

HUDSON, NH BOARD OF SELECTMEN
Minutes of the October 28, 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 Chairman William P. Cole
3. **ATTENDANCE**

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

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Andrew Singelakis and Steve Williams from NRPC; Leo Faunal; Atty. Brad Westgate; John Knowles; Ray Rowell; Leo Bernard; Richard Maddox; Howard Dilworth, Jr; Anne Lundregan, TEL; Pierre Comtois, SUN

4. **PUBLIC INPUT**

John Knowles, 51 Quail Run Drive spoke in favor of the Board signing the Purchase and Sales Agreement for 47 Ferry Street for expansion of the Library, although he thought the Library Trustees had the statutory authority to do so themselves.

5. **NOMINATIONS AND APPOINTMENTS**

Letter of Resignation from Keith Bowen from the Recreation Committee and Benson's Committee was acknowledged, with the Board's regrets, on a motion by Selectman Seabury, seconded by Selectman Jasper, that carried 4-0.

6. **CONSENT ITEMS**

Motion by Selectman Massey, seconded by Selectman Seabury, to accept consent items A, B & C, as appropriate, carried 4-0.

- A. **Licenses and Permits**

- 1) Request for a Hawker-Peddler Permit by Weir Tree Farms to sell Christmas Trees at the Hudson Mall from 12/01/03 to 12/20/03.
- 2) Sign Permit Request by the Hudson Jr. Woman's Club to advertise their Craft Fair at the junction of Canal Street Bridge and Central Street, Corner of Central Street and Lowell Road, and Corner of Rt. 3-A and Rt. 102, referred to Road Agent for proper placement.

- B. **Acceptance of Minutes**

- 1) Minutes of the Board of Selectmen's Meeting of September 23, 2003 (Page 6 was changed, IAW Selectman Jasper's request to include Acting Chief Murray's challenge to him.)
- 2) Minutes of the Board of Selectmen's Meeting of October 14, 2003

- C. **Committee Announcements**

10/29	5:00 School Board in BOS Meeting Room
10/30	6:30 Pennichuck Regional Water District Committee @ Bedford CATV
10/31	6:00-8:00 Trick or Treat Hours in Hudson
11/01	10:00 Dedication of Animal Facility, across from HPD on Constitution Drive
11/03	7:00 Friends of Hudson's Natural Resources
11/04	7:30 Library Building Committee @ Ferry Street Annex
11/05	7:00 Planning Board in CD Meeting Room
11/06	7:00 BOS (reserve date) in BOS Meeting Room
11/06	7:30 ZBA in CD Meeting Room
11/06	6:30 Pennichuck Regional Water District Committee @ Bedford CATV
11/10	First day to accept Zoning Petitions (Closing Date is 12/10)
11/10	7:30 BOS in BOS Meeting Room
11/11	Veterans' Day—Town Hall Closed
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 Pennichuck Regional Water District Committee @ Bedford CATV
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	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
11/24	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)
1/31/04	BOS Deliberative Session @ Lions Hall

7. **OLD BUSINESS**

Public Hearing on Amending Chapter 98 of the Town Code, Purchasing Policies and Procedures

Selectman Massey said this document incorporated the changes that were requested at their meeting on October 14.

Chairman Cole opened the Public Hearing at 7:38 p.m. and asked if anyone wished to speak. There was no response, so he closed the hearing.

Motion by Selectman Massey, seconded by Selectman Seabury, to approve the changes and submit to General Code.

Selectman Jasper referred to 98-6-B Approval Required and said the last sentence is confusing and conflicts with the previous sentence: "The Chairman is authorized to execute such contractual instruments as may be required to complete the transaction."

Amendment by Selectman Massey, seconded by Selectman Jasper, to remove the sentence suggested carried 4-0.

Vote: Motion, as amended, carried 4-0.

