

**HUDSON, NH BOARD OF SELECTMEN  
Minutes of the August 26, 2003 Meeting**

1. **CALL TO ORDER** by Chairman William P. Cole at 7:30 p.m.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Seabury.
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; Shawn Murray, Acting Fire Chief; Gary Rodgers, Deputy Fire Chief; Lt. Don Breault, Police Department; Heather Poole, Police Dispatcher; Sabrina Abbott, Fire Dispatcher; Tom Sommers, Engineer; Charlotte Schweiss; Leo Bernard; Ray Rowell; Jean Serino; Esther McGraw; Howard Dilworth, Jr; Richard Maddox; Matt St. Laurent; Coleman Kelly, Cable Consultant; Ann 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**

- A. **Benson's Committee** (2 Citizen Members)

Kenneth Matthews was still interested in being considered after attending a Benson's Committee meeting.

*Motion by Selectman Stewart, seconded by Selectman Jasper, to appoint Kenneth Matthews as a citizen member to the Benson's Committee carried 5-0.*

- B. **Building Board of Appeals** (1 Member, Term to expire 12/31/03) There were no applicants.

- C. **Conservation Commission** (1 Member, Term to expire 12/31/05)

Tim Quinn, a current alternate, said he was interested in becoming a full member. He has attended all of the meetings, except one. Selectman Massey, liaison to the Conservation Commission, confirmed that Mr. Quinn had very good attendance and was a valuable, contributing member.

*Motion by Selectman Massey, seconded by Selectman Stewart, to appoint Tim Quinn as a member of the Conservation Commission, with a term to expire 12/31/05, carried unanimously.*

6. **CONSENT ITEMS**

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

- A. **Assessing Items**

- 1) ~~Application for Elderly Exemption (137 Belknap Road)~~ (Removed by the Assessor.)
- 2) Application for Veteran's Tax Credit, w/recommendation to grant (8 Hill Street)
- 3) Current Use Lien Release, w/recommendation to grant (Map 19/Lot 1-2)
- 4) 2002 Abatement Application, w/recommendation to grant (22 Friars Drive)
- 5) 2002 Abatement Application, w/recommendation to grant (267 Lowell Road)
- 6) 2002 Abatement Application, w/recommendation to grant (9 Commercial Street)
- 7) 2002 Abatement Application, w/recommendation to grant (36 Executive Drive)
- 8) Recission of Yield Tax Warrant dtd 29 July 2003, Map 27/Lot 52, of \$2,024.51, as recommended

- B. **Sewer/Water Utility Items**

- 1) S-04-01 sewer abatements, w/recommendation to grant: (S-UTL-04-01, 43 Greeley Street, Map 62/Lot 74, for \$119.95; and S-UTL-04-02, 37 Sousa Blvd., Map 30/Lot 48-92, for \$20.24 credit)
- 2) S-04-01A sewer abatement, w/recommendation to deny: (S-UTL-04-03, 39 Library Street, Map 51/Lot 24, for \$34.90)
- 3) Waiver Request, Water Utility Access Fee, Map 25/Lot 25, portion of access fee related to distribution system improvements for 18 units, w/recommendation to approve.
- 4) Waiver request for Water Fee connection by Kinder World, Inc., 75 River Road, w/recommendation to deny.

- C. **Licenses and Permits**

- 1) Permit for Block Party Permit request by Michael Gendreau to be held at 8 & 10 Thurston Drive on September 6, 2003 from noon to 8:00 p.m.
- 2) Raffle Permit request by Presentation of Mary Academy for October 18, 2003 to benefit student field trips and enrichment programs.

- D. **Acceptance of Minutes**

Minutes of the Board of Selectmen's Meeting of August 12, 2003

- E. **Committee Announcements**                      **Any changes or additions?**

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| 08/27 | 7:00 Planning Board in CD Meeting Room |
| 08/28 | 7:30 ZBA in CD Meeting Room            |

09/01 Labor Day—Town Hall Closed  
 09/03 7:00 Planning Board Workshop in CD Meeting Room  
 09/08 6:30 School Board in BOS Meeting Room  
 09/09 7:30 BOS in BOS Meeting Room  
 09/10 6:00 Benson’s Committee in BOS Meeting Room  
 09/10 7:00 Planning Board in CD Meeting Room  
 09/11 6:30 Recreation Committee @ Rec Center  
 09/11 7:00 Sewer Utility Committee in BOS Meeting Room  
 09/11 7:30 ZBA in CD Meeting Room  
 09/13 Cleanup Day at Benson’s 9:00 a.m. – 2:00 p.m.  
 09/15 7:30 Conservation Commission in CD Meeting Room  
 09/16 7:30 Library Meeting at Annex  
 09/18 7:30 Budget Committee in CD Meeting Room  
 09/22 6:30 School Board in BOS Meeting Room  
 09/23 7:30 BOS 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 7:30 Library Building Committee in Annex

