

HUDSON, NH BOARD OF SELECTMEN
Minutes of the November 25, 2003 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 Massey
3. ATTENDANCE

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

Staff/Others: Stephen Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Fire Marshal Charlie Chalk; Ray Rowell; Library Trustees Jane Bowles and John Knowles; Leo Bernard; Toni Weller, Librarian; Betsy Hahn, NRPC; Lisa Sasser, Historic Preservation Consultant; Police Capt. Ray Mello; Tom Sommers, Town Engineer; Dave Yates, Recreation Director; Howard Dilworth, Jr; Anne, TEL

4. PUBLIC INPUT

John Knowles, 51 Quail Run--Library Warrant Articles – Mr. Knowles opted to speak during discussion of 7-A instead of at this time.

5. CONSENT ITEMS

Chairman Cole removed Item E, Committee Announcements, from the consent agenda.

Motion by Selectman Seabury, seconded by Selectman Stewart, to accept Consent Items A – D, as appropriate, carried 5-0.

A. Assessing Items

- 1) Veterans Tax Credits (3 Waubeeka Sprngs Rd, 65 Glasgow Cir, 1 Dumont Rd, 2 Kathrine Ct) w/recommendation to grant.
- 2) Application for Elderly Exemption (2 Katherine Ct, 86B Greeley St) w/recommendation to grant.
- 3) Application for Elderly Exemption (137 Belknap Rd) w/recommendation to grant.
- 4) Application for Elderly Exemption and Abatement (4 Scottsdale Dr) w/recommendation to grant.
- 5) Applications for Abatement (33 Beechwood Rd, 5 Colson Rd, 136 Lowell Rd, 7 Fuller Dr, 25 David Dr, 41 Kienia Rd, 137 Wason Rd, 91 Pelham Rd, 35 Lexington Ct) w/recommendation to grant.
- 6) 2003 Abatement (47 Ferry St) w/recommendation to approve.
- 7) 2003 Applications for Abatement (Map/Lot/Sublot 005/078/001) w/recommendation to approve.
- 8) 2003 Application for Abatement (Map/Lot/Sublot 039/029/001) w/recommendation to approve.
- 9) 2003 Abatement (Map/Lot 17/8-3) w/recommendation to approve.
- 10) Current Use Lien Release (Map/Lot 8/77-2), w/recommendation to approve.
- 11) Current Use Lien Release (Map/Lot 42/32-1), w/recommendation to approve.
- 12) 2003 Supplemental Bills (Map 17/Lots 8-4 thru 8-6, 37 thru 41, and 82 thru 91) w/recommendation to approve.
- 13) Supplemental Tax Bill (5 Watts Circle) w/recommendation to grant.
- 14) Repeal Interest Due on Accounts Overbilled (1 Blackstone St, 18 Clement Rd, 20 Highland St, 220 Webster St, 120 Central St) w/recommendation to approve.

B. Sewer Utility Items

- 1) Abatement Application S-04-03, SUTL0406, 3 Porter Avenue, w/recommendation to deny.
- 2) Abatement Application S-04-04, SUTL0405, 42 Campbello St and SUTL0407, 1 Ricky Dr, w/recommendation to grant.

C. Licenses and Permits

Verizon License Petitions 9AAHXG, 9AALTR & 925540, w/recommendation to approve.

D. Acceptance of Minutes

- 1) Board of Selectmen's Meeting Minutes of November 6, 2003
- 2) Board of Selectmen's Meeting Minutes of November 10, 2003