8. NEW BUSINESS**A. Discussion relative to Issues surrounding the Circumferential Highway**

Chairman Cole recognized Andrew Singelakis and Steve Williams from the Nashua Regional Planning Commission, saying that the White Paper referred to in NRPC's letter was printed out and distributed to the Board. Mr. Singelakis said he was trying to find out the level of support for this project, which was conceived in the 50's. In 1993, the Environmental Impact Statement for the project came out and, in 1995, they expressed their intent to veto the project regarding wetland issues in the southern part of the project. In response, State officials took out the piece that goes from Route 3A northeastward to 111. Exit two was constructed and the turnpike was widened—the partial build which goes from 111 to Exit 9 in Merrimack. In 1999, DOT went to the affected communities to receive input. The project is a limited access, 55 mph, four lane highway with a cost of \$168 million. The part that goes from Route 3 in Merrimack to Exit 9 is \$36.8 million. Some of the issues with the project are being removed from the draft 10-year plan. A lot of the original players are no longer movers of the project. Traffic congestion continues to be a major problem at the Taylor Falls Bridge. The Pennichuck Watershed is an issue and a group has formed that will oppose the project. The project is tied into the regional traffic modeling and the Nashua planning for all communities in the region. The Broad Street project is being modified to a two-lane roadway. Right now, this is part of the turnpike system. The toll booth that was going to be at Exit 2 is no longer there. DOT is saying the EIS will be released eventually and they want to have their position in place when it is. The 10-year plan is in the process of being adopted and they will be in the process of adopting their long-range transportation plan in 2004. As a result, they put together the White Paper to see if there are alternatives to looking at the project that might be more feasible and stand a better chance of being successful. The longer they go without any movement, the further away they are from a solution. The most complicated portion goes into Exit 9 and may not be needed. They also need to decide if they should talk about a four lane or a two lane road, such as Nashua did with Board Street. They are looking for a response from all four towns by the end of January.

Selectman Jasper said this project, started the year he was born, has been fraught with obstacles. A limited access, two-lane road, would be condemning people to death and they would be better off doing nothing. One just has to recall Route 101 around Epping and Raymond when that was a two-lane road and many people have died on Route 111, between Park and the Great Eagle Motel at Sullivan Road. Mr. Singelakis said DOT has been pushing for the road to end at Route 3, and Merrimack has been looking at this issue. The design will be a little different for a two-lane road. What is on the table and wasn't included in the White Paper is a four-lane road, ending in that location. He didn't intend to limit the alternatives. They are looking at a traffic modeling standpoint to see if there could be a scaled-back version of the project and still have benefits. There could be other alternatives they haven't even thought about yet.

Selectman Jasper agreed the most important part of the project is from Route 3 in Merrimack to Route 102 in Hudson. That should be a four-lane highway, with two bridges and go from there. It is unrealistic to think they will get this done all the way to Route 111 all at once. It would be a disaster for Litchfield if it is built from 3 to 3A because they don't have the infrastructure to handle the traffic. Selectman Seabury said she attended the DOT hearing last week and there isn't any money to do the portion from 102 to 3A. She agreed a two-lane road would be suicide.

(Start Tape 1, Second Side)

Selectman Massey agreed that doing 102 to 3 would get the best bang for the buck. There has been nothing but problems from Amherst Street on 101 to the Milford Bypass, and that has a 60 MPH speed limit. The only thing that makes sense is to do a four-lane road, but he didn't think they'd see anything done through 2010. What needs to be decided is whether or not this is something they want to keep in front of the DOT for inclusion in their 10-Year Plan.

Chairman Cole referred to Alternative 3, which says it was modeled as a two-lane roadway and has the least right-of-way impacts. He asked if the two lanes were proposed because of other right of way impacts if it is expanded to four lanes. Mr. Singelakis said that wasn't the alternative they were talking about. One of the reasons they were before the Board was for input and get other alternatives to consider, but maybe it could be segmented off and started in smaller phases. He didn't think it will impact the number of vehicles traveling back and forth, whether it is two or four lanes. Mr. Williams said, even with the two lanes when they did the modeling, they weren't putting enough traffic over the roadway to push it up to capacity, which indicates a certain amount of demand for that roadway at that speed. If you increase the speed, you increase the demand. Chairman Cole said he raised that point as a result of Selectman Jasper's premise that there are more accidents on a two-lane road than on a four-lane road. From his layman's perspective, he thought that was the best alternative for Hudson. Mr. Singelakis said they did, too, but other things need to be tested.