**7. OLD BUSINESS**

**A. Combined Dispatch**

Chairman Cole recognized Selectman Stewart, Police Lt. Don Breault, Deputy Fire Chief Gary Rodgers, Police Dispatcher Heather Poole and Fire Dispatcher Sabrina Abbott. Deputy Rodgers said the two dispatchers visited six combined dispatch centers in Bedford, Lebanon, Merrimack and Portsmouth, NH and Danvers and Waltham in MA. They also looked at some incidents that both Fire and Police responded to to compare differences/delays in notification.

Sabrina said interviews were conducted to get an idea of how they operated prior to and after combining, to find out if any issues arose and how the operations were handled. There were pros and cons to both sides. They also looked at staffing and training. Heather said Bedford had a negative attitude towards combining, which she thinks is because of lack of staffing. They have only one dispatcher on at a time and there is in-fighting between Police and Fire about who has priority. Sabrina said she found that in all the departments she interviewed, with the exception of Waltham.

Chairman Cole asked their impressions of the centers’ ability to function and operate effectively in a combined mode, aside from the clan issues. Sabrina didn’t get a chance to observe the operations, but things seemed to go smoothly, with the exception of training and staffing issues. By combining, communications are streamlined and inter-agency notification was quicker. There was still some duplication of effort notifying the utilities. Heather said she found the same thing. The supervisor had a negative attitude towards combining and said the community would be better served if they were to separate, a lot of which has to do with the fact that only one dispatcher is on at a time. Staffing was also an issue with Lebanon and Danvers, with a high rate of turnover. However, they were pretty happy with the way their operations ran and felt they were pretty efficient. Sabrina said that combining puts a lot of stress on a dispatcher, especially if they are not properly trained.

Lt. Breault said that after reviewing the reports, they are better aware of potential pitfalls--staffing, training and ensuring lines aren’t drawn between the two departments. Currently, the Police Department has two dispatchers, except on the overnight shift. Selectman Stewart asked if the Board or Budget Committee would be able to visit the successful centers. Sabrina said Waltham encouraged people to visit them.

Chairman Cole asked about the physical location of the personnel in the combined centers and their union arrangements. Sabrina said of the three departments she interviewed, two of them were in the Police Department and in Waltham, the communications center was in the middle, between Fire and Police. One department was non-union; one falls under the Fire union; and one falls under the Police Civilian Association. Heather said Lebanon does not have a union; Bedford didn’t have a problem with union issues; Danvers had a problem when they first started, because Police officers and Fire fighters were dispatching. They now have civilians, in a separate union, and there are no problems.

Selectman Stewart said the team got some current cost estimates that could be for a warrant article. Lt. Breault said they are still working on that--what is needed at the Police Department for upgrades and what would have to be done at the Fire Department if they didn’t combine. That is the next bit of information they will have for the Board. Selectman Massey said the three issues that need to be part of the final proposal would be cross-training; making sure calls are dispatched correctly, without regard to clan issues; and consideration of a separate, communications union.

Lt. Breault said the Police already have training in place, but cross-training needs to occur. They will have a plan for training, even if they have to bring someone in. They will also have a clear definition of the duties of a supervisor. Deputy Rodgers said Sabrina is enrolled in a class to become a certified dispatch training officer. She had the first phase of that training a year and a half ago and trains the dispatchers now. The new dispatchers are also sent to Public Safety Dispatchers’ Class, but they have to ensure that both Police and Fire get the same training.

Chairman Cole asked when the Combined Dispatch Committee would be coming back to the Board with a complete proposal. Selectman Stewart said September 22. Lt. Breault asked if there were any concerns that should be included in the final presentation. Chairman Cole said Selectman Massey’s items and, if the Board has any additional questions or suggestions, that they get them to Selectman Stewart, who will get them to the proper party. Selectman Stewart thanked the committee for their time and hard work. Chairman Cole echoed those remarks, on behalf of the Board.

**B. Benson’s—Miscellaneous Items**

**1) Haselton Barn Cupola**

Town Administrator Steve Malizia said the Board asked him to solicit pricing for stabilization of the cupola. When he called the eight or nine qualified vendors, provided by Lisa Sasser, only 3G Construction replied with a price of \$14,000. He direct-mailed the qualified vendors a statement of work, but he didn't receive anything back by August 19. On Friday, he received an estimate from Arron Sturgis, who provided the numbers for that component of stabilization, who submitted a \$6,000 bid. Chairman Cole said the bid for \$14,000 does not delineate exactly what will be involved, materials used, etc., whereas Mr. Sturgis' proposal goes into a greater amount of detail of what will be accomplished, which is a more professional approach. Selectman Stewart asked if there would be any overnight costs incurred by the Town, since this firm is from Maine and she didn't think the work would be done in one day. Selectman Jasper thought it might be.

