

HUDSON, NH BOARD OF SELECTMEN
Minutes of the September 23, 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 Teresa 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; Richard Gendron, Chief of Police; Lt. Don Breault, Police Department; Shawn Murray, Acting Fire Chief; Gary Rodgers, Deputy Fire Chief; Kathy Carpentier, Finance Director; Jim Michaud, Assessor; Kevin Burns, Road Agent; Torrey Demanche, HFD Executive Secretary; Helen Cheney, HFD Secretary; Len Lathrop and Robin Rodgers, HLN Publishers; Ray Rowell; Leo Bernard; Doug Robinson; Howard Dilworth, Jr; Jim Monahan and family; Coleman Kelly, CATV; Anne Lundregan, TEL

4. **PUBLIC INPUT**

Len Lathrop, 31 Winslow Farm Road, and Robin Rodgers, Hudson-Litchfield News Publishers, re. First Amendment – Mr. Lathrop read the following prepared statement after introducing himself and Mrs. Rodgers:

During Selectmen's remarks at your last meeting on September 9, statements were made about the *Thumbs Up/Thumbs Down* page that has been part of the HLN for over 12 years. While once again outraged by the comments of this Selectman, I decided to take this assault in stride, with the many other comments this Selectman has made, both in public and behind closed doors in the past. However, after several phone calls from cable viewers on Wednesday morning, complaining of a violation of the First Amendment and thumbs down we received, the management team at the HLN felt that it was necessary to address these remarks. While Selectman Jasper did not violate the First Amendment, his actions certainly left footprints on the Bill of Rights. The First Amendment states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. In Mr. Jasper's aggressive, micro-management style, he tried to control the actions of the press by his comments, and I am sure if he could have made a motion to control the content of the *Thumbs* page, he would have. Selectman Massey has, indeed, spoken to me about the *Thumbs* page, and we have discussed it in a constructive manner. Both Selectmen have cited the anonymous nature of *Thumbs* as the biggest problem. Our team's thoughts raced to the postulation that many people do not have the ability to speak with, or confront another when there is a problem or concern. Other members cited how hard it is, for example, to begin a conversation with a Selectman when the two dimensions of positive communications are not there. Communication has two parts: speaking and listening. I have found that sometimes, when the person who is listening is never wrong, and the only opinions that count are theirs, it prevents people from expressing themselves freely and even angrily when they are upset about something, or the actions of another. *Thumbs* has provided a safe area for these people to speak out. It is almost comical that the production team of the HLN in their Tuesday morning meeting, prior to the Selectmen's meeting, reviewed the *Thumbs* page, as the team felt that, in recent weeks, the page had become somewhat more negative. As your community newspaper, the hope is that this page provides a way for people to be positive, as well as negative, with their thoughts and words. The outcome was to redesign the headline and to add a caveat to the reader, which we did, even with some concern that Mr. Jasper would believe that his demands were the cause. I can assure you, Mr. Jasper, they were not. If taking criticism is a problem for a public figure, then maybe they should not be a public figure. It seems that your communications about the paper (at the) last meeting was only one step away from the *Thumbs* column. While everyone knew who the speaker was, it took this action of coming to the Board meeting to have you listen to the other side of your comments. A meeting or phone call could have reached the same results, or maybe even better results, but then you wouldn't have gotten the airtime you wanted. We all know that there is an election in March. I can understand when words and actions are not in harmony; that is, have you directly, or via a second party, placed *Thumbs* into the page? While we have no way to track the writer of the *Thumbs*, we have speculated that many of the ones about the ex-Fire Chief could have come from Old Derry Road. But those, like most *Thumbs*, were welcome and put in the paper in the order they were received. In closing, the freedom of the press, as established in the Bill of Rights, has been tested many times. The first case was in 1733, when John Zenger, Publisher of the New York Weekly Journal, prevailed against Colonial Governor William Cosby. The freedom of the press was clarified to where it is, understood that freedom of speech is guaranteed to its citizens and extended to members of today's newsgathering organization and their published reporting. Be assured that our team is not cavalier about *Thumbs*, but very cautious. *Thumbs* from a child about naked men next door, the ones that seem suicidal or are legal issues, are referred to Chief Gendron. We do our utmost to provide any information we have as to where the *Thumbs* came from, such as the e-mail address, or when the phone call was received, or in the case of a written message, the document is given to the Police Department. Ones with serious radical or sexual overtones are discarded. We cherish being a community partner with all the towns that receive our papers and look forward to a positive position in our served communities. Thank you for your time tonight.

Selectman Jasper said he finds it unfortunate that Mr. Lathrop attributes thoughts and ideas to him that he never said. What he had suggested was that the *Thumbs Up-Thumbs Down* column be changed to a *Thumbs Up* column because a number of people in Town take a bashing. He didn't mind as long as he can look at the person who is bashing him. It's cowardly, mean and vindictive, and it's not just him taking the hits. He doesn't think it does the community a service. He didn't attempt to trample on the Bill of Rights in any way. He respects the fact that HLN has the right to publish whatever opinions it would like but to allow people to do that under the cloak of anonymity does a disservice to everyone, particularly those in public service, who try to do their best. He did have conversations with Mr. Lathrop about this column and about a letter he wrote relative to this and Mr. Lathrop convinced him not to submit it. Mr. Lathrop is taking his comments totally out of context. No one can reasonably suggest that he made unreasonable demands on the paper and as a community paper, they ought not to do that. Last week, people from the Community Development Department took a beating, as has people from almost every department. It doesn't serve a good purpose, but he would never suggest in any way, or make a motion to take that right away from the paper and he resents the fact that Mr. Lathrop suggested that. The record is clear, in spite of the mud thrown at him.