Chairman Cole asked how the Selectmen should frame their response. Mr. Singelakis said they'd like to get something in writing from each of the communities, indicating their opinion. Selectman Jasper said tonight was the first time he saw the document. Chairman Cole asked if NRPC could send something to the Board, framing what it is they would like back from the Town. He would then get that out to the Board and come up with a consensus, or possibly several answers, and then he will formulate a response on behalf of the Town. Mr. Singelakis said he'd be happy to do that.

B. NH Route 102 Road Widening Project

Town Administrator Steve Malizia said the State would like to do asbestos sampling to determine what they might be encountering on that stretch of road near Hogan's Garden Center. Golder Associates, the company that will be doing the testing, has spoken with Kevin Burns and has contacted the Police Department relative to traffic control. Selectman Massey said the motion should require the company to provide traffic details for the actual road work, when it happens.

Motion by Selectman Jasper, seconded by Selectman Seabury, to approve the NH DOT's request to perform the Route 102 evaluation work between the hours of 7:00 p.m. and 3:00 a.m. during October and November 2003, with the condition that the concerns of the Hudson Police Department are satisfied, prior to the start of the work, carried 4-0.

C. Acorn Acres Subdivision (James Way)

Selectman Massey said the Planning Board has negotiated a settlement with the current owner of Acorn Acres. One of the conditions is the construction of a sidewalk from the subdivision out to Dracut Road, but because sidewalks require approval of the Selectmen, this request is before them. If the Board chooses not to approve this, the monies that would have been used for that project will go into the Sidewalk Fund. The Planning Board wanted to see the sidewalks built.

Motion by Selectman Massey, seconded by Selectman Seabury, to approve the granite curbing and sidewalk improvements along the existing portion of James Way, as noted in sub-paragraphs (b) and (c) of attachment to the Community Development Director's 23 October memo; subject: Acorn Acres Subdivision (James Way).

Selectman Jasper said this was a situation where a part of the subdivision would have sidewalks and a part would not, so he is in favor of the installation of sidewalks.

Chairman Cole read from the legal document, the last sentence under (c), "The Town staff will handle any inquiries or complaints made by existing property owners with regard to the installation of the sidewalk." He said that sounded like a benign statement, but could cause a lot of headaches, then recognized Planning Board Chairman Richard Maddox and asked if he had a feel for the types of inquiries or concerns the property owners might have. Mr. Maddox said the abutters probably landscaped right up to the roadway, which would be impacted by sidewalk installation. Chairman Cole asked if the abutters were involved in any of the hearings. Mr. Maddox said they were present for the initial approval of the plan, but didn't know if they knew about the sidewalks. Selectman Massey said since he has been on the Planning Board, there haven't been any abutters present for any of the hearings for this subdivision.

Selectman Jasper thanked Chairman Cole for raising that issue because that question crossed his mind when he read this. He didn't want to spring this on people, who might be adamantly opposed to sidewalks. He wondered if there was a way to do this so the agreement could move forward and still take time to listen to the concerns of the abutters, who might not know that this was an issue. The caveat is in the agreement that if the Selectmen don't agree to the sidewalks, the \$11,500 goes into a fund. He suggested that a notice be sent to the residents of James Way, telling them that the issue of sidewalks was going to be discussed.

Chairman Cole asked Selectman Massey and Mr. Maddox how that would work time-wise. Mr. Maddox said some of the plans that went before the Planning Board had sidewalks going all the way up James Way, but in the last iteration, they were left out. He believes the abutters knew there was a potential for sidewalks. Only two or three houses would be affected and a letter could be sent to them. The agreement could be signed and the Board could still hold a hearing because nothing would be started at this late date. Attorney Westgate didn't object to the Board noticing the existing home owners. He asked, however, that they approve the arrangement for the sidewalk and the sloped granite curb. He suggested that the Selectmen might want to send a letter, saying they will take up this matter at their next meeting, if anyone wants to attend to comment. Chairman Cole said they could post a public hearing for their meeting on November 10. If there's no major stumbling point, the Board can take action at that time. Selectman Massey thought the agreement could still be signed. Attorney Westgate agreed. There was a discussion of what department would draft the letter, with the conclusion that it should come from the Office of the Selectmen.