Motion by Selectman Jasper to contract with Preservation Timber Framing, Inc., to remove and stabilize the cupola on the Haselton Barn in an amount not to exceed \$6,000, seconded by Selectman Massey, carried 5-0.

(Start Tape 1, Second Side)

2) **Fence repairs**

Selectman Jasper said when a walk-through of the Benson's site was done in June, they found many areas where people could enter into the park and buildings have been entered and damage has been done to roof tiles. It was felt that that could be fixed by securing the property, so he had asked the Highway Department, through the Board of Selectmen, to get proposals to repair the fence. Selectman Stewart said when work was being done at Thurston's Landing, the fence at Benson's was damaged. She wondered if compensation had been made. Selectman Jasper said that was along Bush Hill Road has been replaced.

Motion by Selectman Jasper, seconded by Selectman Massey, to accept the proposal from Gate City Fence to make the necessary repairs in an amount not to exceed \$4,160 carried unanimously.

3) **Benson's Cleanup Day on September 13, 2003**

Town Administrator Steve Malizia received a request from Benson's Committee members about a cleanup effort prior to the actual cleanup day because the volunteers would be subjected to poison ivy, underbrush, etc., and he wanted the Board to have an opportunity to discuss it. Tamarack Landscaping offered to do some work out there, prior to cleanup day. The letter was hand-carried to him on Friday by the Committee's Vice Chairman, Esther McGraw. The Board can accept it at their next meeting, because a public hearing will have to be scheduled as the work is valued at \$3,500. He asked for the direction of the Board.

Selectman Jasper said if the pre-work is going to be done before September 13, accepting the donation on September 9 doesn't leave much time for Tamarack to do the work. He questioned if they needed to hold a public hearing because it was a donation of time and labor, not money. He is unclear what is going to be accomplished on cleanup day, but felt they needed equipment in there, as there are overgrown bushes, etc.

Selectman Massey, quoting from a previous meeting, said it's a slippery slope to say in-kind contributions aren't the same as money, just because dollars aren't being exchanged. He was willing to spend the money on the fence because of safety issues and on the cupola to preserve it, but before they spend any more money of significance on Benson's, the Town should have the quit claim deed in its possession. Until they own the property, they are at risk of that money going down the drain. He is opposed to having a contractor come in and do work on the Benson's project, at a price, until they have the quit claim deed.

Selectman Jasper said one statute speaks to accepting and expending unanticipated monies. Another statute addresses accepting property, and states the Board is authorized to accept gifts of personal property, other than cash, for any public purpose—and this was not a gift of property. The Planning Board does that all the time with road work. Chairman Cole said it depends on where you are standing.

Motion by Selectman Jasper to accept the donation of work, as proposed by Tamarack Landscaping, with thanks, seconded by Selectman Stewart, carried unanimously.

Mr. Malizia said he would route this back through Esther McGraw, the point of contact.

4) **Clerk of the Works**

Selectman Massey was surprised the Haselton Barn was left out of NRPC's proposal, as that is the crème de la crème of the three structures. If they are going to hire a Clerk of the Works, the Haselton Barn should be included, but he didn't want to spend any more money on Benson's until the Town owns it. Selectman Jasper does not doubt that the Town will own the property. A Memorandum of Understanding was signed over a year ago and the Governor and Council approved the sale for about \$188,000. The issue is the covenants on the deed. The big hurdle was the State's ability to take apart all of the work that the Town has done. The Commissioner agreed that the State needs to define the area where they can come in. As long as the Town knows the area they are going to work in cannot be touched by the State in perpetuity, he didn't see any obstacles that cannot be overcome. He agreed that the Haselton Barn should be part of this because a number of items needs to be done to secure the building for winter. Someone needs to oversee closing up the broken windows, or it will become bat haven, or anything else that wants to nest in there.

Chairman Cole agreed that the Town would own Benson's property, but he didn't know whether or not it would be in his lifetime. The State and the Town have to agree on the conditions. Every two weeks since Selectman Jasper hand-carried the Town-amended proposal back to the State, he has asked them for an update or a progress report and is told that it is moving along. He didn't know exactly where the quit claim deed is within the State bureaucracy. They were doing some survey work to define wetlands, etc. He was surprised to see that the Haselton Barn wasn't included in the proposal from NRPC. If the Town never got the property, he would still support saving the Haselton Barn for what it represents. They might want to look at Clerk of the Works with regard to the Haselton Barn, as opposed to the proposal in front of them. The proposal indicates that the Clerk of the Works would do all the coordination, etc., and the Town would end up with proposals. He didn't think they were ready to spend money on anything except the Haselton Barn. Selectman Jasper said the train

station roof needs attention. Train stations are getting to be very unusual and he thinks that one warrants inclusion. The proposal lumps it in with Office Building. However, he didn't think the \$7,800 would be ill spent. Those buildings should be saved, as determined by the Board at the time of the original walk-through. Otherwise, they will continue to deteriorate.