E. Committee Announcements

- 11/27-28 Thanksgiving Holiday—Town Hall Closed (Two days)
- 12/01 7:00 Friends of Hudson's Natural Resources in CD Meeting Room
- 12/01 7:00 Budget Committee in BOS Meeting Room
- 12/02 7:00 Budget Committee in BOS Meeting Room
- ~~12/02 7:30 Library Building Committee @ Ferry Street Annex~~ Cancelled
- 12/03 9:00 a.m. Highway Safety Committee Meeting in CD Meeting Room
- 12/03 6:00 BOS NPS Meeting in BOS Meeting Room
- 12/03 7:00 Planning Board Workshop in CD Meeting Room
- 12/04 7:00 Budget Committee in BOS Meeting Room
- 12/06 9:00 a.m. Budget Committee in BOS Meeting Room
- 12/07 11:30 Sunday, American Legion's Pearl Harbor Day Parade
- 12/08 6:30 School Board in BOS Meeting Room
- 12/09 7:30 BOS in BOS Meeting Room
- 12/10 Last day to accept Zoning Petitions

12/10 7:00 Planning Board in CD Meeting Room
 12/10 7:00 Budget Committee in BOS Meeting Room
 12/10 7:00 Pennichuck Regional Water District Public Hearing @ Nashua North HS
 12/11 6:00 Chamber of Commerce's Silent Auction @ Castleton in Windham
 12/11 6:30 Pennichuck Regional Water District Meeting in Bedford
 12/11 6:30 Recreation Committee @ Rec Center
 12/11 7:00 Sewer Utility in CD Office
 12/11 7:00 Budget Committee in BOS Meeting Room
 12/11 7:30 ZBA in CD Meeting Room
 12/15 7:00 Budget Committee in BOS Meeting Room
 12/15 7:30 Conservation Commission in CD Meeting Room
 12/16 7:00 Budget Committee in BOS Meeting Room
~~12/16 7:30 Library Trustees @ Ferry Street Annex~~ changed to 12/18
 12/17 7:00 NH DOT 102 road widening project @ Memorial School
 12/18 7:30 Library Trustees @ Ferry Street Annex
 12/18 7:00 Budget Committee in BOS Meeting Room
 12/18 7:30 ZBA in CD Meeting Room
 12/22 6:30 School Board in BOS Meeting Room
 12/22 First Day of Winter
 12/23 7:30 BOS in BOS Meeting Room
 12/25 Christmas Day—Town Hall Closed
 12/29 7:00 Budget Committee in BOS Meeting Room
 12/30 7:00 Budget Committee in BOS Meeting Room
 1/1/04 New Year's Day—Town Hall Closed
 1/31/04 Town Deliberative Session @ Lions Hall

6. OLD BUSINESS

A. Benson's -- Stabilization of Three Structures

Chairman Cole recognized Lisa Sasser, Historic Preservation Consultant, and Betsy Hahn from NRPC and member of the Benson's Committee and asked them to give the Board a brief overview of what the three bids hope to accomplish. Ms. Sasser said the work represented in the three contract packages, plus the removal of the cupola from the Haselton Barn, will complete all of the stabilization work on the Benson's historic structures and put them in a weatherized condition for three to five years, pending planning and design for ultimate treatment. Ms. Hahn said Lisa was in charge of checking credentials and doing the pre-bid walk-through, which is a good way to get to know people, judge their demeanor, find out what other projects they have done and then check their credentials. She, Lisa and Sean Sullivan went through the bid packages and they all recommend approval.

Selectman Jasper said he was having sticker shock relative to the price for rolled roofing. Ms. Sasser said when they received the very high bids initially, which seemed more in the realm of re-roofing for existing construction permanent roofing, she asked the bidder to revisit his price proposal in light of the fact this was a temporary measure. Selectman Jasper said he was shocked at the cost to strip, dispose of the materials and redo the roof at the Burns Hill Fire Station. For this rolled roof, it's not much less. Selectman Seabury said it cost over \$4,000 to put rolled roofing on a small ell on her cottage in Maine. Ms. Sasser said they tried to get a large representation of bidders, but they weren't interested in taking on a project of this type this late in the season.