Selectman Massey wanted the record to reflect that he has spoken with HLN on several occasions relative to the *Thumbs Up-Thumbs Down* column, but on September 9, he had stated that, under the cloak of anonymity, people are able to commit character assassinations and some Town employees are being hurt by the criticism. It is not to the Town's advantage to willingly condone that. A paper has the right to publish anything they want because that's what the First

Amendment is all about, but a paper also has to have some responsibilities about what they do and don't do in terms of the public good. If someone tells him he is doing a lousy job or a great job, that's their right, even if it is done under the cloak of anonymity. As Mr. Lathrop has pointed out, there are people who are incapable or feel intimidated if they go public, but it crosses the bounds when somebody makes personal attacks. That is not fair game, but that is what some of the *Thumbs* have done over the last several weeks. He objects to the personal attacks, especially against Town employees.

Selectman Seabury loves her Town employees and the jobs they are doing. No one can anyone fight the slurs and assertions when no one knows what they are talking about. They should address the people who can correct the issue. If someone doesn't want to give their name, they can call the office so word can be transmitted to the Board of Selectmen. When broad statements are made that someone isn't doing their job, and then the Selectmen see a legal opinion that says that person is doing a good job it is confusing. Many complaints in *Thumbs* are about cases that staff is working on behind the scenes. The wheels of justice moves slowly and it might appear that staff isn't doing their job, but they really are. Selectman Stewart said most of the *Thumbs* are petty, school-yard nitpicking. She has a good idea where the comments about her came from, but she is above that pettiness. However, some of them have children that read what is in there.

Mr. Lathrop stands by the statements he made. Unfortunately, Selectman Jasper's memory is a little cloudy. HLN is not cavalier about *Thumbs*. They have spoken together about *Thumbs*, both in public and behind closed doors, and many other issues regarding the paper. The HLN team strongly feels that *Thumbs* provides an opportunity for people to express themselves. If *Thumbs* is taken with the proper outlook--as Mrs. Seabury pointed out--there are things the general public doesn't know, i.e., legal opinions. Sometimes the wheels turn slowly. People do need an avenue. HLN staff will confirm that when they are into heavy issues, they communicate with some of the people and sometimes people change their mind. Some people still put it in; some call the Selectmen; some call the Police Chief. Pot shots are taken, but there are about 80 good things for every 20 bad things. Public figures take pot shots, but that's why they are public figures. People have a right to disagree, even if it's with Town employees. *Thumbs* has existed for 12 years. They protect the children, the teachers and principals; they have quite a few guidelines. *Thumbs* aren't just published; they are edited, and then re-read and some things are eliminated. When necessary, they forward things to the Chief of Police. *Thumbs* is an important communications link for the community and an indicator of what the concerns are.

Selectman Jasper asked for an explanation of his memory being cloudy. Mr. Lathrop said he watched the videotape eight times and the enthusiasm Selectman Jasper slammed the paper with was phenomenal and thinks it was done because the Chairman was absent, so he could get away with it. However, he didn't know what Selectman Jasper's motive was, but he was very aggressive on September 9, not toned down like tonight. It is like two different people.

Chairman Cole suggested both men talk together in an attempt to resolve their issues.

Jim Monahan, 35 Bush Hill Road, 882-6552 re. Thurston's Landing Common Drives -- Mr. Monahan distributed a handout and said he needed help from the Selectmen. There is a development going in behind his Thurston's Landing West home that has a common drive, which he didn't realize until about three months ago. The Planning Board, Community Development staff and some of the Selectmen have all been very helpful, now he was requesting that the Selectmen try to convince the attorney to re-review this issue. Thurston's West was part of a lawsuit that the Town lost in 2000, based on an '87 map, which doesn't show a common drive. It normally would show up on a subdivision map, but instead it was on a topographical map, without a Planning Board signature. It showed four lots, none of which were recorded. A year ago, another developer tried doing the same thing and the Town turned them down. The house that is going up right behind him is connected to seven lots, not four. He is nervous because the usual timetables and policies have not been followed and that is why he'd like the Town Attorney to look at this again. The common drive is literally on his property line. He is an island. The \$400,000 house behind him looks directly down on his. They are putting in a corner behind him and built up the lot two to eight feet, making him lowland. He has safety concerns for his family. If people don't make the corner, they will end up in his back yard. Over the last few weeks, he is finding conflicts in what people are saying and what is actually happening.

As Planning Board liaison, Selectman Massey said the lots in question were approved and predate the 1996 change in the regs that prohibited common drives. In the summer of 2002, the Planning Board voted to require that any common driveway servicing these lots would require Planning Board approval. Today, a common driveway is done by the Town Engineer, but the Planning Board has the final say--and they made that very clear. At the September 10 Planning Board meeting, the Town Engineer and Fire Department required changes to this common driveway, one of which is to mitigate the way the drive is situated on the first lot, because it peers right into Mr. Monahan's back yard and home. The applicant will have to put in some form of screening. The Community Development Department has made it very clear that no occupancy permit will be issued until the Planning Board approves the common drive. He didn't think they would get any more useful information from the Town Attorney and steps are being taken to protect Mr. Monahan's interests, given the fact that the common driveway was a permitted use when this subdivision was created. The driveway that is going to go in will have a lot of controls on it that it might not have because of the Planning Board's interest in pursuing Mr. Monahan's interests.

Chairman Cole said this item was on the Planning Board's agenda tomorrow night. He believed appropriate measures are being taken by the Planning Board, given the authority delegated to them. Selectman Jasper said he has a great deal of empathy for Mr. Monahan. In reading the legal opinions, this is something that didn't have to be shown on the plan because it was allowed--unfortunately. The Town has spent thousands of dollars trying to stop this poorly-approved development. The current Planning Board and Director of Community Development are doing the best they can with a bad situation. He didn't believe that going any further would prove to be winnable, that there is no light at the end of the tunnel.