Selectman Massey, a fan of trains, said depots are a thing of the past and should be preserved. If they do nothing else, the depot and Haselton Barn should be included. He has been persuaded that the Town will eventually own the property, so spending this money would be wise, to a point. For example, the Office Building and Depot roofs project, they probably would stop at #2 because, until they have the money to go to bid, it wouldn't make any sense to send out specs. Selectman Jasper said they are talking about stabilization, not restoration. Besides, the specs would be written to give the Selectmen the ability to reject any or all bids. Chairman Cole said since they are on TV, everyone knows the Town doesn't own the property yet and that the Selectmen are reticent to spend money. He suggested going back to NRPC to ask for a revised schedule that includes the Haselton Barn, the Depot and takes them through the development of the scope of work and research of contractor specializing in that particular work. They won't get anyone to bid if there isn't any work to be done, if the Town doesn't own the land, or if they don't have sufficient funds. But there is something NRPC can do, under the umbrella of Clerk of the Works, at this time. Selectman Jasper believed the Board is ready to spend money on the stabilization, and that's all they are talking about. They are treasures for the Town and he believes the State doesn't want the liability of dealing with those structures. If they let the buildings continue to deteriorate, it will just add to the cost. The Town has approved the project, so they ought to accept this proposal and ask NRPC to give them one for the stabilization of Haselton Barn.

Motion by Selectman Jasper, seconded by Selectman Massey, to accept NRPC's proposal, based on a billing rate of \$45 per hour and a not to exceed cost of \$7,830 and further to request NRPC submit a proposal for the Haselton Barn carried 4-1. Chairman Cole voted in opposition.

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Motion by Selectman Jasper, seconded by Selectman Seabury, to approve the purchase of the materials at a cost of \$1,023 for the window panels for the Benson's Depot and Office/Kitchen carried unanimously.

(Start Tape 2, Side A)

**C. NHMA Proposal relative to Position of Fire Chief**

Selectman Jasper said he'd like to remove the Lowell Sun and Foster's from the advertising, which would save \$500. Selectman Stewart had a problem with wording that the Town would not select a candidate without prior consultation with PRS and without having that person go through the same process as other applicants. She didn't think that paragraph was in the proposal when the Town Administrator was hired. Chairman Cole said it was boilerplate working that they ignored before and could again. Mr. Malizia agreed, adding, "and the Town got their money back."

Selectman Jasper said the Administrator's situation was different. At the time the vacancy became open, the majority of the Board wanted Steve in that position, but Steve wasn't sure he wanted it, so they needed to do something. It wasn't the Board's intent to do a full search. This time, he heard from different sources that three Selectmen are committed to one candidate right now. If that's the case, the three of them ought to hire the person they want because nothing will change by going through the process. He heard that the fourth member is committed to someone else, so that would leave him as the only Board member not committed to anyone. He hoped the rumors were not true. Selectman Massey said he pays no attention to the rumor mill. Selectman Jasper said he isn't, but if the rumors are true, it's a farce to continue with the process they decided on two weeks ago. He assumes NHMA will bring forward several candidates to the Board. He apologized for not looking at his agenda packet, but car trouble delayed him on his return from vacation.

Chairman Cole said NHMA will vet the resumes and provide to the Board, in rank order, based on the requirements the Town has put forward and based on their assessment of what they received. The Board will decide how many they want to interview. NHMA will simply be doing the administrative things. He has no idea of who is committed on the Board; Selectman Seabury said she hasn't talked with anyone. Selectman Jasper hoped no member of the Board was committed. It was no secret the Board wanted Steve as Town Administrator right from the beginning. There was no question, except in Steve's mind. Selectman Stewart asked who writes the ad. Mr. Malizia anticipates NHMA will.

Motion by Selectman Massey, seconded by Selectman Seabury, to accept the NHMA Professional Recruitment Service proposal, in the amount of \$2,000, to assist the Board of Selectmen in the recruitment of a Fire Chief carried 5-0.

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It was decided to advertise in the Telegraph, NH Sunday News, Concord Monitor Sunday Newspaper and post with the NH Fire Chief's Association, NHMA Web Site, NHMA Town & City and the Town's Web Site. Chairman Cole asked if Steve needed anything more from the Board on this item. He said he didn't.

