

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the November 10, 2003 Meeting**

6:30 p.m. –Labor Relations Session, Pursuant to RSA 91-A:2 I.

1. **CALL TO ORDER** by Chairman William Cole at 7:30 p.m.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Terry Stewart.

3. **ATTENDANCE**

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

**Staff/Others:** Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Police Captain Ray Mello; Police Officer Kevin Sullivan; Sean T. Sullivan, Director of Community Development; Deputy Fire Chief Gary Rodgers; Richard Maddox; Ray Rowell; Leo Bernard; Ray Parker; Atty. Brad Westgate; Leo Fauvel; Anne Lundregan, TEL

4. **PUBLIC INPUT**

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

5. **NOMINATIONS AND APPOINTMENTS**

**Benson's Committee (citizen member)**

**Ray Parker, 15 Alpine Avenue**, said he has been a Hudson resident for 72 years. As a teenager, he worked at Benson's Animal Farm. Chairman Cole said Vice Chairman Esther McGraw was enthusiastic about Mr. Parker's willingness to serve. Selectman Jasper believed Mr. Parker would be an asset to the committee, but in keeping with his previously-stated opinion, he didn't think they should be adding to the committee until they get its charge and mission in order. He has known Mr. Parker for at least 20 years and he does a wonderful slide presentation on Benson's, so he is very familiar with the property.

*Motion by Selectman Stewart, seconded by Selectman Seabury, to waive the Board's normal procedures and appoint Ray Parker to the citizen membership on the Benson's Committee carried 4-1.* Selectman Jasper was opposed.

6. **CONSENT ITEMS**

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

**A. Assessing Items**

- 1) Veterans Tax Credit applications (79A Robinson Road; 4 Kathrine Ct.) w/recommendation to grant.
- 2) Veterans Credits and Applications for Abatement (31 Westchester Court; 96 Musquash Road; 73 Highland Street; 34 Westchester Court) w/recommendation to grant.
- 3) Applications for Abatement (18 Third Street; 16 Derry Street; 56 Glen Drive; 49 Lexington Court; 22 Sutherland Drive; 36 Glasgow Circle; 45 Kimball Hill Road; 38 Pelham Road; 732 Fox Hollow Drive) w/recommendation to grant.
- 4) Current Use Lien Release, Map 23, Lot 25-32, 25-54 (Abbies Way Condo Site, Sousa Realty & Development) w/recommendation to approve.
- 5) Current Use Lien Release, Map 23/Lot 25 (Remainder excess land, Gerard Bowes) w/recommendation to approve.

**B. Licenses and Permits**

- 1) License to Purchase Scrap Metals by Granite State Salvage Co., w/recommendation by Capt. Mello to grant.
- 2) Verizon License petitions 944941 & 9AAGM, w/recommendation to approve by Town Engineer.
- 3) Verizon License Petitions 9AAKZ6, 9AALSU & 9AALVT, w/recommendation to approve by Town Engineer. (9AALFY belongs to Londonderry.)

**C. Acceptance of Minutes**

Minutes of the Board of Selectmen's Meeting of October 28, 2003 (to file)

**D. Committee Announcements**

11/11	Veterans' Day—Town Hall Closed
11/11	Pennichuck Regional Water District Committee in Bedford
11/12	7:00 Planning Board in CD Meeting Room
11/12	6:00 Benson's Committee Meeting in BOS Meeting Room
11/13	6:30 Regional Water District Charter Committee in Bedford
11/13	6:30 Recreation Committee @ Rec Center
11/13	7:00 Sewer Utility Committee in BOS Meeting Room
11/13	7:30 ZBA in CD Meeting Room
11/13	Budget Books to Budget Committee
11/17	7:00 Budget Committee in BOS Meeting Room
11/17	7:30 Conservation Commission in CD Meeting Room
11/18	1:00 Trustees of the Trust Funds @ Town Hall
11/18	7:00 Budget Committee in BOS Meeting Room

11/18 7:30 Library Trustees in Ferry Street Annex  
 11/20 7:00 Budget Committee in BOS Meeting Room  
 11/20 7:30 ZBA in BOS Meeting Room  
 11/21 9:00 – 10:00 Matt Lehey from Senator Gregg’s Office, BOS Meeting Room for Citizens’ Hour  
 11/24 6:30 School Board in BOS Meeting Room  
 11/25 7:30 BOS in BOS Meeting Room  
 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  
 12/03 9:00 a.m. Highway Safety Committee Meeting in CD Meeting Room  
 12/03 6:00 BOS Meeting in BOS Meeting Room  
 12/03 7:00 Planning Board Workshop in CD Meeting Room  
 12/06 9:00 a.m. Budget Committee in BOS Meeting Room  
 12/07 11:30 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  
 12/11 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 Meeting Room  
 12/11 7:00 Budget Committee in BOS 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  
 12/18 7:00 Budget Committee in BOS 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  
 1/31/04 BOS Deliberative Session @ Lions Hall

7.