Selectman Jasper asked if the office roof was leaking, adding that the tarp has blown off the train station. Ms. Sasser said no, it is not. The train station has an active leak in the northwest corner. Ms. Hahn said DPW had scheduled a retarping project, but she felt that would be a waste of time, in view of these contracts, so she asked DPW to hold off. Selectman Jasper suggested holding off on repairing the office roof, since it is not leaking, and do the job right next season. This is a lot of money for a temporary fix on a roof that is not leaking. Ms. Sasser said that was an option, but the condition of the wood shingles makes them vulnerable.

Chairman Cole referred to NRPC's progress report on this, which says a site walk was conducted on 9/18 and NRPC received an estimate under \$10,000 but it was the decision of the Town to get at least three bids. After that, the low bid jumped to \$14,800. He asked why. Ms. Sasser said that at the time, the scope was a little different.

Motion by Selectman Jasper, seconded by Selectman Stewart, to award the contract for demolition and stabilization of the Office/Kitchen to Dunne's Enterprises in the amount of \$14,800.

Selectman Massey asked how much money was available to do the work. Mr. Malizia said last year, a \$253,000 warrant article passed for the development of the Benson's property. Ms. Hahn said the cellars of the buildings will be a secure location to store the mission tiles that are being taken off the kitchen. They are running upwards of \$10 per tile.

Vote: Motion carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Stewart, to award the contract for stabilization of the Haselton Barn to Preservation Timber Framing in the amount of \$27,900 carried 5-0.

Motion by Selectman Stewart, seconded by Selectman Massey, to award the contract for roofing (Office/Kitchen and Depot) to Dunne's Enterprises in the amount of ~~\$19,500~~ \$11,000.

Ms. Hahn asked if this item could be revisited if problems occur with the roof and have the same contractor rebid whatever a temporary fix would be. Selectman Jasper said if there is a problem, it would probably be on one side. Chairman Cole said to wait and see what happens with the amendment.

Amendment by Selectman Jasper, seconded by Selectman Massey, to change the amount to \$11,000, removing the \$8,500 office roof element, carried 5-0.

Vote on the amended motion, to change \$19,500 to \$11,000 and award the contract for roofing (Office/Kitchen and Depot) to Dunne's Enterprises carried 5-0.

Lisa said the cupola is scheduled to be taken off the barn on December 9, about 10:30 a.m. Chairman Cole asked if the stabilization was part of the agreement with the State. Lisa said yes, that the State agreed to do the cleanup if the Town agreed to button up.

B. Warrant Articles—Non-monied

1) Support for Veteran's Tax Credit

Motion to send this article to the Warrant by Selectman Massey, seconded by Selectman Seabury.

Selectman Jasper was opposed to this. He didn't realize this was on the agenda until tonight and not having the current law before him, he had no idea of the potential cost to taxpayers. Ninety days of service isn't very much and to get a credit for the rest of your life is a substantial benefit. Without knowing the financial impact, he can't vote for this. Selectman Massey said the record should show that whether this passes or not, the Chair is eligible for these credits. This isn't being self-serving on his part. People who serve during a non-specified period, in many cases, have been more at risk than those who were in rear-echelon jobs during the period of time they are talking about. From a practical perspective, this article is just recognizing that all who serve in the armed forces are in harm's way—and this resolution has no fiscal impact and it is just to get of how Hudson feels. Selectman Jasper said the sense of Hudson is almost always dependent on the fiscal realities. This is a feel-good measure. If a dollar amount was attached, people would feel differently about it. Chairman Cole said this goes beyond feel good. It would send a message with regard to the Town's feelings on what he considers to be a distasteful bit of legislation currently on the books. There is no financial impact this year. Possibly, there will be next year. It was brought to his attention today that HB-1333, sponsored by Rep. Lawrence and Rep. Hills, deals with this issue. They are attempting to eliminate the discriminators of the time and event and make this credit available to all veterans, spouses or spouses of those who died in a service-connected injury.

Vote: Motion carried 4-1. Selectman Jasper was opposed.