(Start Tape 1, Second Side)

Leo Bernard, 3 Bungalow Avenue, said he was pleased with the 9-11 ceremony that he attended. Also, in reference to the HLN's *Thumbs Up-Thumbs Down* column, some people don't like to talk face-to-face, so that column is the best way to do it.

5. **NOMINATIONS AND APPOINTMENTS** (There weren't any.)

6. **CONSENT ITEMS**

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

A. **Sewer Utility Items**

Sewer Abatement, S-04-02, S-UTL-04-04, 9 Birch Street, Acct. 1135, \$23.81, w/recommendation to grant.

B. Licenses and Permits

- 1) Request for Block Party Permit on Richman Road by Michael Girouard for September 28, from 10–10, with recommendation by the Chief of Police that adequate signs are posted for motorists.
- 2) Request for Raffle Permit for charitable purposes by the Knights of Columbus at St. John's Church to be held 25 weeks after approval to sell tickets is granted by the Board of Selectmen.

C. Acceptance of Minutes

Minutes of the Board of Selectmen's Meeting of Sept. 9, 2003

D. Committee Announcements

09/23 7:30 Board of Selectmen in BOS Meeting Room
 09/24 7:00 Planning Board in CD Meeting Room
 09/25 7:30 ZBA in CD Meeting Room
 09/30 1:00 Trustees of the Trust Funds at Town Hall
 09/30 7:30 Library Building Committee in Annex
 10/01 7:00 Planning Board Workshop in CD Meeting Room
 10/06 6:30 School Board in BOS Meeting Room
 10/06 7:00 Friends of Hudson's Natural Resources in CD Meeting Room
 10/07 7:30 Library Building Committee in Ferry St. Annex
 10/08 7:00 Planning Board in CD Meeting Room
 10/09 6:30 Recreation Committee at Rec Center
 10/09 7:00 Sewer Utility Committee in BOS Meeting Room
 10/09 7:30 ZBA in CD Meeting Room
 10/09 6:30 Regional Water District Charter Committee @ Bedford CATV
 10/11 Harvest Fest @ Hill House on Route 102
 10/11 HFD Awards Banquet
 10/13 Columbus Day Holiday—Town Hall Closed
 10/14 7:30 Board of Selectmen in BOS Meeting Room
 10/15 7:00 DOT Hearing on 10-Year Plan in CD Meeting Room
 10/16 7:00 Budget Committee in BOS Meeting Room
 10/20 7:30 Conservation Commission in CD Meeting Room
 10/21 7:30 Library Trustees in Ferry Street Annex
 10/22 7:00 Planning Board in CD Meeting Room
 10/23 6:00 Board of Selectmen in BOS Meeting Room (Budget Reviews)
 10/23 7:30 ZBA in CD Meeting Room
 10/23 6:30 Regional Water District Charter Committee @ Bedford CATV
 10/24 6:00 Board of Selectmen in BOS Meeting Room (Budget Reviews)
 10/24 6:00–9:00 Fright Night at Lions Hall
 10/26 End of Daylight Saving Time
 10/27 6:30 School Board in BOS Meeting Room
 10/28 7:30 Board of Selectmen in BOS Meeting Room
 10/31 6:00-8:00 Trick or Treat Hours in Hudson

7. OLD BUSINESS**A. Professional Services Contract for Benson's Historic Structures Report Preservation Consultant**

Motion by Selectman Stewart, seconded by Selectman Jasper, to defer this to October 14.

Selectman Massey thought they had a contract with NRPC to act as Clerk of the Works and wondered about the necessity for this contract. Chairman Cole agreed, adding that in the NRPC proposal for Clerk of the Works, the statement of work in various areas regarding stabilization projects, there was a reference to a Preservation Consultant. He erroneously assumed that was someone that NRPC would consult with, as needed. It turns out that it is a position for Lisa Sasser. It seems the cart was put before the horse because in the statement of work in the NRPC proposal, they referred to actions being taken by, or in coordination with, an individual that didn't exist. He'd like to defer action on this so they can get additional information.

Vote: Motion carried unanimously.

B. Combined Dispatch Report

Chairman Cole recognized Selectman Stewart, Police Lt. Don Breault and Deputy Fire Chief Gary Rodgers for a status report. Selectman Stewart thanked Lt. Breault and Deputy Chief Rodgers, as well as Police Chief Gendron and Acting Fire Chief Murray, for their hard work on this project. A PowerPoint presentation was made which outlined the goal of consolidating and relocating the two current communications systems into one center, located at the Police Department. They outlined the background, explained research measures taken, results of a survey conducted, problems encountered by operating two dispatch centers, the benefits expected as a result of combining, costs associated with combining and, if not combining, upgrading which totaled about the same amount. The recommendation was to put forth a warrant article to see if the Town will raise and appropriate \$878,500 to consolidate and relocate Police and Fire Dispatch into one Communications Center at the Hudson Police Station.

Selectman Stewart said the team has offered to set up tours of dispatch centers that have successfully combined. A date hasn't been set yet, but it will probably be on a Saturday or Sunday and the Fire Department has offered the use of their Fire Prevention van for the trip. They'd like to set this up prior to the start of the budget process. If anyone is interested, they should let her or the Town Administrator know so the trip can be coordinated.