**OLD BUSINESS****A. Public Hearing relative to Sidewalk Placement on James Way**

Sean Sullivan, Director of Community Development, said this hearing was to determine if the sidewalk on the existing portion of James Way should be constructed by the developer of James Way Subdivision. Notices were sent to the abutters and there are three that front directly on James Way. Mrs. Corcoran, who lives at 7 James Way, wasn’t able to be present prior to 8:00 p.m., said she was in favor of the proposal. The northerly side of James Way, approximately 800 feet, is the portion of the existing right of way that is under the jurisdiction of the Board of Selectmen. At the end of the existing cul de sac, the Planning Board has approved a multiple-lot subdivision that will consist of single family homes that will have sidewalks, which would also be on the northerly side of James Way and move to the inner loop of the cul de sac on James Way. The Planning Board suggested to the developer that he approach the Board of Selectmen for a determination whether or not they would want sidewalks constructed on the northerly portion of James Way. The Planning Board is in the process of finetuning the final approval of the settlement between the parties. He noted that the developer, his attorney and the Chairman of the Planning Board were present. The Town Planner had received a phone call from an abutter who was opposed to the installation of sidewalks on the existing portion of James Way. If the Board determines that sidewalks are something they are not interested in, the value of what it would cost to install that sidewalk would be made in the form of a contribution to the sidewalk account by the developer.

Chairman Cole opened Public Hearing at 7:36 p.m. and asked if anyone wished to speak.

Atty. Brad Westgate of Winer and Bennett said the developer is ready and willing to do granite curbing and sidewalk installation, should the Board decide to approve either or both.

There being no further speakers, Chairman Cole closed the hearing at 7:38 p.m.

*Motion by Selectman Massey, seconded by Selectman Jasper, to approve the granite curbing and sidewalk improvements contemplated in subparagraphs (b) and (c) of the Settlement Agreement of Leo Fauvel relative to sidewalk design and construction on James Way carried 5-0.*

**B. Attorney General’s Lawsuit relative to Gasoline Additive MTBE**

Selectman Massey said, in speaking with the AG’s Office, he learned that the Federal Government mandated that all gasoline in specified areas had to contain 2% oxygenated additives, but they did not mandate the method by which that was to be achieved. That determination was left up to the manufacturers, refiners and distributors. The lead attorney for the suit, Maureen Smith, indicated that part of the basis upon which they are entertaining this lawsuit is that the manufacturers knew about the problems with MTBE before they added it. The Federal EPA has not established a minimum threshold for MTBE contamination. The State, however, has set the threshold at 13 ppb. The gas pump at Town Hall, which is used by all Town departments, has been tested at approximately 20 ppb. The State has asked the Town for permission to monitor the area around the Gulf station, at the corner of Central and Ferry Street. At least one citizen has a well with detectable amounts, and their well isn’t anywhere near a gas

station. The Litchfield wells tested lower than 13 ppb, but they now have to add the cost of that test on an ongoing basis. MTBE is very easy to get into the ground water. Just a little spill and it's a certainty that it will get into the ground water. Atty. Smith and Selectman Massey developed a resolution, indicating that the Town of Hudson is supportive of the Attorney General's efforts to go forward with the lawsuit, to recover the cost of cleaning up the contaminated ground water.

Selectman Jasper thanked Selectman Massey for his research. With this information, he can support it wholeheartedly. Chairman Cole asked what agency was going to coordinate this, on behalf of all the towns. Selectman Massey said he can check with Atty. Smith, but assumes it would be DES.

Motion by Selectman Massey, seconded by Selectman Jasper, to adopt the resolution and forward it to the Attorney General's Office carried 5-0.