2) Change Chapter 154 of the Town Code (Alarm Systems)

Chairman Cole recognized Police Capt. Ray Mello and Fire Marshal Charlie Chalk, who administer false alarms for their departments. The Police Department gets over 1,000 false alarms a year. Nationally, 95% of the calls are false alarms caused by human error, faulty or outdated equipment, etc., but they have to be treated as real. In 1999, they tried to reduce the number of false alarms within the Town. Up to 2003, they experienced a 17% reduction in false alarms, which saves resources and money, but the rate is increasing again. They realized that the language in the Code was outdated. In speaking with people who had multiple false alarms, they were told that paying for false alarms cheaper than training employees or upgrading the systems. There isn't any incentive for people to eliminate or reduce their false alarm calls. The Code also didn't allow for updated permit user fee information. After getting a permit, you never have to upgrade it. The new way to do business in this industry is for alarm companies to verify alarms as they come in by calling the person to confirm that it's valid. This practice is helping to reduce false alarms. The Police Department has authorized the alarm companies to call them to cancel the response, if it is a false alarm. Between 2001-2002, there was a 27% cancellation.

Selectman Jasper opposed increasing the fine. Perhaps after six false alarm calls, the fines could be increased dramatically. Trucks driving by would set his alarm off--not his fault, but it took a long time to figure it out.

(Start Tape 1, Second Side)

A commercial taxpayer in Hudson doesn't get schools or trash pickup; they get police and fire, and the alarms systems save a lot in the way of fire. It's cheaper to send a truck to check out a false alarm than it is to send everyone out for a building fire. People should be encouraged to have these systems because they save the taxpayers money by having them. He has a small business and wonders what his taxes are going for, if he has to pay \$50 because his alarms went off three times in one year. When he has an alarm that goes off, he calls his service guy and it costs him a substantial amount every time. He didn't think, for the small business owner, the two and the four times, were reasonable. People are already paying a lot in taxes and this is about the only service that a lot of people get. Six or more false alarms are the abusers and the ones that should go up to \$100 or \$150.

Chairman Cole asked about the two and four thresholds. Capt. Mello said around the country, the standards are between two and four; sometimes between four and eight. They allow a couple of false alarms because they realize that things do happen. Most people have the company look at their system and make the necessary corrections. Over four false alarms, it is starting to become an issue. With today's equipment, there is usually a reason for a false alarm, such as people not putting in the right code. If people have a problem, the Police or Fire Department will meet with them—and there is a mechanism to waive the fees, if there is a valid problem. The proposed statute provides for a seminar, held quarterly, which will allow people to get a fee waived, if they can show they are working on their alarm problems.

Selectman Jasper asked if there would be a fee if a called in alarm is cancelled. Capt. Mello said no, it isn't counted as a false alarm. Selectman Jasper asked, if someone with a master box calls in and says it is a false alarm, if that would be counted as a false alarm. Fire Marshal Chalk said the Fire Department is required to respond to all incidents. They still have to send a truck to that location. The Fire Department is a direct connect and does not go through a central monitoring station, so they look at that response a bit different than the Police do. It's written up by the officer on the scene and then Fire Marshal Chalk approves or disapproves it. If a child pulls an alarm at a restaurant, he wouldn't charge for that, because it's not spelled out in the Code. The issue of the alarm coming in for an unknown reason, with someone calling in to say it's a false alarm, is impossible for the Fire Department to know for sure, so they respond.

Selectman Seabury asked how the appeals process would work. Capt. Mello said, on the Police side, the people would meet with him to go over the

call. If they are making good efforts to take care of the problem, they can waive the fee, or a portion of it. The current Code has a more formal process than is needed. The Board of Selectmen need to appoint two people, plus the Chief of the Department that it happens to, but they can go through that as they move through the process. Right now, it's handled more informally. Selectman Seabury asked if it was two separate appeals. Capt. Mello said that was correct. If it's a Fire Department issue, it would be the Fire Chief; if it's a Police Department issue, it's the Police Chief. Chairman Cole asked what the requirements were for the people that the Board appoints. Capt. Mello said one has to be an expert on alarm systems and the other is a member of the general public.