Selectman Massey asked how a combined center would improve staffing problems. Lt. Breault said the Police Department currently has seven full-time dispatchers and the Fire Department has four. They each have to worry about maintaining a dispatcher on duty, with two on duty at the Police Station on some shifts. When the resources are combined, they will have more bodies in one spot to spread out the workload. Selectman Massey said it looks like a 480 sq ft addition costing \$250,000 is about \$600/sq ft, which he thought was excessive--\$200/sq ft would seem reasonable. Lt. Breault said he would provide a copy of the cost breakdown to Selectman Massey.

Chairman Cole said if the Town maintains the status quo, the Fire Department would have a need for more room, as well as peripheral items that would cost approximately \$850,000. Deputy Rodgers said their dispatch center is small and can accommodate only one person. If off-duty dispatchers or fire fighters are called back for an incident, two people in that room makes it crowded and difficult to work. The area would be enlarged to include a restroom, break room and lobby, make the building handicapped-accessible, including a lift, and put in a second floor.

Selectman Seabury was in favor of combining, but most people who have called her are against it and wonder why the Kirby Building can't be used. She was told that the Kirby Building is being used by the Police Department for physical fitness, and to reconfigure it appropriately to house a combined dispatch center, would require tearing it down and rebuilding it, which would probably be more costly. This possibility was looked into by former Chief Carpentino and was subsequently rejected because of codes, wiring, cables and other extensive modifications that had to be made. Also, if they used the Kirby Building, the police station lobby would be empty, unless they hired a receptionist just to sit there in case someone came in with an emergency, or to report one.

Selectman Stewart asked if the proposed warrant article should be forwarded to the Town Attorney. Town Administrator Malizia said it is submitted to the Board during the budget process and, if they choose to approve it, he would forward it to the attorneys to make sure the verbiage is appropriate.

Chairman Cole said the Board's budget meetings were scheduled for October 23 & 24, w/a fallback date of November 6. The deadline for warrant articles to be at the Budget Committee is November 13. He suggested the warrant article be wordsmithed in-house, as well as possible.

Selectman Jasper said there will probably be questions as this goes through the budget process. The alternative includes a \$321,000 sq ft addition; that is not 'status quo.' They need to make a strong case that what has been going on for 53 years cannot continue--it needs to be better defined. The radio upgrades and moves are the same in either situation, but there needs to be a paragraph explaining why. All of the items need to be explained in writing, if this is going to be sold as it moves through the process. How is "fiber optics in all stations" part of the status quo? Why under, status quo, do they need a new \$30,000 telephone system? Why do they need the master clock? Why is outside technical services the same under status quo as it is under combined dispatch? There needs to be a full explanation as part of the backup documentation. Deputy Rodgers said that was doable. Chairman Cole said any time the taxpayer is asked to spend money, they want to know why. Selectman Massey said status quo means nothing changes.

(Start Tape 2, Side A)

There needs to be an explanation of what the interim step is between what is there today and what needs to be done if there isn't a combined dispatch center, such as safety, etc. Deputy Rodgers said they want to connect the Fire stations together. Currently, at the Robinson Road station has a computer that was used in the 80's. Selectman Massey said that's not status quo; that's an improvement over the existing capabilities. Deputy Rodgers said they can have status quo, and maybe one more subject, in there.

Chairman Cole said the question that needs to be answered is, "If we do nothing on Combined Dispatch, what are the realities in the Fire Department that we feel should be addressed?" (Enlarging dispatch, fiber optics in the other stations, etc.) Selectman Massey agreed.

Motion by Selectman Stewart, seconded by Selectman Jasper for a recess at 8:30 carried 4-1. Selectman Seabury was opposed. The meeting reconvened at 8:40 p.m.

C. Hudson Fire Department Overtime Issue

A PowerPoint presentation was made by Acting Chief Shawn Murray, which outlined why emergency services—a 24-7 operation--isn't business as usual; current staffing levels of eight per shift and chain of command per shift; an example of distribution of resources during an actual incident; covering for a vacancy; what contributes to overtime; definition of overtime; bargaining units; a breakdown of the budget; earned time, the accrual of and minimum-usage rates; collateral duties; a comparison of overtime rates between 02 and 03; various statistics, including calls per year and personnel on duty.

In summary, Chief Murray said the Fire Department is not out of control and is not being mismanaged. The Department works toward keeping overtime in check. In 2002, they eliminated use of non-required school time to reduce the cost of overtime; reduced the number of hours requested for collateral duties to reduce costs; and requested to bill for special civic details to offset overtime costs. Reduced staffing does not control overtime spending and may increase it. They have applied for and received grants to help offset overtime costs. Incorrect calculations were made during the budget process relative to collective bargaining and funding costs, plus underfunding and budget cuts are also contributing factors.

Chief Murray asked the Board to affirm that eight personnel per group is necessary to provide adequate emergency services; to reduce paramedic school and shift coverage costs by sending one person per year to the paramedic program; that overtime costs should reflect salary and overtime pay rates, w/verification prior to signing collective bargaining agreements; and to consider adding one Fire Fighter/EMT to each group for a total of nine personnel, allowing for a minimum staffing policy, vs man-for-man coverage.

Selectman Massey, referring to the example in the presentation, asked why Hudson Fire people were called in after Mutual Aid came in to replace the four fire fighters. Chief Murray said they came back in because of the seriousness of the tone that went out. Mutual Aid isn't to supplement Hudson personnel; they are additional resources, in case another emergency comes in. Selectman Massey, on the item "Calls for Services Holdover," asked if that was because the individual was on a call when his shift was ending but, because of the nature of the assignment, he needed to stay beyond his shift coverage. Chief Murray said that was correct.