**D. Draft Amendment to Chapter 98, Purchasing Policy**

Motion by Selectman Massey, seconded by Selectman Jasper, to defer this to September 9, carried unanimously.

**E. Water Utility Capital Improvements**

Selectman Massey said the objective was to present the Water Utility Capital Improvement, which includes project description, costs, funding sources and the impact on the current water rate. The purpose of the plan addresses the three issues identified in the Weston & Sampson study--fire suppression, redundancy and water pressure. After they finalize the funding source and draft the warrant article, they will come back to the Board on October 14 for final approval.

Mr. Sommers said this involves three construction projects. The first one is South Hudson water storage and transmission improvements. The second part is the Barretts Hill water storage system and interconnect. That will combine two high pressure systems--Windham Road and Marsh Road--and service that area properly. The last one is the Compass Point booster station to service another high-service area. The South Hudson water storage tank location is yet to be determined. They are in discussions, but have not come to an agreement. The intention is to place a 65' high, 46' diameter concrete tank on the ground. The cost for the project, including a transmission line from River Road, is \$1.4 million. It also provides redundant storage. If they have a break or disconnect between the southern part or along the line, that section has no water, which is a

health, welfare and safety issue. The River Road transmission line is to loop a section of River Road and in combination with the storage tank, it provides the redundancy and increased pressure needed to operate the system. The intent is to provide an adequate system that meets the standards for that end of Town. The cost of that project is \$400,000. Together, those two projects are \$1.8 million for the first phase of work.

The second part is the Barretts Hill storage tank and the system interconnection. A water storage tank is needed at the top of Barretts Hill which will require purchase and/or easement in the area off Rangers Drive. They are talking about placing a concrete tank 83' in diameter, about 30' high, which will blend into the hillside. The cost is \$1.6 million, including a transmission line down to Rangers Drive. They are limited on where they can go with this, as it is topography-controlled. Selectman Jasper said at the end of Rangers Drive, the Town has a 53-acre parcel. Mr. Sommers was not aware of that, but will take that into consideration, adding that elevation will control location. The purpose of this is to stabilize pressure and flow capacity to the Windham Road high service area. There are lots of pressure fluctuations in that system because it is reaching capacity with the pumps at the Windham Road station. It will also provide fire protection to a much greater ability than they presently have. With a storage tank, it's not a mechanical system any more. He is talking about Step one of three, linking the high service areas together and providing redundancy and the needed capacity, both pressure and volume, to this area and for the future of this area.

Then there is the water transmission line, which places a 12" transmission line down Barretts Hill Road, the back side from Rangers Drive, to Greeley Street, to connect to separate water systems. The Barretts Hill tank will also operate for the Marsh Road high service area. With that, they will have two operating pumping systems—Windham Road and Marsh Road—that both help feed that, so there is redundancy on how that tank can be filled and operated. That cost is \$730,000. Then there are upgrades to the Windham Road booster station. The costs for that has decreased because they won't need the fire tank there any more. Marsh Road has already been upgraded. They will have two booster stations that fill that tank and keep the whole area in operation. That represents \$2.48 million, the largest piece of the proposal.

The third part is the Compass Point booster station. A week ago, that fire pump went out of service, so emergency work was performed by Pennichuck. The existing pumps have reached capacity and experience pressure increases, reductions and power surges. A major overhaul of the system is needed. They don't have an area in mind to locate a storage tank and, for the size of this area, it's not a feasible alternative. The cost is \$500,000, but it may be lower.

Mr. Sommers, Selectman Massey and Town Administrator Malizia met to go over the impact and total cost. Mr. Malizia checked with the Bond Bank, who can do schedules of all kinds of repayments for 20 years, 25 years, 30 years. Mr. Sommers said they felt the 25-year schedule was the best. They are also going to check into the State's Revolving Loan Fund to see if they have better interest rates and terms, and they will be looking for grants. With respect to the Barretts Hill Road storage tank, Pennichuck may have some obligation to help pay for that, since some of that service is Pelham. They will have better answers for the Board in October—with the exception of information on grants.

Selectman Massey said the work that is being proposed is consistent with Weston and Sampson's recommendations and \$4,780,000 is the anticipated final cost. The only reason why they are not asking for final approval tonight is to give them time to look for funding that would cost less.

(Start Tape 2, Second Side)

Selectman Jasper talked a bit about the interest payment rate and concluded by saying this is something that needs to be done. Mr. Sommers clarified that the rate was 8-9% once, not added on each year. The figures presented tonight were worst-case scenarios because they are not sure where the budget will end up with respect to purchasing water, etc. Selectman Massey said on October 14, they will present the final information on the source of funding and if they can expect some grant money. The project will not change materially and the cost of \$4,780,000 is a conservative estimate. He recognized Tom for all of his work on this project.

