and sales agreement, as confirmed by Mr. Nadeau earlier. She agrees with much of what was said during Public Input. She grew up in this Town and can remember when Executive Park was Kashulines Farm and Terradyne was Jette Field. This is not the Hudson she grew up in, but that's the way of progress, which has come to the United States—and to Hudson. She cannot agree with one of the speakers about the family wanting to remain on their property. Bottom line, no plan. She also disagreed with Selectman Jasper—none of the schools in this Town will be closed. That's not going to happen, even if there was a 50% reduction of students, and they all know that. That's a fact. They should put their efforts into getting Benson's going, which has been on their plate for many years, and that land will be accessible to everyone. Another pet project of hers is the River Walk easement and they'd have access to the river for safety reasons. For those reasons, she will not support this motion.

#### **B. Warrant Article Amending Chapter 178-1 of the Town Code, §A & B, Building Construction**

Chair Pro Tem Stewart said a legal opinion from the Town Attorney stated this item should have been heard by the Planning Board before it was forwarded to the Board of Selectmen.

*Motion by Selectman Massey, seconded by Selectman Jasper, to forward this to the Warrant with a positive recommendation, pending final action by the Planning Board tomorrow night.*

Selectman Massey said the Planning Board and Planning Department have worked very hard in updating the Code. It turns out that the Building Code is in the Town Code. According to the Attorney, building codes must have a public hearing and approved by the Planning Board. He recommended the Selectmen support this Planning Board initiative and, at a subsequent point in time, the Building Code, as an ordinance, be removed from the Code Book and put into the Zoning Ordinance, in the same way that the Zoning Ordinance is only referred to in the Code Book; the actual ordinance is a separate document. That way, they wouldn't be affected by this in future years.

*Amendment by Selectman Jasper, seconded by Selectman Massey, to strike in 178-1-B, R 103.7 Code Enforcement Department and replace with Code Enforcement Office carried 4-0.*

*Motion by Selectman Massey, seconded by Selectman Jasper, to forward to the Warrant, as amended, carried 4-0.*

#### **C. Auditor Engagement Contract**

Finance Director Kathy Carpentier asked the Board to consider waiving the bid procedure in order for the Town to stay with the current auditors, Plodzick and Sanderson, who has been the Town auditors for as long as anyone can find. It is also more cost effective. Selectman Massey said it was good business practice to stay with the same firm. Changing a public auditor is done only with very careful consideration. You don't want to give the impression you are changing auditors in order to obtain a more favorable audit. Selectman Jasper said they haven't talked about prices and

he couldn't vote for this without knowing the cost. Ms. Carpentier said she was reluctant to include prices, if they had to go out to bid. It was her intention to do without the GASB 34 because they are not in a position, at this time, to change the reporting structure. She plans to bring before the Board a timeline, a plan, to get them into compliance with GASB 34. Mr. Malizia reminded the Board that as a Finance Director, Ms. Carpentier was still new, plus the fact that there was also a new Town Accountant and Plodzick and Sanderson were instrumental in training practices. Selectman Massey agreed the Town shouldn't do GASB this year, clarifying that it meant Government Accounting Standards Board. Ms. Carpentier said 34 is for capital assets and infrastructure reporting.

Motion by Selectman Massey, seconded by Selectman Jasper, to waive the requirement to go out to bid for this service and to award the contract to Plodzick & Sanderson, 2004-2006 at \$21,500; \$22,000 and \$22,500, carried 4-0.

**D. Mileage Reimbursement Rate**

Finance Director Kathy Carpentier was recognized and asked the Board to consider amending the Personnel Policies by increasing the per mile rate for the use of personal vehicles for Town business from \$0.345 to \$0.375.

Motion by Selectman Jasper, seconded by Selectman Seabury, to amend the Personnel Policies, VIII Training, B Travel, to increase the mileage reimbursement rate to \$0.375 per mile, effective immediately, carried 4-0.

**E. Transportation Enhancement Agreement (Sidewalk Installation Project on 102, between Evergreen and Megan)**

Town Engineer Tom Sommers said this is an agreement with NH DOT, which allows them to move forward with a project that was approved through the T21 funding method to build a sidewalk to connect the existing sidewalk by Alvirne High School that is near Phillips Drive. They need to follow through with this in order to follow the standard procurement procedures that allows them to collect the funds.