## 8. NEW BUSINESS

### A. Recondition of Central Fire Station Apparatus Floor

Deputy Chief Rodgers was asking the Board to go sole-source with GFS to repair the floor at Central Station. They've tried different vendors and paint companies for many years, to no avail. Another company did a test patch under Engine 3 of the process they are recommending. The person used a machine, similar in appearance to a buffer, and ground all of the chips and epoxy off the floor, changing the blades to go finer until he got down to a 60 or 70 grid. Then a densifier is put down and within a half hour, the floor is very hard. Dragging a pallet of soda cans across the floor doesn't leave a scratch. The year-old test patch still looks good and it is less slippery when wet than what they have now, which is a splotchy floor, with different types of paint and epoxy on it. This is the only company in NH that does this kind of work. There is another company located in Maine. The price came in at just over \$20,000 but he's asking for \$25,000 which would cover the \$75/hr. cost for fixing grates, cracks in the floor, etc.

Chairman Cole asked if the problem was unique to Central Station. Deputy Rodgers said yes, in that the floor was replaced about 18 years ago, during the days of Frank Nutting, and when they put it in, to save money, they didn't add a pigment into the cement. Over the years, it has been painted and epoxied numerous times. Chairman Cole asked if this was a safety issue. Deputy Rodgers said probably not, but a new floor would be less slippery. Chairman Cole said he's not a fan of sole-source procurements and wondered if there was another company in a nearby state that does this kind of work. Deputy Rodgers said the vendor told him there are none others in this state. Chairman Cole feels it should have gone out to bid so they could have at least seen what might be out there, perhaps in a neighboring state. He expects the repairs will be close to \$5,000.

Motion by Selectman Jasper, seconded by Selectman Seabury, to award the repair of Central Fire Station apparatus floor to GFS Building Maintenance, as a sole source bid not-to-exceed \$25,000 recommended by the Town Administrator.

Selectman Jasper said he'd normally agree with the Chairman's view, but keeping a finish on this floor has been a problem. It never should have been painted. It is an aesthetics issue and probably hard to clean. It would undoubtedly be a waste of time and money to advertise for a proposal because he's personally aware that they've been looking for a solution to this problem for a long time. Selectman Seabury agreed. Chairman Cole asked when the work would be completed. Deputy Rodgers said he will contact the vendor tomorrow to find out. The year-old quote is still good.

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

### B. Acceptance of Two Donations of \$300 each to the Recreation Department from Flash Photo Sports

Motion by Selectman Stewart, seconded by Selectman Seabury, to accept the donations, with thanks, carried 5-0.

### C. 2004 Board of Selectmen's Meeting Schedule

Selectman Stewart said the 04 Primary is January 27<sup>th</sup>. The consensus of the Board was to change the meeting to Monday, January 26<sup>th</sup> and the School Board will be asked to adjust accordingly. Selectman Jasper said 20 years ago, the Board of Selectmen used to meet every week. The budget has gone from about \$2 million to \$23 million, with twice as many employees. This is a reactive Board, not a pro-active one. Most meetings last till 11:00 p.m. or later, and that's not a good way to run things. He hoped the Board would consider an additional meeting when there is a fifth Tuesday in a month because when there is a three-week span between meetings, the agenda gets backed up. Chairman Cole said the memo indicates that it can be determined at the time, if an additional meeting is needed.

Motion by Selectman Stewart, seconded by Selectman Seabury, to approve the revised schedule carried 4-1. Selectman Jasper was opposed.

(Start Tape 1, Second Side)

### D. Acceptance of a Donation of two Printers, valued at \$200-\$250, to the Police Department from BAE

Motion by Selectman Stewart, seconded by Selectman Massey, to accept, with thanks, carried 5-0.

### E. Retirement of Dino from HPD's K-9 Unit

Capt. Ray Mello said the plan is to retire Dino in the spring. After seven years, he is starting to develop arthritis and is getting tired. Dino has been a huge asset, via public relations and as a working police dog, tracking criminals, detecting drugs, etc. They would like to purchase another dog with drug forfeiture money, so it won't cost the Town any more than what it does for Dino. They plan to purchase the new dog from a reputable kennel in Connecticut. Officer Sullivan is willing to enter into an agreement to ensure he will be here for the working life of the next dog. Selectman Seabury asked if Dino is used a lot. Capt. Mello said yes, he is constantly on duty with Officer Sullivan and is often called out for special duty. Saturday night, there was an armed robbery at 7-Eleven and Dino was used to track the suspect. Officer Sullivan is called upon frequently to show Dino at various civic events.