*Motion by Selectman Stewart, seconded by Selectman Jasper, for a recess at 9:00 p.m. carried 4-1.* Selectman Seabury was opposed. The meeting resumed at 9:15.

#### **F. Waiver Procurement Process, Glen Drive Pumping Station**

Town Engineer Tom Sommers said the Sewer Utility voted unanimously to recommend a waiver to the normal procurement procedure be granted to construct the Glen Drive pumping station. The sewage pumps, the generator and the garbage grinder are all very specialized products that are low maintenance items that has worked very good and they have a good relationship with the suppliers. The prices are direct quotes, without markup. Staff has experience with constructing a pump station and with these products. This eliminates the costly preparation of bid documents, which he would have to have done by an outside firm. It also eliminates general contractor overhead, if the Town manages it. To build the building, they have selected a contractor who is doing the animal control facility because he has the unique capability for doing these types of structures and the unique connection of electrical and building expertise. With this contractor, this can be built when the Town wants it at a reasonable price. Staff will do the site work, pipe installation, landscaping and maintenance of the site after construction. This was estimated through the review of other pumping stations who have gone through the bid procedure at approximately \$200,000. This estimate is \$140,000, plus they eliminate three months' delay because they don't have to go through the advertising and procurement process. They have site plan approvals, the necessary permits and hope to install the building in the fall. He looking for authorization to move ahead with this.

*Motion by Selectman Massey, seconded by Selectman Stewart, to grant a waiver to the normal procurement process and authorize the Engineering Division and the Highway Department to manage the construction of the Glen Drive pumping station, as recommended by the Sewer Utility Committee.*

*Selectman Jasper said he is in favor of the project, but the Code outlines the procedure for procurement and didn't think there was an exemption that would give the Board the ability to waive the procedure. Chairman Cole said the asbestos mitigation project at the Fire Department was a sole source, and that was \$15,000. Selectman Jasper said that was approved at a meeting that he missed, but two wrongs don't make a right. Chairman Cole didn't know that there were two wrongs. Selectman Jasper said they need to follow the Code, and he cannot find an exemption, nor could he find anything about a sole source. He's not trying to foul this up, because he appreciates what they are trying to do, but they should not ignore the Code. Selectman Seabury said, in this case, the Code hurts the taxpayers.*

*Mr. Malizia said for certain components, the way the spec is written would apply to only one supplier. Selectman Jasper said that doesn't alleviate*

them from their responsibility to follow their procedures. Mr. Sommers said engineering has been waived in the past and they have to waive some of it to meet State requirements. Selectman Jasper said this should have been looked at before it came to the Board. He thought that perhaps the portion that would apply. "The provisions of this article do not apply to the acquisition or disposition of real property or improvements, nor does it apply to appurtenant structures valued over \$10,000," but didn't think it applied to the building. Mr. Sommers said in order to put in the station in October, he has an eight-week lead time for an authorized purchase order to ensure the pumps will be shipped on time. Selectman Jasper said then these things should have been looked at before tonight. Mr. Sommers thought asking for a waiver was the way to go. Chairman Cole said waivers have been given in the past and what they are debating now is whether it is a good thing or a bad thing. He is interested in the best value for their money, and it appears that this proposal offers the best value to the Town to accomplish the mission, as well as save money. Mr. Sommers concurred.

Selectman Stewart said if the contractor did both the building and electrical, she agreed with Selectman Jasper. She asked if DPW is licensed to blast. Mr. Sommers believed that work is contracted out. Selectman Stewart said she'd like to pull out building and electrical, plus blasting and rock removal. Selectman Jasper read from the Code. "If fewer than four qualified bidders are solicited, the Selectmen shall document the reasons for such in the files of the town. Such solicitations shall be mailed no fewer than 14 days prior to the bid opening date as described below." That says the Town can determine there are less than four qualified to bid, document it, and get a bid. Chairman Cole asked if the numbers they were looking at were in response to a request for a quote. Mr. Sommers said yes.