Selectman Jasper had a list of questions that he said would take time to research before answers are provided:

1. A five-year history of overtime expenditure, actual vs. budgeted, showing a timeline of when Burns Hill opened at the various levels and the minimum staffing before Burns Hill opened.
2. A five-year history of the actual number of incidents in Hudson—the individual calls, not showing an engine going to assist an ambulance as two calls.
3. The history of what was budgeted the last two years in Suppression overtime and, as a result of the spending, what was not purchased or accomplished in order to fund that overtime.
4. How overtime will be funded this year in order to fund the projected over-expenditure in overtime and what the expected expenditure in Suppression overtime is for 04.
5. The percentage of calls that occur during the 10-hour day shift vs the 14-hour night shift.
6. A breakdown for FY03 of dollars spent in each area of *just* Suppression overtime.
7. A five-year history of (est.) property loss from fire in Town and how much was insured vs. uninsured.
8. The estimated savings in overtime costs if minimum staffing is instituted.

Chairman Cole wanted to ensure that everyone on the Board gets a copy of the answers, which will be provided for the October 14 agenda. Chief Murray said he'd gladly provide that information, then said he'd provide Selectman Jasper with a challenge. He asked, if he brings forth the information this year, if they have to come back again next year to go over the same issue. Selectman Jasper said it ultimately depends on what is budgeted. Chairman Cole said that is something that would be decided by the Board, at a subsequent date. Selectman Jasper said as long as the overtime exceeds what is budgeted, it is always going to be an issue. Selectman Stewart asked if they were going to be asking for four more fire fighters. Chief Murray said yes. Chairman Cole said that is what would allow them to go to minimum staffing. Selectman Massey, adding a question to the list, asked what the savings in overtime would be if they did that.

Chairman Cole thanked Chief Murray and his staff for putting together an outstanding presentation that showed a lot of professionalism who, in turn, thanked Torrey and the rest of his staff for pulling together the information.

8. NEW BUSINESS

A. Tax Rate (Surplus)

Chairman Cole recognized Finance Director Kathy Carpentier, who was recommending using part of the surplus to set the tax rate. She will be going to DRA in Concord next month. Selectman Jasper said if they were to go with the recommendation, they would be taking over \$1/2 million from surplus. Last year, when they set the tax rate, they ended up with \$4.6 million in surplus. If they do what is being recommended, they will end up just over \$4 million in surplus, so they will be drawing from their reserves. Ms. Carpentier disagreed, saying the fund balance in the surplus was 7/3. Selectman Jasper said they used 2.8, which left them a balance of 4.6. Ms. Carpentier said automobile registrations were up, unexpended appropriations, etc. Selectman Jasper said on June 30, 2003 there was an ending surplus of \$6.2 million. If they take \$1.9 from that, it will leave \$4,078,000 or \$545,000 less than the surplus last year. Ms. Carpentier said they are still in the safety zone at 7.37%; last year they were at 8.5%.

Motion by Selectman Massey, seconded by Selectman Stewart, to use \$1,900,000 of the Town's \$6,231,625 surplus in support of a tax rate of approximately \$19.18 per thousand, as recommended by the Finance Director.

Selectman Jasper said this is not good for the Town. The budget is going up every year, but the percentage of the reserves is going down. The Highway Garage was built with monies from surplus, so they didn't have to tax people or go out for a bond. If they don't keep monies in reserve, they will have to bond an upcoming project, and they need 60% approval for it to pass. He is in favor of using surplus to offset the tax rate, but they should keep what they have in the bank and add to that for capital projects. This is going in the wrong direction. Two years ago, they had over \$6 million in reserves; now they are at \$4 million. They will be creating some long-term problems.

Selectman Massey said they cannot retain 8% or greater in surplus, as a percentage of the total budget, or they would be in a deficit position, beginning at 8%. If you go below 7.3%, you start having a significant surplus that is not targeted for anything. He then factored in a 9.9% increase as the outer limit of an acceptable increase in a budget. You start getting into that magical two-digit increase and the ability in today's economic times to absorb that type of an increase and it begins to hurt a significant number of people. It is prudent to keep the rate from getting any higher. As long as the voters continue to vote for the programs they are voting for, they are also voting for the expense. The Selectmen try to manage those increases. He isn't willing to let the tax rate float any higher than the 9.9% increase and why he is willing to support the Finance Director's recommendation, adding that the information she provided was very well organized and made it easy to understand.

Selectman Jasper said they can't continue in that direction. At some point, they are going to run out of usable surplus. It's easy to take money from surplus to make the budget look better, but it puts them on a collision course. They are looking at bonding \$900,000, but that's not what they were doing and were pleased with the fact that this is the last year of general obligation bonds, except for the water company. The route they are on is unfortunate.

Chairman Cole asked how much was taken out of surplus last year. Ms. Carpentier said \$2,850,000. Chairman Cole asked how much less is the remaining surplus this year than last year. Ms. Carpentier said \$1/2 million. He then asked what the surplus would be if they too out the \$1.9 million. Mr. Malizia said \$4.1 million. Ms. Carpentier said to stay within the 5%, they could still use another \$1.6 million—not that she is suggesting that. Chairman Cole said they still have another five or six years. Selectman Jasper said if they vote in favor of the Finance Director's recommendation, they will have 4.78 left; 5% is 2.7 or 2.8. The difference between 4 and 2.8 is 1.2, so that's not \$1.6 million, plus the budget will

be going up, so that 5% becomes more than 2.7, so two years at this rate is the max—not five or six. Mr. Malizia said last year was the first year of the reveal, and it would have been punishing, had they not used that amount of surplus and there was some of that residual left. They used 2.8 to try to mitigate it.