Motion by Selectman Stewart, seconded by Selectman Seabury, to send this to the Warrant carried 4-1. Selectman Jasper was opposed.

3) Adoption of RSA 41:14-b (Enabling Legislation to Amend Town Code)

Motion by Selectman Seabury, seconded by Selectman Stewart, to forward this to the Warrant.

Selectman Jasper said this was tried in the past, but it didn't pass, and didn't think it would again. Besides, he didn't like it because any power that can be delegated to the people, and reasonably exercised by them, should be left to them. Chairman Cole said in 1996, this item was tabled at the deliberative session by a motion by Selectman Jasper, and never was voted on. Then-Selectman Dilworth seconded the motion. Since Mr. Dilworth was in the audience, Chairman Cole asked if he had any recollection of this issue, to which Mr. Dilworth said yes, but only vaguely. Chairman Cole said he wanted to clarify that this issue was never actually decided by the voters because it never got off the table.

Vote: Motion carried 4-1. Selectman Jasper was opposed.

4) Adoption of Chapter 264 of Town Code (Racetrack, Motor Vehicles)

Chairman Cole asked the Town Administrator to explain why this item was before them. Mr. Malizia said last April, during a discussion of the Speedway's permitting process, the attorney determined that this chapter wasn't enacted by a vote at Town Meeting, but had been put in place by the Board of Selectmen. Selectman Jasper asked if anyone looked at the way it was adopted in 1983. He remembers there was much discussion on the floor about this. Just because the Code says the Board of Selectmen enacted it, doesn't mean that actually transpired. Mr. Malizia said he would verify what occurred at the time it was adopted. Chairman Cole stated this item was deferred until the December 9th meeting.

7. NEW BUSINESS

A. Warrant Articles—Library

1) Wage and Benefit Increase for Employees of Hills Memorial Library

Chairman Cole recognized John Knowles and Jane Bowles, Library Trustees, who said this was an across-the-board 3% increase request for all Library employees. Selectman Seabury said she met with the Library Trustees and they all felt that 3% was reasonable and similar to what other Town employees would be getting.

Motion by Selectman Seabury, seconded by Selectman Jasper, to forward this to the Warrant carried 5-0 by roll call vote.

2) Part-time to Full-time Adult Services/Young Adult Librarian

Mr. Knowles said this was an increase from 30 to 40 hours for this highly-skilled position. This person has to have education and experience and the Library cannot retain people in that position without the benefits of it being full-time. They've been advertising for about five months and four people are sort of qualified, but two have taken full-time positions and they're not sure about the other two. The duties of this position covers nearly a whole page.

Motion by Selectman Seabury, seconded by Selectman Cole, to forward this to the Warrant.

Selectman Seabury said the Trustees are having difficulty filling this position and retaining a qualified employee. It would be beneficial to the Town to make it full-time. The voters deserve to vote on this. Last Fall, she had wanted only one request for a position on the Warrant, but this is extremely important and, therefore, hoped the Board would support it.

Selectman Massey asked if the Trustees considered trading off any of the 19 part-time positions for this full-time position. Mr. Knowles said the problem with a trade-off is that it implies they have part-time positions to spare. They need two or three, part-time, skilled positions. A trade-off would just put them further into the hole. Ms. Bowles said if they were to take away two part-time positions, those hours would total more than the 10 hours they are asking to increase this position by. Selectman Massey said the question is one of affordability in order to get this full-time position. Chairman Cole agreed, saying that the Library Trustees need to prioritize. The additional 10 hours requested will cost the Town approximately \$25,000 more, which is significant. It would behoove the Trustees to heed Selectman Massey's suggestion to possibly restructuring the article to make it more palatable to the voters to assist the Library in accomplishing its goal.