Selectmen Massey withdrew his motion; Selectman Jasper withdrew his second.

D. Library Land Purchase—47 Ferry Street

Chairman Cole said this is the item Mr. Knowles referenced in Public Input.

Motion by Selectman Massey, seconded by Selectman Jasper, to authorize the Chairman of the Board of Selectmen to sign the purchase and sale agreement for the property located at 47 Ferry Street, Hudson, NH.

Selectman Massey said this is a key property for the Library expansion. The money is in a five-year account, so this is the last year it can be acted on. Acquisition of this property allows the Trustees to do real planning. Selectman Jasper remains unconvinced this is the best thing for the Town, but the voters approved the allocation of money, so he would not stand in the way, but it is an expensive endeavor. Selectman Seabury said it's going to be a beautiful building.

Vote: Motion carried 4-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

A. Architectural Drawing for the Library

Selectman Seabury said the architect was at the last Library Trustees meeting and brought in an attractive set of plans. They are going to match the fieldstone and the roofing. She is pleased with the strides they are making.

B. BOS Budget Meetings

Selectman Seabury was happy that Selectman Jasper stayed at the meeting Friday night. The Board accomplished a great deal and she felt more confident with Selectman Jasper making the budget cuts. Selectmen know the cost of running programs and are more aware of what is needed than the Budget Committee is.

(Start Tape 2, Side A)

C. Benson's Committee

Selectman Jasper said a couple of weeks ago something came up that he wasn't really paying attention to and that is the Benson Committee's request for help. He never did get up to speed on it and by the time he got his thoughts in place, the item was gone. He apologized to the Board and to the Benson's Committee for that. What is troubling to him is that the committee sent a letter to the Board, asking for some help from staff and the Board didn't even take the time to discuss that request—and that was a mistake. With all due respect to Selectman Seabury, who works very hard on many groups and organizations, did not have a very good relationship with that committee. Selectman Seabury said that was because they attacked her. Selectman Jasper said but they ended up in the same place, which wasn't satisfactory for either the committee or Selectman Seabury.

Chairman Cole asked what he meant by the same place. Selectman Jasper said Selectman Seabury didn't seem to be happy on the committee and, based on her comments, they weren't happy having her there. The letter asked for representation from Town staff to work with them. There has been no progress on their actual charge, a site plan, for quite some time. They need to go out and get an engineer and begin to work that way. The point is not that they should or shouldn't have Town staff or that Selectman Seabury should or shouldn't be there. The point is they have a group of volunteers that work extremely hard with very little direction and guidance and with much turmoil, in terms of people coming and going and the Board didn't even give them the courtesy of discussing their letter. The Board owns their volunteers a little better than that. Even though the results may have been the same, the Board shouldn't have treated them that way. They should have addressed the committee's concerns and taken action accordingly.

Selectman Seabury said she did make a visit to the site on Sunday, with Esther McGraw, and her van got hung up on some stumps and undergrowth. Esther crawled under the van and got the tree untangled and they were able to get out. There is a lot of work that needs to be done out there. Esther wants to organize another group of volunteers before snow flies. She didn't know what Selectman Jasper wants the Board to do--they don't even own the property yet. Once they do, they can see how much money is left to hire an engineer. Selectman Jasper thinks they are in pretty good shape and are already spending money on the buildings. He was bringing this up because the Board should have given the proper attention to the request. Chairman Cole recalled that the issue was that the Selectmen's representative to the committee—him—missed the last couple of meetings and they were looking for someone to take up the slack, which translates to a member of the Board. To have staff stay at Town Hill until 6:00 or 7:00 p.m., or later, is an unnecessary imposition. Town staff has always been responsive to the Benson's Committee when it was looking for advice, expertise, guidance, etc. He wouldn't support having a member of Town staff designated to that committee. Staff has enough meetings to go to. Selectman Jasper said the Chairman missed the point. The Board might have felt that assigning Town staff to them was not appropriate, but the Board owed the committee the courtesy of a reply. Chairman Cole said he spoke to Esther McGraw on this issue, but he has no idea of how information is transmitted to the rest of the committee. Selectman Jasper said all he was saying is that, at the time, he lost place on the agenda. It's not a matter of whether the Chairman spoke to them or not; as a Board, they did not have a discussion and there was no relaying of information. They could have handled that better. That group has been trying to do a tremendous amount of work. Now that Keith has submitted his resignation, a letter should be sent to the Recreation Committee asking them to designate another representative.