Selectman Massey said they are dealing with the result of the voters' choice for this year's budget and given he didn't want to support a tax increase in double digits. They are in economic tough times and you either pay for programs or cut them. That's the tough task for the Selectmen over the next two or three years—cost increases or potential cuts. Other communities are starting to charge for services that, up till now, have been free.

Selectman Jasper said he will go along with that, if that's the Board's feeling. He hoped that when they got into the budget, they'd remember this because the chickens are coming home to roost. Every time they add on millions, they carry over to the next year. There is no end to the wants and needs of government and related services. At some point, they have to face reality. They need to stop withdrawing from their bank account.

(Start Tape 2, Second Side)

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

Chairman Cole asked the Board, if they get more revenue than estimated, if the Finance Director is authorized to use less surplus or to reduce the tax rate. The consensus was to use less surplus. Selectman Massey asked for an explanation of using less surplus. Mr. Malizia said the State has not given the Town the final numbers for rooms and meals, shared revenue. Usually, the Town is conservative and ends up getting money from the State.

B. Public Hearing on acceptance of a grant from NH Department of Safety, Division of Fire Safety and Emergency Management, in the amount of \$4,072 for the Town's Emergency Management Program; and

C. Public Hearing on acceptance of a grant from NH Department of Environmental Services in the amount of \$1,445 for Phase II of the Robinson Pond Watershed Outreach

Chairman Cole combined the two public hearings and asked if anyone wished to speak. Town Administrator Malizia said the Robinson Pond grant was similar to what was done last year. Acting Fire Chief Murray said this grant was to help relocate the emergency operations center from Central Station to the Police Department or to purchase radio equipment or storage space for the status boards and equipment in support of the EOC. The Town's match is \$1,600 and funds are available within the Emergency Management budget to cover it. Chairman Cole opened the Public Hearing at 9:55 p.m. and asked if anyone in the audience wished to speak on this. There being no response, he closed the hearing.

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept the grant for \$4,072 from the New Hampshire Department of Safety, Division of Fire Safety and Emergency Management for the Town's Emergency Management Program carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Stewart, to accept the grant for \$1,445 from New Hampshire Department of Environmental Services for Phase II of the Robinson Pond Watershed Outreach carried 5-0.

D. Proposed Warrant Articles by Town Assessor

Chairman Cole recognized Town Assessor Jim Michaud to give the Board a brief overview of the three items. Mr. Michaud said SB-45 was passed and signed into law by Governor Benson, which allows towns to adjust the Veteran's credit from \$100 to \$500. Communities can also adjust the Disabled Veteran's tax credit up to \$2,000. The third item is a credit that the Town of Hudson doesn't currently offer, to the surviving spouse of a qualifying veteran who was killed or died in certain war-defined periods. The range is \$700 to \$2,000. The Town has about 1,011 at the \$100 credit level and about 18 Disabled Veteran's credits. His memo, dated September 23, 2003 outlined the estimated tax impact, based on last year's data. Chairman Cole asked how long Veteran's Tax credits have been on the books. Mr. Michaud guessed it was in the 70's. In 1990, towns had the option of going from \$50 to \$100. Town Council approved the increase in 1991. Chairman Cole asked if the Town ever considered the surviving spouse exemption. Selectmen Jasper and Seabury said they never heard of it.

Motion by Selectman Massey, seconded by Selectman Jasper, to direct the Town Assessor, in conjunction with legal review, to draft a warrant article for the 2004 Annual Town Meeting asking the voters to raise the Veteran's Tax Credit to \$200.

Chairman Cole said he retired from the Army in 1987 and has never applied for the tax credit in Hudson because he figured there were people out there who needed the money more than he did, and he assumed that any honorably discharged or separated veteran was entitled to it. Not until they were going through the budget last year did he learn about the capricious language, which limits the veterans who can apply for it—WWII, Korean War, Vietnam and expeditionary operations the Country has been involved in for the last few years. The perverted thinking was that one class of honorably discharged veterans were somewhat less than others. Not everyone in the service was in combat. The Vietnam period extends for eight or nine years, and probably most of the people never heard a shot fired, ever saw Vietnam or the Pacific Ocean and never left the States, or served in Germany. He's not sure what the Legislature had in mind with the capricious, erratic arbitrary time and event-driven parameters on this. He supports what they are trying to do, but he cannot support the motion. He encouraged the 1,010 Hudson Veterans, who are currently getting the tax credit, to call their State Reps and Senator. It's an absolute disgrace for a State, whose motto is "Live Free or Die," to discriminate between honorably discharged and honorably separated Veterans of the Armed Forces.

Selectman Massey said the Chairman falls within at least one of the military actions outlined, but he falls outside, by about four months. These guidelines are the same ones the Federal Government applies and that is what he factored into his rationale for raising the amount to \$200. He didn't want to throw the baby out with the bath water.

Selectman Jasper echoed Selectman Massey's remarks and felt pretty much the same way as Chairman Cole. If this were to only cover those who served in combat situations, he would be more than happy to go to \$500. It's unfortunate that some people get benefits and others don't. If it wasn't for everyone who served in the military, the numbers would be astronomical. While some people don't get as much credit as they should, and others get more than they should, that's the way it goes. Therefore, he supports the motion, albeit reluctantly. Chairman Cole said the Federal

guidelines are irrelevant because they are not a dictate. The State Legislature is made up of big boys and girls who can make up their own minds.

Vote: Motion carried 3-2, by roll call vote. Selectmen Massey, Jasper and Seabury were in favor; Selectmen Cole and Stewart were opposed.

Motion by Selectman Massey, seconded by Selectman Seabury, to direct the Town Assessor, in conjunction with legal review, to draft a warrant article for the 2004 Annual Town Meeting asking the voters to raise the service-connected Disable Veteran's Tax Credit to \$2,000.