Vote: Motion failed by a roll call vote of 1-4. Selectman Seabury voted in favor.

3) Filling Vacancies on Library Board of Trustees

Mr. Knowles said this article gives the Trustees authority to appoint replacements to vacancies, should they occur, an authority that other elected bodies have. The Trustees proposed this same article last year, but the attorney said there was no enabling legislation to cover this, but the Trustees

believe that opinion was incorrect. RSA 669:75 clearly allows them the ability to request that authority from the voters. Chairman Cole said the Selectmen fill vacancies that occur on the Trustees of the Trust Funds and wondered if that committee and the Library Trustees had a common denominator. Selectman Jasper said that just changed in the last few years; it used to be the Moderator that appointed. As a member of the Legislature, he studies commas very closely, and agreed with Mr. Knowles' assessment that the wording and punctuation of the statute was, in fact, enabling legislation. He also agreed that it was appropriate for the Trustees to fill their own vacancies. Chairman Cole hoped the commas weren't typos. Selectman Jasper said he'd check the statute.

Motion by Selectman Jasper, seconded by Selectman Seabury, to forward this to the Warrant carried 5-0.

(Start Tape 2, Side A)

B. Contingency Fund Use (Recreation Department)

Chairman Cole recognized Recreation Director Dave Yates, who was requesting money from Contingency to fix a major electrical problem at Jette Field. The wires caught on fire and one of the electricians got zapped. He doesn't have the money in his budget to cover the high repair cost. The lights are turned off at the field, so it won't be used now, but hoped it would be repaired in time for Spring softball. Selectman Seabury asked how he knew about the contingency account. Several people said everyone knows about it. Selectman Seabury asked when the work would be done. Mr. Yates said he would talk it over with the electrician and, if the weather holds, it may be done now. Kevin Burns said his men would dig the underground ditches. Selectman Seabury asked how much was in the Rec Cap Fund. Selectman Massey said about \$27,000. Mr. Yates said they hoped to use that money for the expansion of the Rec Center, which is another need. Selectman Seabury said if it has to be done right away, it could be put in the budget. Selectman Stewart said that budget doesn't start until July 1 and the work has to be done by May 1. Selectman Jasper said the Cap Fund is for capital projects, not a maintenance/repair item. This type of emergency is what Contingency is for. Mr. Malizia said, to put things in perspective, nothing has yet been spent from Contingency. Selectman Seabury was hesitant to take money from Contingency, saying July 1, 2004 was still a long way away. Selectman Jasper said this request is a relatively small amount.

Selectman Massey asked if someone else could do the work for less. Mr. Yates said this is the electrician the Rec Department has always used and, since it was under \$10,000 it didn't have to go out to bid. Selectman Massey said it doesn't have to go through the formal bid process, but they should obtain more than one quote. Mr. Yates said he could make a couple of calls. Chairman Cole said making phone calls can get them in trouble down the road. If three calls are made, the fourth electrician may be upset. Mr. Yates will inform the Town Administrator who will be doing the work and the time frame for completion.

Motion by Selectman Stewart, seconded by Selectman Jasper, to authorize the transfer of an amount not to exceed \$8,673.50 from Contingency 5940-298 to Ball Fields in the Recreation Department, 5824-252 to correct the electrical deficiencies carried 5-0.

C. Public Hearing re. Street Acceptances

- 1) North Ridge Road
- 2) Bear Path Lane (extension of)
- 3) Granite Hill Road
- 4) Sir Isaac Way

Chairman Cole recognized Town Engineer Tom Sommers, who said these roads have been through the process and, therefore, the recommendation is to approve. Selectman Massey said the Planning Board unanimously recommended acceptance of these roads. Chairman Cole opened the Public Hearing at 8:39 p.m. No one spoke on this item, so he closed the hearing.