Motion by Selectman Massey, seconded by Selectman Seabury, to authorize the Town Administrator to sign the Transportation Enhancement Agreement for this project that was approved to go forward by the Board of Selectmen on August 28, 2001 carried 4-0.

**F. Request to temporarily fill a full-time position for Fire Fighter due to a vacancy created by Military Deployment**

Chairman Pro Tem Stewart recognized Fire Chief Shawn Murray, who asked the Board to consider authorizing him to hire a full time fire fighter to fill the vacancy of Fire Fighter Jerry Carrier, who has been called up for active duty with the New Hampshire National Guard to serve in Iraq. By doing this, he will be able to save on overtime costs that would be incurred in order to fill this position. In addition, he'd like to attempt to hire from the Department's Call force, as a number of individuals may qualify. It would be posted January 14 for one week. The Town Personnel Policies defines a temporary full-time employee as one whose work assignment is limited in duration to six months or less and works a schedule which, on an annual basis, would total not less than 2,080 hours. He was also requesting that the Board waive the six-month requirement and allow the employee to work up to one year, pending the return of Fire Fighter Carrier.

Selectman Massey moved to authorize the Fire Chief to hire a temporary, full-time fire fighter to fill the vacancy of Fire Fighter Jerry Carrier and to waive the six-month requirement in order to enable this vacancy to be filled until the return of Fire Fighter Jerry Carrier from active duty, which he withdrew after the discussion.

(Start Tape 3, Second Side)

Chair Pro Tem Stewart said in the past, Selectman Jasper has said the shifts could go down from eight to seven and asked if that would save on overtime costs. Selectman Jasper said not by the way things are currently being done. In general, he supports what the Chief is trying to do, but under the contract, you are probationary for six months. He knows this is temporary, but from a legal standpoint as it interacts with the collective bargaining agreement, that might rule and, in fact, be the reason for having a six-month provision in the Personnel Policies for temps. They should have an interpretation of the contract before they move forward in doing this. It might be that when the temporary person gets to the six months and one day, they've created a union personnel, which would create a whole other problem. When Bill Closs retired, they hired someone temporary, knowing they would have an opening for someone permanent. The Town hired Jamie Paquette as a temp, but that was because they were going forward with warrant articles and were hopeful it would be approved, but he didn't think they've ever gone past six months, unless they were sure there was going to be an opening. Mr. Malizia said it was done for the Highway Department to replace Rick Melanson, who is in Kuwait. Chief Murray suggested two six-month segments. Selectman Jasper said they might not be able to do that with the same person. If a positive response comes back from the Town's labor relations attorney, then the question should be posed to the other side.

Motion by Selectman Massey, seconded by Selectman Seabury, to defer to January 26, pending a legal opinion from the Labor Relations attorney carried 4-0.

**G. Acceptance of \$500 Donation to Recreation Committee from Southern NH Radio Control Club**

Motion by Selectman Jasper, seconded by Selectman Seabury, to accept the \$500 donation, with the Board's appreciation, carried 4-0.

**H. Acceptance of \$476 Donation to Recreation Committee from Flash Photo**

Motion by Selectman Jasper, seconded by Selectman Seabury, to accept the \$476 donation, with the Board's appreciation, carried 4-0.

**I. Designation of Selectman to post the Warrant NLT January 26, 2004**

Selectman Ken Massey volunteered to do the posting.

**9. OTHER BUSINESS/REMARKS BY THE SELECTMEN**

Selectman Ann Seabury said she received a lot of phone calls about QROE Farms, but they've hashed that subject to death. She read the following quote,

relative to libraries, after stating that criminals have advocates, school children have advocates, and she is the advocate for the Library. "Did you know there are more public libraries than McDonalds and there is a total of 16,220 including branches. And did you also know that Americans also check out an average of more than six books a year. They spend 25 a year for the public library, much less than the average cost of one hard cover book."