Selectman Massey said the Federal Government is shamefully shirking its responsibility to the Veterans, so it is appropriate to honor those who became disabled in wartime in the service of their Country by this small token of appreciation. The impact is small but the impact on them is great—and they deserve it. It's money well spent.

Vote: Motion carried unanimously by roll call vote.

Motion by Selectman Massey, seconded by Selectman Jasper, to direct the Town Assessor, in conjunction with legal review, to draft a warrant article for the 2004 Annual Town Meeting asking the voters to adopt the Surviving Spouse Veteran's Tax Credit at \$2,000.

Selectman Stewart asked if other communities had this. Mr. Michaud said it's not included in the statistical listings of credits granted in the State's web site, but he can find out. Chairman Cole said he would be supporting this, although he finds this one even more despicable than the first one—as if the death of some individual, at some obscure base in the middle of Wisconsin, during the Vietnam wartime, had a greater impact on his family than the death of an individual at some obscure base in Wisconsin that fell outside of the Vietnam War. That is totally ludicrous and an absolute disgrace. Selectman Jasper agreed, saying he has always been told there are two things you don't want to see being made—sausage and laws. He didn't really want to be at the State House at times this year. Selectman Massey said they can at least make sure the ones who really need it will get the help and if there are some who slip through the cracks because they were in a non-combat or non-threatening environment, it's a small price to pay.

Vote: Motion carried 5-0 by roll call vote.

E. West Road Landfill, GZA Addendum No. 16

Motion by Selectman Stewart, seconded by Selectman Jasper, to approve Addendum #16 to the GZA's West Road Landfill contract carried 5-0.

Motion by Selectman Stewart at 10:15 for a recess, seconded by Selectman Jasper, carried 4-1. Selectman Seabury was opposed. The meeting resumed at 10:23 p.m.

(Start Tape 3, Side A)

9. OTHER BUSINESS & REMARKS BY THE SELECTMEN

- A. Selectman Stewart said Monday night she had the pleasure of representing the Town at the 100th birthday party for James Glispin at the Wattanick Grange. He watches the Selectmen's meetings and is up on the issues. He was a joy and didn't look a day over 70 and has a lot of energy. She wants to drink from the same Fountain of Youth he does.

She thanked Police Chief Gendron for a pre-tour of the Animal Facility, which is coming along nicely, and she also thanked all of the staff involved with Combined Dispatch—and hope it makes it through the budget process.

- B. Selectman Seabury referenced a letter the Board received from a Selectman in another town, relative to the original purpose of the Regional Roundtable. She wondered if each Selectman should respond individually, or if the responses should be funneled through on person. Selectman Massey said he was at the meeting when Selectman Peterman spoke and her thought was that the original Roundtables were attended by all of the Selectmen of each town—and she singled out Hudson as one of the communities as all five Selectmen attending. Currently, a representative from each town attends and the meetings are an information-sharing and/or lobbying effort at the State level. The original intent was a discussion of regional issues of interest to the communities. There were several Legislators in the audience who were concerned that they would get shut out of the process, so she is looking at a hybrid of what was and what is. For those items where they would want State Legislative input, they would be a formal part of the agenda. If they go back to the original format, she was clearly interested in having all Selectmen, Town Managers and Administrators attend. Chairman Cole said if everyone will send their comments to him, he will compose an appropriate response.

- C. Selectman Jasper was amazed at the 93 hard-working, enthusiastic volunteers who showed up for Benson's cleanup day. They came armed with tools, ready to work. He never believed so much could have gotten accomplished in such a short time. He didn't want to thank individuals because he might leave someone out. He was at the train station all day and wasn't even sure who was there. The Road Agent promised that when they have time, his department will take care of the debris. It was great to see so much community involvement, which is a rarity now.

On another subject, Selectman Jasper believed the Hudson-Litchfield News protested too much. Selectman Seabury cautioned him not to dig his grave. Selectman Jasper said it's funny that the HLN has a column where you can sling mud at anybody you want, call them whatever you want, but if you suggest anything about their column, they are in here with teeth bared. It's a bit ironic, since he was not casting aspersions on the Hudson News—but when you start making personal attacks, perhaps they shouldn't do that. He didn't see any other paper that allows that. He can understand that some people don't want to confront someone else face to face, but dozens of letters are written to the editor where people sign their names. That's all that should be expected. Constructive criticism is always welcome, but mean and vindictive may do more harm than good. That's why some people don't want to get involved in public service. They don't want to put themselves and their family through that because you are probably going to make at least 40% of the people unhappy with your decisions. You are going to be criticized, so when there is a venue to do that anonymously, and it can be one person doing it over and over again, it discourages people from getting involved. He finished by saying, "Put that in your pipe and smoke it."

- D. Selectman Massey said, at the recent Roundtable, DOT Commissioner Carol Murray gave an update on some highway projects. The State currently

receives \$130 million a year in Federal Highway Construction Funds. Recently, they got their final OK's on the airport access that was adjudicated in favor of the State, which she hopes will be completed by 2010. She, the Mayor of Nashua and others spoke on the issues that need to be resolved to put in the "multi-modal transportation center" in south Nashua. The MBTA no longer goes outside of the state. Commissioner Murray will be working with the MA State Legislature to get them to allow the MBTA to come up into this area. She is also going to be going before the NH Supreme Court to get a ruling on whether or not the gas tax can be used for something like mass transit, as opposed to highways.