Motion by Selectman Massey, seconded by Selectman Jasper, to accept North Ridge Road, the extension to Bear Path Lane, Granite Hill Road and Sir Isaac Way as Town streets, as recommended by Town staff, carried 5-0.

D. Lowell Road Widening Draft Letter

Town Engineer Tom Sommers said the on-site DOT project manager told him KEYSpan did not intend to begin work until Spring, which is not acceptable. They need to move forward so the entire project can be finished next year, which is the original intent. The DOT asked the Town to intervene and request that KEYSpan cooperate more fully. A copy of a draft letter is in the packet.

Selectman Jasper thought the utilities would have been scheduled long ago. Mr. Sommers said he is not the project manager, but thinks the problem was the asbestos. Utility contractors don't do anything until the asbestos has been taken care of because there could be delays. Selectman Jasper thought they should have some fairly serious leverage, as they are operating within the Town's right of way. Selectman Massey said the draft letter must be clarified to indicate that the Lowell Road widening project is the priority, not relocation of the gas lines.

Motion by Selectman Massey, seconded by Selectman Stewart, to authorize the Chairman to sign a letter to KEYSpan in support of the Lowell Road widening project schedule carried 5-0.

E. Acceptance of a Donation of Subs to the Fire Department from Subway that carries a value of \$150

Selectman Massey said he was going to recuse himself because this was a case before the Planning Board recently and he didn't want a perception of a conflict.

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept, with thanks, carried 4-0. Selectman Massey abstained.

F. Acceptance of a Donation of a Granite Bench, in Memory of Leonard A. Smith, that carries a value of under \$500

This item was deferred to December 9, 2003 at the request of Marilyn McGrath, who was unable to be present tonight.

G. Water Supply and Transmission Agreement Amendment

This item was deferred to Dec. 9, 2003 at the request of Steve Malizia, Town Administrator and Town Engineer Tom Sommers.

8. OTHER BUSINESS/REMARKS BY THE SELECTMEN

A. Teresa Stewart

Selectman Stewart wished everyone a happy Thanksgiving. Selectman Seabury said today was Selectman Stewart's birthday, so she brought in a small cake. After the Board sang ♪ ♪ Happy Birthday ♪ ♪ to Selectman Stewart, she blew out her candle.

B. Ann Seabury

Selectman Seabury sympathizes with the Library Trustees and their revolving door problem and hopes they will change their mind relative to the conversion of a part-time person to full time. She has a letter from Ken Dickinson, indicating that he was resigning from the ZBA. He was a good member and will be missed. Chairman Cole said that will be on the next agenda.

C. Shawn N. Jasper

Selectman Jasper said, speaking of the ZBA, he had an unpleasant experience at their meeting, as well as the other abutters from the neighborhood, although the variance that they were all there to support was granted. The way things were conducted left a bad taste in everyone's mouth. One member thought he was on the Planning Board, talking about wetlands, which weren't an issue. He wanted to determine where the driveways were going to be at the Nadeau property for a foundation that's been there since 1979. Because setbacks have changed since 1979, it needed a variance—and that was the only issue. Everyone there was in support of it. The ZBA was unbelievable, trying to pin down the applicant to Planning Board issues. An unfortunate comment was made by the ZBA Chairman. The applicant's attorney was talking to the fact that Mr. Slattery is trying to maintain the rural character of the Nadeau Farm and, from the road, they will look much like farm buildings. The Chairman said he couldn't believe that what he was hearing was being said with a straight face. Selectman Jasper felt that that was unnecessary, as he felt it was keeping with a rural character. He has been pleased with the work this developer has done and for someone who attempts to work with people, he wasn't treated nicely. Mr. Slattery sent letters, saying that he would meet with each abutter at their home—all they had to do was call him to arrange a time. Everyone in the neighborhood was present to support the developer, and they all left angry because of the way Mr. Slattery was treated. A lot of boards have been burned over the years, but they should put that aside and treat people with respect. The ZBA is not the Planning Board. The Selectmen may have to put on a workshop so those lines can be delineated. Selectman Seabury said the wetlands belong to the ZBA. Selectman Jasper said in this case, wetlands were not even a consideration. Selectman Seabury believed the plan shown to the ZBA was of the whole site. Selectman Jasper said wetlands shouldn't have even been an issue. The other thing he found troubling was that one member was not seated and he always believed that if you're not seated on the whole case, you shouldn't then participate as a seated member. They can participate as a member of the audience, but when the Board shuts off questions and answers from the audience, you don't have a right to participate as a Board member. He has asked the Town Administrator to ask that question of the Town Attorney.