D. Dedication of the Annual Town Report

Selectman Jasper concurred with Chairman Cole's suggestion via email of dedicating the Annual Report to Leon Hammond, but thought it merited a public discussion—and he would add Leon's wife, Geri, who was Secretary to the Board of Selectmen for many years. Chairman Cole said including Geri was brought to his attention right after he sent the email. Selectman Stewart was approached by Esther McGraw at a Historical Society meeting with that suggestion. Selectman Jasper thought it should be formalized.

Motion by Selectman Jasper, seconded by Selectman Seabury, that the Town Report be dedicated to the memory of Leon and Geri Hammond carried 4-0.

E. Pennichuck Regional Water District Committee

Selectman Massey said the Charter will have a Board of Directors that consists of a member from each community that is a member of the district—one community, one vote. The issue of Nashua having absolute veto control has been minimized. The Charter will now include language to the effect that current capital needs will have priority over future expansion and/or additions. The core system of Pennichuck Water is in Nashua and is in serious need of capital improvements. Ed Badger, the Hudson Webmaster, is going to create a separate page that will include the current draft of the Charter, agendas and Minutes of the meetings. He believes the draft of the Charter will be completed by November 13. In early December, they can hold a public hearing, which the attorney, through Mr. Malizia confirmed would have to be done, and put the question of membership on the warrant. He thinks there is enough time to do that because it is a non-monied article. His recommendation is that Hudson be a member of the district when it is formed.

F. Gasoline Additive MTBE

Selectman Massey, referring to a letter from NHMA dated October 16, 2003, said the Attorney-General is looking for feedback from communities whether or not they are supportive of his intention to sue the manufacturers and refiners of gasoline with MTBE. There is an energy policy bill pending in Congress to which the oil industry is attempting to attach a provision giving it immunity from suit. If enacted, it may bar any suits that are not filed when the bill passes. The NH Congressional Delegation hasn't committed to opposing the immunity amendment, so NHMA is asking towns to communicate their governing board's position on granting immunity. His recommendation was that the Board support the Attorney General in his lawsuit and asked for a consensus from the Board.

Selectman Jasper agreed in theory, but didn't know enough about the issue, other than the fact that MTBE is causing environmental and health problems. He didn't have the history of why it was put in the gasoline, but thinks it may have been a directive by the Federal Government. If it's

something done voluntarily and somebody is doing it to make money, he'd feel differently. If it's done because companies are pressured to do something by the Government that the long-term effects can't be known, then he puts equal or more onus on the Federal Government than he does on the company that had to use the additive. Selectman Massey said the EPA mandated that gasoline had to have either MBTE or ethanol added, and many states chose ethanol, but there is no option now. The issue now is to achieve an ability to either not use the additive or switch. It's fairly certain that MTBE is getting into the ground water at significant rates. He understands Selectman Jasper's position on the immunity issue, but the question is whether or not they want to support the Attorney General. Selectman Jasper thought that they ought to be able to recover the cleanup costs and wondered if it would be from the companies or the government, who forced the additive. Selectman Massey said it may include both. He will contact Maureen Smith at the AG's Office before they formulate a response and ask them what they are trying to do and, if it seems appropriate, he will draft a letter for the Board to consider at the next meeting.