Selectman Massey said the request was for a waiver of a policy, based on the fact that this will save the Town about \$60,000 or 30% of the estimated cost. Given that amount of money, approving a waiver is appropriate. Selectman Jasper didn't disagree except for the fact that they have a Code, which does not allow for a waiver. It appears that while they have a book full of procedures, no one in Town is familiar with them. Chairman Cole said he wasn't sure how reliable the Code is right now on any given issue, based on conversations he has heard from people who have been around longer than he has. Selectman Massey agreed. Selectman Jasper said Chapter 98 hasn't been modified in the nine years he has been on the Board. Selectman Massey said it was modified one year after the Code was adopted, in its totality. Selectman Jasper said it may have been modified, but they can't just ignore the whole thing. Selectman Massey said no, but they do need to get the Code appropriately updated. Selectman Jasper said the Code is only as good as the information that is forwarded to them. Selectman Massey said for some reason, in 1993, it fell through the cracks and was never submitted. There is a revised Code adopted by the Board in 1993. That's what he was going to bring to the Board tonight. Chairman Cole said it was fair to say that there are possibly some gaps in the Code. Selectman Massey believed the money for this was coming out of the Sewer Capital Assessment Reserve Fund, in the Glen Drive project, adding that this money has already been budgeted and is available.

Vote: Motion carried 4-1 by roll call vote. Selectman Jasper voted in opposition.

#### **PMA Status**

Town Engineer Tom Sommers said the project is 95% done for this year. They will be hydro-seeding this week. The anticipated cost was \$115,000 but actual costs will be \$85,000-\$95,000, including final paving next year. The Town has a signed deed for the right-of-way. He applauded the Highway Department for their great job, and Gary Webster, who was at the site as often and as early as needed to make sure the project came together. It was a great effort between Highway and Engineering. Selectman Jasper asked when the light would be operational. Mr. Sommers thinks it's unlikely that it will be this year, but he hasn't talked to the DOT Superintendent on site. Chairman Cole said it's a good looking job and was done very quickly. Selectman Massey thanked Tom Sommers for his work. On top of all the work Tom has been doing on the water project, he found time to take this project through Planning Board approval.

(Start Tape 3, Side A)

#### **8. NEW BUSINESS**

##### **A. Request to apply for a grant for Inflow Infiltration Study**

Tom Engineer Tom Sommers said they pre-applied for this money. This is the official application, the voluminous backup of which has been in the Selectmen's office. They are looking to get up to 20% of \$145,000.

Motion by Selectman Stewart, seconded by Selectman Massey, to sign the grant application for reimbursement, as recommended by the Sewer Utility Committee, carried unanimously.

##### **B. Public Hearing on receipt of a \$2,000 Donation from William Tate to the Conservation Commission**

Selectman Massey, liaison to the Conservation Commission, said he was present at the meeting when Mr. Tate gave them the check for \$2,000 for promoting open space. He thought it was remarkably generous of Mr. Tate. Chairman Cole opened the Public Hearing at 9:46 p.m. and asked if anyone wished to speak.

Tim Quinn, 1 Fuller Drive, a member of the Conservation Commission, hoped the Board would accept this donation as they are pro-actively looking at easements for open space and to make this known to the public.

There being no further speakers, the Chairman closed the hearing at 9:48 p.m. Selectman Jasper added his thanks to Mr. Tate. He's had many discussions over the years with Mr. Tate about preserving open space and it's rare to see a private individual put his money where his mouth is. Donations are usually from organizations and businesses. Mr. Tate is to be commended for this. Selectman Seabury thought this was great and thanked Mr. Tate very much.

Motion by Selectman Stewart, seconded by Selectman Seabury, to accept the \$2,000 from William Tate, with appreciation and thanks, on behalf of the Conservation Commission, to be used to promote the importance of acquiring open space land for preservation carried unanimously.

**C. Request by CHIPS to use Lions Hall for Fright Night on October 24 and the evening of October 23 for setup.**

Deputy Chief Rodgers said annual Fright Night is held at Lions Hall, with up to 600 kids attending. They would like to set up the night before on October 23 from 6:00 p.m. through the night of the 24<sup>th</sup>—and invited the Selectmen to attend.

*Motion by Selectman Stewart, seconded by Selectman Seabury, to approve CHIPS request to use Lions Hall the evening of October 23, until midnight of October 24 for its annual Fright Night carried unanimously.*

**D. Cable Franchise Renewal Agreement**

Chairman Cole noted that the draft agreement has been in the Selectmen's Office, then recognized Cable Committee Chairman Coleman Kelly, who asked the Board to sign the renewal agreement with Adelphia, an eight-year agreement, commencing the date it is signed, that will provide for a rebuilt system, which has been completed. It requires the delivery of three channels for access television, which have already been installed. There will be basic and CPS tier service to all municipal buildings in Town, most of which have been installed. The same service will be delivered to each one of the schools, most of whom have them at this time. In addition, a wide band internet connection will be made for each school and the library and there are a number of administrative issues that will protect the Town for customer service and performance issues over the life of the agreement.

Selectman Massey said this agreement does not cover cable modem service that Adelphia is providing. Mr. Kelly said the Court system has removed the control and supervision of internet service from cable distribution, but he would be willing to accept and log the complaints of citizen subscribers with their internet service for that point in time where the decision of the Appeals Court may be reversed. They would then have a body of evidence to go forward with.