Secondly, she said during the "Lorraine Days" the Board gave direction to the liaison how to vote, but they didn't do that this year. She asked how this was going to work. Selectman Jasper said sometimes he had brought back warrant articles to discuss, but unless somebody has a pet issue, they don't. In the case of the \$75,000 question, it might be appropriate. Selectman Seabury said Selectman Stewart was going to be the liaison Thursday, so it would be up to her to put a motion on the floor. The Library Trustees have done a lot of campaigning to include that money into the budget and a couple Budget Committee members said they would second the motion. Selectman Stewart said when that was discussed at the Budget Meeting, Selectman Seabury has been sitting in for her. Selectman Seabury said she will be there as the Recorder. Mr. Malizia said Selectman Stewart can't make motions, she can only ask questions. Selectman Jasper could understand the Budget Committee being upset with what happened because it was off-budget, but taking the \$75,000 out of salaries is something they hope won't keep recurring. It's time to move on. If legitimate cuts are needed, they should be made. This was a retaliatory move, and not right. Selectman Stewart won't be able to make the motion to restore the money because Selectman Seabury wasn't on the prevailing side, so it would take someone on the other side to reverse it. It depends on how closely the Chairman follows the rules. He thinks there is a consensus for Selectman Stewart to make a motion to restore the \$75,000 or if someone else makes it, to vote in favor of it.

Selectman Ken Massey said the Pennichuck Regional Water Committee is only half way through addressing the input from the public hearings in December. Therefore, he feels it would be premature to hold a public hearing on January 26 on the advisability of joining the district. The changes that have been made so far have not materially affected his perception of the benefit to Hudson.

Motion by Selectman Massey, seconded by Selectman Seabury, to defer holding the public hearing scheduled for January 26, 2004 for the purposes of public input on the advisability of the Town of Hudson joining the Pennichuck Regional Water District and reschedule and renote it at a later date carried unanimously.

Selectman Massey said it would be in the best interest of the Town, if anyone wishes to review the draft charter, they can obtain a copy at Nashua Regional Planning Commission at [www.nashuarpc.org/water/index.htm](http://www.nashuarpc.org/water/index.htm) and there will also be copies available in the Town Clerk's Office and at the Hills Memorial Library.

Continuing, Selectman Massey said last Wednesday, the Planning Board and NRPC reviewed Chapter 6, Existing Land Use, of the Hudson Master Plan, which is being updated. They requested public input. A copy of the draft is available on the Web at [www.nashuarpc.org/landuse/hudsonmp.htm](http://www.nashuarpc.org/landuse/hudsonmp.htm) and copies will also be available at Hills Memorial Library and the Town Clerk's Office. Comments should be addressed to Angela Rapp, NRPC, PO Box 847, Nashua, NH 03061.

Selectman Massey said there have been comments on the Town's website about the new rates that Adelphia is implementing for the Town of Hudson and comments relative to what the Selectmen in Merrimack are doing and why the Selectmen in Hudson can't do the same thing. He recommended the Cable Committee re-address the issue of the Town being a rate-intervenor for the basic cable rate for Adelphia to give the Selectmen the power to intervene with Adelphia when they set their basic cable rates.

Selectman Massey said for the people who have had an opportunity to come to Town Hall over the last several months, he trusts that they have noticed that it is sparkling clean and really showing the efforts of the new part-time Custodian is providing to the Town. He recognized Wayne Madeiros for the excellent job he is doing in keeping the facility that it is now in. He offered congratulations to Wayne for his good work.

Selectman Shawn N. Jasper said there was much he could say, but little he would say. He and Selectman Seabury have four more regular meetings and then he fears the Board will lose entirely its institutional memory and that's not a good thing.

Chairman Pro Tem Stewart said the meeting place for the public hearing scheduled for January 20, 2004 on the warrant article to purchase a fire pumper truck has been changed from Library Street School to the Selectmen's Meeting Room at Town Hall, 12 School Street, Hudson, NH. Starting time remains at 7:15 p.m. She congratulates to Capt. Bill Pease. Friday, January 16, will mark his 20<sup>th</sup> anniversary with the Hudson Police Department and reminded people that the dates to file for candidacy starts January 21 and the final day to sign up is January 30.

10. **NONPUBLIC SESSION** (There wasn't any scheduled.)

11. **ADJOURNMENT**

Motion by Selectman Massey, seconded by Selectman Seabury, to adjourn at 10:23 p.m. carried 4-0.

Recorded and Transcribed by Priscilla Boisvert  
Executive Assistant

**HUDSON, NH BOARD OF SELECTMEN**

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**William P. Cole, Chairman**

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**Kenneth J. Massey, Selectman**

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**Shawn N. Jasper, Selectman**

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**Ann Seabury, Selectman**

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**Teresa Stewart, Vice-Chairman**