The Water District was also discussed at the Regional Roundtable. Nashua is moving forward with their negotiations with Pennichuck, consistent with the recognition that the Regional Water District is necessary, which means the towns shouldn't get excited that they will be shut out. At the Water District meeting on Thursday, they will discuss the organizational part of the charter. Hudson is purchasing water from Pennichuck for Hudson use, so the Town would be impacted by any distribution system. Secondly, Hudson voluntarily agreed to a restriction on the water being taken out of the Litchfield wells, in recognition of some of Litchfield's issues. Hudson continues to send water from Town's wells and Pennichuck to Litchfield and Pelham, through Hudson's distribution system. There are two voting groups that the Charter Committee is looking at--a Board of Directors and a Representative Board. The Board of Directors is looking like one vote per town, and the Representative Board is considering the number of users in the system. Nashua has got 80% of the hookups that are going to be involved and 20% is the rest of the communities. He would like to be Hudson's representative at the meeting, one vote on the Board of Directors and the proportional representation of the Town's users which, with the current plan, would be five votes. Because Hudson is providing the distribution for the district, it is appropriate to ask for proportional representation. He'd like a consensus that that's the position he can take to the meeting. The Selectmen said it was ok with them.

Continuing, Selectman Massey said on Wednesday, October 15 at 7:00 p.m. in the Community Development meeting room, NH DOT, in conjunction with Executive Councilor Wieczorek, is holding a hearing on the 10-year highway plan for the State. He hoped interested Hudson residents would attend.

Relative to the Derry Road construction from Highland to McDonald's, the Highway Department should prepare a report to submit to DOT to answer their questions. Road Agent Kevin Burns said that is being coordinated by the Community Development Director.

- E. Selectman Jasper said last week, as the Selectmen's alternate to the Planning Board, he attended the joint meeting of the Planning Board, ZBA and Conservation Commission. It is apparent that communications needs to be worked on within the Town and he thinks some groundwork was laid for that. There is a need to better define the role of the Commission in making recommendations and suggested they request meeting with Town Counsel because they are being given free legal advice from an attorney who is not admitted to the Bar and does not work for the Town. If that request comes through, he hoped it will be looked upon favorably. Mr. Malizia said he'd be on the lookout for it. Selectman Jasper said the Commission is under the impression that if they don't make positive recommendations, things will get done without their recommendations at all. They need to find out exactly what their parameters are. Selectman Massey agreed, saying the Conservation Commission has gone through some reorganization issues and they need somebody to present them with the straight facts. They are on their third chairman in the last six months.

- F. Chairman Cole said he was out of Town the day of Benson's cleanup. As he was flying over the Atlantic, he was hoping that someone was there doing his share of work. Upon his return home, Esther McGraw called him with a rundown, saying that Selectman Jasper did the work of three men that day--so his guilt was immediately erased.

Chairman Cole recognized and thanked everyone who participated in and supported the 9/11 Observance, especially the Town Administrator, Selectman Stewart, the members and heads of the Police Department, Fire Department, DPW and the American Legion—and anyone else who helped make it a successful and tasteful affair.

Continuing, he believed everyone received an invitation to the Ingersoll Forest dedication on October 3. He was asked to be present and to make some remarks, but he will be out of Town. Selectman Massey said he was unavailable. Selectmen Seabury and Stewart couldn't recall getting an invitation. Selectman Jasper received one. Chairman Cole said if anyone would like to attend, Mr. Speltz would like to know so they can do an agenda.

Relative to *Thumbs Up-Thumbs Down*, he agreed with the other Selectmen that there is no place for vicious, personal comments, etc. Having reviewed the tape from the last meeting, he wishes that it hadn't been done in this forum. However, one man's vicious attack is another man's moral victory. He got the impression that HLN vets the items. As the recipient of more than a couple of boos over the month, he didn't know what a popinjay was until he was called one and he had to look it up in the dictionary. That's freedom of the press. He enjoys the *Thumbs Up* side of the house, but if you have that side, you gotta have the other side. It doesn't have to be vicious or vindictive, however, but in today's environment, occasionally we have to suffer some pusillanimous pismire, i.e., a cowardly pissant. Selectman Massey said it would be a panjandrum. Chairman Cole said he agrees that personal attacks are unwarranted, but Town employees have to have a thick skin. He likes *Thumbs Up*, so he has to accept *Thumbs Down* and he hopes HLN will continue to vet them.

10. **NONPUBLIC SESSION**

Motion by Selectman Jasper, seconded by Selectman Massey, to enter Nonpublic Session pursuant to 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 has a right to a meeting and requests that the meeting be open, in which case the request shall be granted: (b) Hiring of any person; (d) real estate issues carried 5-0 by roll call vote.

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Nonpublic Session was entered into a 10:49 p.m. and was terminated at 11:10.

Open Session Motions:

Motion by Selectman Stewart, seconded by Selectman Jasper, to hire Gregg Egdorf and Derek Desrochers as Truck Driver/Laborers in the Highway Department at a rate of \$13.94/hr. Grade VIII, Step Minimum, effective October 5, 2003 carried unanimously.

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Motion by Selectman Jasper, seconded by Selectman Stewart, to hire Debra Graham as full-time Records Clerk in the Police Department, at \$16.75/hr., in

accordance with Police Union Local 3657, effective September 24, 2003 carried unanimously.

Motion by Selectman Stewart, seconded by Selectman Jasper, to hire Ed Peterson as the 2003/2004 Instructional Program Basketball Director for a fee of \$900 and David Yates as Basketball Director for a fee of \$3,200 carried unanimously.

11. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Stewart, to adjourn at 11:15 p.m .carried unanimously.

Recorded and transcribed by Priscilla Boisvert
Executive Assistant

HUDSON, NH BOARD OF SELECTMEN:

William P. Cole, Chairman

Kenneth J. Massey

Shawn N. Jasper

Ann Seabury

Teresa Stewart