(Start Tape 2, Second Side)

D. Kenneth J. Massey

Selectman Massey said it has been the Zoning Board's practice, since he was on it in the early 1980's, that any member, a regular member or an alternate, may speak and ask questions to the case before the Board. The only members that vote are the regular members or an alternate, if seated. If somebody has recused himself, he should not only step down but, if they are going to speak, clearly indicate whether they are going to speak for or against an article, such as an abutter. If attorneys thought alternates were not empowered to speak, they would have come forward long ago. On one case when he was sitting as an alternate, an attorney challenged the Chair to have him step down as an alternate. The Chairman said no, and they went on with their business. The practice for the last 25 years has been for alternates to participate in the discussions. Selectman Jasper said he was only speaking to members who recused themselves, who state they are unable to sit on a case. Selectman Massey said it's appropriate for them to step down if they recuse themselves if they have an interest in the case. Chairman Cole said the subject had been covered.

Selectman Massey said Rick Melanson of the Highway Department is serving in the Armed Forces in Kuwait and is home on a 10- day leave. Selectman Massey extended Thanksgiving wishes to him and his family and Godspeed when he returns to the theater.

The Pennichuck Water District Committee met on November 20 and voted unanimously to adopt the Charter. There will be a public hearing on it on December 10 at 7:00 p.m. at Nashua North HS. The 16 participating communities are invited to attend and comment on the Charter. If the Charter is not amended, the vote that was taken on the 20th will be final and the Charter will be submitted to the Attorney General for approval. Selectman Massey will provide the Selectmen with a copy of the Charter, along with his recommendations and rationale, for the meeting on December 9 in order to determine if they want to send a warrant article forward for Hudson to join the water district. He will get that information out early next week so they will have time to review the material, so that on the 9th, they will be prepared and ready to vote on it. Once the Charter is approved by the Attorney General, it will take a minimum of three member communities to form the district out of the current 16 that have indicated some level of interest. The \$10,000 that the Town provided for legal services will be returned to Hudson when the district is formed and the bond to purchase the Water District is put out for bid. Included in the bond will be the monies the towns appropriated for legal services.

E. William P. Cole

Chairman Cole said, in addition to the normal attrition on various committees, the end of the calendar year term expirations will be addressed at the next meeting. Vacancies have been advertised, posted and the incumbents have been notified that if they wish to continue to serve, they must reapply. Applicant interviews will be held on December 9, so if anyone is interested in either applying or reapplying, the application must be in by the end of the business day on December 3. There will be no further reminders.

Chairman Cole wished everyone a safe and happy Thanksgiving holiday and best wishes for the remainder of the year.

9. NONPUBLIC SESSION

Motion by Selectman Stewart, seconded by Selectman Jasper, 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 (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; and (d) real estate issues carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:10 p.m. and was terminated at 9:21 p.m.

Motion by Selectman Stewart, seconded by Selectman Jasper, to appoint Bryan Smith to position of Telecommunication Technician to fill a vacancy, effective 11/30/03, at a rate of \$13.91 per hour, in accordance with the AFSCME Local 3657 Collective Bargaining Unit, carried 5-0.

10. ADJOURNMENT

Motion by Selectman Stewart, seconded by Selectman Jasper, to adjourn at 9:23 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