G. Animal Control Facility

Selectman Massey reminded everyone that on Saturday, November 1 at 10:00 a.m. the new animal control facility will be dedicated. They should thank everyone that has been involved, especially the people who had a dream 10-15 years ago, who collected loose change to get the ball rolling. He thinks the citizens will be proud of the new building.

H. Town Hall Custodian

Chairman Cole said, on behalf of the Board, Town staff and anyone who has spent more than five or 10 minutes in Town Hall over the last month, he passed along kudos to Wayne Madeiros, the part-time Custodian at Town Hall. Selectmen Seabury and Massey said he is doing a great job. Chairman Cole said Wayne is focused and knows what he is doing. Town Hall is sure looking good right now, although he hesitated to say better than it ever has, lest someone contradict him. He wanted to publicly thank Wayne and knows he will keep up the good work, adding that Town Administrator Steve Malizia made a good recommendation.

I. Collective Bargaining Session

Chairman Cole said the Board of Selectmen will be meeting with Bill Wardwell on November 10 at 6:30 p.m. relative to the IAFF contract, prior to the Board's meeting that evening.

J. Next BOS Meeting

Selectman Massey said, since the Board's meeting is next Monday, department heads should get their materials into the Selectmen's Office on the previous Wednesday instead of Thursday. After a brief discussion, it was decided to leave it as is. Some Selectmen thought it would be too confusing to change the schedule.

K. Warrant Articles

IAFF 3154—Fire Fighters Union Contract; Administrative and Support Staff Union Contract; Public Works Union Contract; Combined Dispatch; Radio Interoperability

Chairman Cole said the Combined Dispatch and Radio Interoperability articles will be taken up on November 10, 2003. The status of the others, dealing with contracts, are not yet at a point to be addressed by the Board.

(Start Tape 2, Second Side)

Motion by Selectman Seabury, seconded by Selectman Massey, for a recess at 8:53 p.m. carried. The meeting resumed at 9:00.

L. Wage and Benefits Increase for Non-Union Personnel

Selectman Seabury said this was a much better article than last year's and hopes the Library will do the same thing.

Motion by Selectman Jasper, seconded by Selectman Massey, to forward to the warrant in the amount of \$1,563 carried 4-0.

M. Wage and Benefits Increase for Town Clerk/Tax Collector

Motion by Selectman Jasper, seconded by Selectman Massey, to forward to the warrant in the amount of \$16,570 carried 4-0.

N. Wage and Benefits Increase for Recreation Director

Town Administrator Steve Malizia said there has been some discussion in the recent past about the Rec Director's salary from a comparability perspective and he didn't want to put them in with the general increases, as in the past. These are stand-alone articles. The proposed number is a starting point for discussion and was arrived at by looking at area communities to determine the average salary in like-size communities and in the same geographic proximity. Chairman Cole said Selectmen Stewart emailed him that she would support up to a \$5,000 wage adjustment. Selectman Massey said he based his opinion on the fact that the Recreation Director was also the head of the basketball program.

Motion by Selectman Massey, seconded by Selectman Cole (after passing the gavel to Selectman Seabury), to adjust and move to the warrant a comparability increase of \$5,000 plus applicable FICA and pension contributions.

Selectman Massey said, given the fact that the current salary includes a \$5,000 salary for Director of Basketball, a \$10,000 total adjustment was appropriate. Selectman Jasper didn't disagree about the comparability issue, but at one time they had only a part-time Rec Director. When the Committee proposed a full-time Director, it was a low salary and they weren't looking for a lot. The committee was told that if they could get someone full-time for about \$23,000 to go ahead with it. Comparability adjustments have been made and the salary has been moving up, but sometimes you have to live with what you said you would. You can't say you thought you were going to get a \$25,000 raise over five years. That's

not fair. He's heard people say that promises were made, but no one told the Board about those promises. A \$5,000 raise, plus a 3% raise is a lot of money. He could go along with a \$3,000 adjustment. Selectman Massey asked if they were talking about an increase on top of the 3%. He was told yes. Chairman Cole clarified that the fee paid for Basketball Director is \$3,200. Selectman Massey said then he would leave the proposed motion as is.