Selectman Massey said Dino is a great asset and believes they should hold a formal retirement party because he is a valuable member of the Police

Force. Chairman Cole appointed Selectman Massey as the party coordinator. Selectman Massey said he'd be glad to work with Capt. Mello on it, if the Police Department thinks it is appropriate. Capt. Mello agreed that there should be some sort of recognition event. Chairman Cole stated that from his point of view, regarding a contract with Officer Sullivan, a handshake is all that is necessary. Selectman Massey agreed.

*Motion by Selectman Stewart, seconded by Selectman Jasper, to authorize the Police Department to retire Dino from the K-9 Unit and to purchase another canine to take his place carried unanimously.*

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

**Selectman Teresa Stewart** wished Lt. McCrady a happy retirement.

**Selectman Ann Seabury** said it was a very poignant affair; she'd never seen police officers get choked up. It was a wonderful sendoff to him and she, too, wished Lt. McCrady the best of luck.

**Selectman Shawn Jasper** echoed the remarks of the two previous speakers. He wished Lt. McCrady all the best in his retirement. It was a very interesting evening and, sitting with Selectman Seabury, very entertaining.

**Selectman Ken Massey** wished Lt. McCrady good luck in his new career, which sounds interesting. Regarding an update of the Pennichuck Water District, neither he nor Tom Sommers were able to attend last Thursday's meeting, but he thinks the Charter is done. He will post it on the Town web site, which will replace the draft that is there now. He believes the most current draft is what will ultimately go forward. As a result, he'd like to schedule an agenda item for November 25 to go over it, at which time they can decide if they want to set a public hearing for sometime in December with the idea of doing a warrant article for entering into membership with the District. Most of the major issues have been addressed. Mayor Streeter is publicly saying that when the negotiations are completed, his intention is to have the Regional Water District run the system. Based on what he has seen at the meetings, it would be in Hudson's best interest to be a member of the District. He will make sure everyone gets a copy of the revised Charter. The attorney for the committee has asked all the member communities to have their attorneys review the Charter document. He couldn't understand why towns should spend the money for that, if the attorney for the committee is being paid to review the Charter to ensure it will meet the test of time. There may be some things that, from Hudson's perspective, who is a bulk purchaser, to have the Town's attorney review the Charter document. He asked for a consensus. All members were in favor of the Town Attorney reviewing the document. Selectman Massey said he'd work with Mr. Malizia to work with the attorney. Chairman Cole said if it wasn't ready for 25 November, they could address it on December 9<sup>th</sup>.

**Chairman Bill Cole** echoed the comments with regard to Lt. McCrady and his years of service for a job well done—Mission Accomplished. He reminded everyone that tomorrow is Veterans' Day and, on behalf of the Board and the community, extended thanks and gratitude to all who have served in the Armed Forces and to their family members for their commitment, dedication and sacrifice, both during times of conflict and times of peace. He wished all Veterans a great day, and a safe day.

**10. NONPUBLIC SESSION**

*Motion by Selectman Jasper, seconded by Selectman Massey, to enter Nonpublic Session under 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—following a brief recess—carried 4-1 by roll call vote.* Selectman Seabury was opposed, objecting to the recess.

Nonpublic Session was entered into at 8:20 p.m. and was terminated at 8:34 p.m.

Open Session motions:

*Motion by Selectman Stewart, seconded by Selectman Jasper, to upgrade Elizabeth Holt from Secretary II, Grade VIII/Step 7 (\$15.05/hour) to Administrative Aide II, Grade IX/Step 4, at \$15.92 per hour, effective November 16, 2003, carried unanimously.*

*Motion by Selectman Stewart, seconded by Selectman Jasper, to terminate Bonnie-Jo Pelland as a part-time Dispatcher in the Hudson Police Department, effective immediately, carried unanimously.*

**11. ADJOURNMENT**

*Motion by Selectman Jasper, seconded by Selectman Massey, to adjourn at 8:35 p.m. carried unanimously.*

Recorded and Transcribed by Priscilla Boisvert  
Executive Assistant to the Board of Selectmen

HUDSON BOARD OF SELECTMEN

\_\_\_\_\_  
William P. Cole, Chairman

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Teresa Stewart, Vice-Chairman

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Shawn N. Jasper, Selectman

**Kenneth J. Massey, Selectman**

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**Ann Seabury, Selectman**