Selectman Jasper thanked Coleman for his work over the many years in the negotiations process, who has been doing yeomen's work. They can't really appreciate the hours and dedication that he has put into this on behalf of the Town. It's a thankless task with incredible hours. Selectman Jasper thanked Coleman and hoped everyone appreciates Coleman's efforts. He has done an excellent job, in spite of the fact that it hasn't always been a pleasant experience, which makes it all the more commendable. Chairman Cole was sure the rest of the Board joins Selectman Jasper in those comments, noting that Mr. Kelly looks a lot younger now that this milestone has been reached. He asked what the relationship was between the Town, Adelphia and the other members of the consortium. Mr. Kelly said there was an informal working agreement between Hudson, Litchfield and Milford to get an agreement in place, working towards the same goal. There are three separate documents for the three Towns, with a couple of minor differences, but each Towns' agreement is a stand-alone document with Adelphia.

*Motion by Selectman Jasper, seconded by Selectman Massey, to sign the Cable Franchise Agreement with Harron Cablevision of NH, Inc., d/b/a Adelphia Cable Communications for an eight year period, terminating August 25, 2011 carried unanimously.*

**E. Setting dates for review of Department Heads' Budgets**

*It was decided to schedule 6:00 p.m. on Thursday and Friday, October 23 and 24 for the Board to review department heads' budget submittals on a motion by Selectman Stewart, seconded by Selectman Massey, that carried unanimously.*

November 6 was also set aside in case it is needed to address any unfinished item. In order for the books to be ready for the Budget Committee on November 13, as they have requested, they must go to the printers by November 7.

(Start Tape 3, Second Side)

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

- A. Selectman Stewart commented that Old Home Days was a great success and the Historical Society is already planning next year's event. The State helicopter was a big hit, with special thanks to Bob Clegg for that. She reminded everyone that Harvest Fest is October 11 at the Hill House. She thanked the Combined Dispatch Committee for their hard work. The Budget Committee might plan a field trip to visit a combined center's operations. She thanked Deputy Rodgers who helped her with her flat tire today.
- B. Selectman Seabury attended the swearing in ceremony of the new police officers. The Chairman did an excellent job. . . but told a joke that wasn't a joke. The new recruits get younger every year. Selectman Jasper said no, it's not them getting younger!
- C. Selectman Massey said the job at PMA was outstanding. The Highway Department should be commended for all the things they have been doing, saving the Town several tens of thousands of dollars, as a result. At the next meeting, he will have a report on the results of the first month's operation of the water meters that were installed at the end of July.
- D. Chairman Cole announced that on August 12, 2003 in Nonpublic Session, the Board of Selectmen approved the hiring of Amber Clark as a Fire Dispatcher at \$13.10 per hour, effective August 17, 2003 in accordance w/IAFF Local 3154.
- E. Chairman Cole said a handout of the 9/11 Observance was distributed, which tracks with the Board's wishes. The notice will be in the HLN, prior to the actual ceremony. Mr. Malizia confirmed that everything was in place.
- F. Chairman Cole thanked the volunteers, Police Department and business community for the successful Blood Drive on 19 August. The goal was 225 pints, and they collected 260 pints. Selectman Massey said this showed incredible support by the community. Chairman Cole said the next drive is scheduled for March 2004.

**10. NONPUBLIC SESSION**

*Motion by Selectman Massey, seconded by Selectman Jasper, 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 as a public employee; and (d) Real estate issues carried 5-0 by roll call vote.

- Nonpublic Session was entered into at 10:20 p.m. and was terminated at 11:00 p.m.

**Open Session Votes:**

- Motion by Selectman Stewart, seconded by Selectman Seabury, to hire Michael Armand as Firefighter/EMT-I, effective September 7, 2003 at \$12.95 per hour, in accordance with IAFF Local 3154 Collective Bargaining Agreement carried 5-0.

- Motion by Selectman Stewart, seconded by Selectman Jasper, to hire Wayne Madeiros as part-time custodian for Town Hall, \$14.14 per hour, Labor Grade X, Step 1, starting September 14, 2003, from 6:00 a.m. – 11:00 a.m., with additional hours, as determined by the Town Administrator, carried 5-0.

**11. ADJOURNMENT**

Motion by Selectman Stewart, seconded by Selectman Seabury to adjourn at 11:06 p.m. carried unanimously.

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

**HUDSON BOARD OF SELECTMEN**

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**William P. Cole, Chairman**

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**Teresa Stewart, Vice-Chairman**

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**Shawn N. Jasper, Selectman**

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**Kenneth J. Massey, Selectman**

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**Ann Seabury, Selectman**