Amendment by Selectman Jasper, seconded by Selectman Seabury, to change the amount to a \$2,500 adjustment.

Selectman Seabury said if he gets the 3% increase, it's an 11-27 raise and the \$2,500 comparability would bring him up to \$41,000. This combination would be a good increase for this year. It is hard for voters to accept comparability increases, especially at this time of year. They have more of a chance of having \$2,500 approved than \$5,000.

Chairman Cole asked whether or not Selectman Stewart had a vote. Selectmen Massey and Jasper said no.

Amendment failed 2-2. Selectmen Jasper and Seabury were in favor; Selectmen Massey and Cole were opposed.

Main Motion failed 2-2. Selectmen Massey and Cole were in favor; Selectmen Jasper and Seabury were opposed.

Motion by Selectman Massey, seconded by Selectman Jasper, to include a comparability adjustment of \$3,500 carried 3-1. Selectman Seabury was opposed.

O. Wage and Benefits Increase for Police Prosecutor

Town Administrator Steve Malizia said during the recent past the Board discussed the potential of putting forth a comparability increase. This person is an attorney, admitted to the NH Bar and represents the Town in court. Working for him is a Master Patrol Officer, who makes as much as the Prosecutor. In order to arrive at a figure, Mr. Malizia used a differential level of approximately 10% between the two positions for a starting point for discussion. Chairman Cole said Selectman Stewart's email indicated she would support up to a \$5,000 adjustment. Selectman Seabury said the 3% would bring him to \$49,829. The guy was getting \$25,000 in Massachusetts and considered he got quite an increase when he came here. Selectman Massey asked why there was a delta being proposed between the Prosecutor and Master Patrol Officer. Mr. Malizia said the Court Liaison Officer is assigned to assist the Prosecutor, which is generally a Master Patrol Officer, who will make a salary of \$52,800.

Motion by Selectman Massey that the Police Prosecution salary be \$1,000 more than the Master Patrol position. Chairman Cole asked for the figure. Selectman Jasper said not to forget to add in the 3% first. Selectman Massey said the comparability increase would be \$3,982 with the understanding it's setting the Prosecutor's salary \$1,000 above Master Patrol salary, a policy decision which would not appear in the article. Chairman Cole preferred to focus on just the warrant article language. There was no second to Selectman Massey's motion.

Selectman Jasper said when they hired a Prosecutor, it was to replace police officers to get them back on the street. He respects Chief Gendron's position to have someone in a stable position and pay them a good wage, but they need to put this into perspective. What they talked about when this position first came up is turnover. They'd have somebody out of law school do a couple years, getting court room experience, then going on and the Town would get someone else.

(Start Tape 3, Side A)

These are just traffic violation cases. The County attorneys start off way less than \$50,000 a year and that's what the County Attorney expects to happen. They'll have somebody come in, and they are doing misdemeanors, some felonies, and are starting off with young lawyers, who are expected to stick around for a few years, and they have a turnover. The salaries are way, way, way less than \$50,000 for a starting attorney. They do keep some more experienced people on, but primarily that's what happens there. The salary here has gotten higher than it needs to be for what they are being asked to do. The reason they did this was to get the officers back on the street. When this started out, it was a way to save money because they would free up more expensive patrol officers and have a young lawyer, willing to take less salary to get the experience. If you go clerking for some other firm, or you are a lower lawyer, you are not going to get that experience. Courtroom experience is very valuable in the market and that's why they are willing to do it. They shouldn't have people staying in this position for a long period, in his opinion. Obviously, administratively, it's much easier for the Chief, but it's not in the Town's best interest.

10. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Massey, to enter Nonpublic Session under 91-A:3 II (a) Dismissal, promotion or compensation of an employee or the disciplining of, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case it shall be granted; (b) Hiring of a public employee; (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party whose interests are adverse to those of the general community carried 4-0 by roll call vote.

11. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Massey, to adjourn at 10:33 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

HUDSON, NH BOARD OF SELECTMEN

Teresa Stewart, Vice-Chairman

Shawn N. Jasper, Selectman

Kenneth J. Massey, Selectman

Ann Seabury, Selectman