

HUDSON, NH BOARD OF SELECTMEN
Minutes of the August 12, 2003 Meeting

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

2. **PLEDGE OF ALLEGIANCE**, led by Chairman William P. Cole

3. **ATTENDANCE**

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

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Richard Gendron, Chief of Police; Shawn Murray, Assistant Fire Chief; Matt. St. Laurent; Ray Rowell; Leo Bernard; Howard Dilworth, Jr; Pierre Comtois, SUN; Anne Lundregan, TEL

4. **PUBLIC INPUT**

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

5. **NOMINATIONS AND APPOINTMENTS**

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

B. **Building Board of Appeals** (1 Member, Term to expire 12/31/03)

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

Chairman Cole said there were no applicants and that advertising will continue.

6. **CONSENT ITEMS**

Motion by Selectman Stewart, seconded by Selectman Seabury, to receive Items A-D, as recommended/appropriate carried 5-0.

A. **Assessing Items**

- 1) Veteran's Tax Credit Applications, w/recommendation to grant. (935 Fox Hollow Drive; 25 Schaefer Circle)
- 2) Application for Elderly Exemption, w/recommendation to grant. (36 Krystal Drive)
- 3) 2002 Abatement Application, w/recommendation to grant. (12 Executive Drive)
- 4) 2002 Abatement Application, w/recommendation to deny. (2 & 4 Industrial Drive)

B. **Licenses and Permits**

- 1) Block Party Permit requested by Kenny Baker on Common Land behind 6 St. Mary Drive, on September 27, 2003 from 12:30-6:00 p.m., w/a rain date of September 28, 2003.
- 2) Raffle Permit request by Carbon Scrapers Car Club to hold a 50-50 Raffle during Old Home Days, August 15, 16 & 17, 2003 that will benefit Shriners' Burn Institute Transportation Fund. Prize is a pedal car.

C. **Acceptance of Minutes**

Board of Selectmen Minutes of July 29, 2003

D. **Committee Announcements**

08/13 7:00 Planning Board in CD Meeting Room
08/13 6:00 Benson's Committee Meeting in BOS Meeting Room
08/14 6:30 Recreation Committee @ Rec Center
08/14 7:00 Sewer Utility Committee in BOS Meeting Room
08/14 7:30 ZBA in CD Meeting Room
08/15-17 Old Home Days at the Hills House on Route 102
08/18 7:30 Conservation Commission in CD Meeting Room
08/19 1:30 Trustees of the Trust Funds at Town Hall
08/19 7:30 Library Trustees in Annex
08/21 7:30 Budget Committee
08/22 4:00 Swearing in of Police Officers @ HPD
08/25 6:30 School Board in BOS Meeting Room
08/26 7:30 BOS in BOS Meeting Room
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

7. **OLD BUSINESS**

A. **Policy re Town-owned Land**

Chairman Cole stated this item was deferred from July 29th and asked Selectman Jasper if he had a motion prepared for the Board's consideration.

Motion by Selectman Jasper, seconded by Selectman Massey, to adopt the policy he drafted.

It shall be the policy of the Board of Selectman that no Town-owned real property shall be considered for sale unless the Town Administrator determines that it is in the interest of the Town to do so. In making such a determination, the Administrator shall consider the possible uses of the property and whether the potential property taxes to be received on such improved property would be greater than the probable cost of public services (including school costs) which would be required by those uses. If the Administrator determines that a public benefit could be realized by the sale of said real property, he shall recommend restrictions to be placed on the parcel to insure that only those uses which he considers to be revenue-positive shall be allowed. If the Board receives a recommendation to sell a parcel, the Board will then consider that recommendation along with any suggested deed restrictions. If the Board then determines it to be in the best interest of the Town to sell the parcel and that restrictions shall be placed in the deed, then any suggested restrictions shall be forwarded to Town Counsel for review and, if appropriate, included in the notice of solicitation for bids. If there is a successful bidder for the property, any restrictions shall be recorded as part of the deed. In addition, the Assessor's Office and the Office of Community Development shall receive copies of any deed restrictions.

Selectman Jasper said it was self-explanatory, that it wouldn't forbid all inquiries from going forward, but it would put the onus on the administrator to prove that there was a benefit to the Town to sell the property. It also precludes anyone from building a home because, unless it's 55 or older, there is going to be a negative tax impact and the purpose of the policy is to make sure if they are going to sell any property, that there would be a positive tax impact. Although that was one consideration, by no means should it be considered the only one.

Selectman Massey thought that the Board had made a decision they weren't going to see any property and they wanted a policy that would effectively shut the door on anyone applying. The policy proposed by Selectman Jasper doesn't do that; it puts the ability to say yea or nay in the hands of the Administrator. Selectman Jasper said in thinking about some of the situations that have come up over the years, there have been times where there were tiny, unbuildable pieces of land that have been sold to abutters to increase their lots, with restrictions they couldn't build on it. Some pieces are of no possible use to the Town and are a liability. There has been some industrial land in parks that has come to the Board for tax liens and serves no purpose, so there are some cases where they should at least consider it. Selectman Massey asked the Town Administrator if he thought this would cause a problem for him. Mr. Malizia said no, that he understood the Board's intent and didn't anticipate any burden at this time.

Chairman Cole also thought they were going to be considering no sales whatsoever, which he couldn't support. He does, however, support the proposed approach. Only about a dozen properties have come before them since 1996, there are 108 vacant Town-owned properties, from small smidgens to large acreage plots. Some parcels don't have any potential for Town use and somebody might want to add it to their existing lot to put in a vegetable garden. The Board can put in any covenants they desire before selling. He asked the Town Administrator where a policy such as this resides, after it is approved. Mr. Malizia said that Priscilla keeps a binder of the policies, such as this one.

Chairman Cole asked if the intent was that this policy be re-adopted when a new Board is elected. Selectman Jasper said that was the original intent, but felt that this is something that should stay in place until the Board revises it. Selectman Massey asked if they should add, "until further notice." Selectman Jasper didn't think that was necessary.

Vote: Motion carried unanimously.

B. Policy on Applying for Grants

Chairman Cole said this was brought to the Board by Selectman Massey, who moved to adopt the following Grants policy, seconded by Selectman Jasper:

Proposed Town of Hudson Grants Policy. Background: At the Annual Town Meeting on March 12, 1994 the Town adopted Warrant Article 36: "Shall the Town accept the provisions of RSA 31:95-b, providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific rescission of such authority, the Selectmen to apply for, accept, and expend, without further action by the Town Meeting, unanticipated money from a state, federal, or any other governmental unit or private source, which becomes available during the fiscal year?"

It shall be the policy of the Town of Hudson as adopted by the Board of Selectman that: The Administrative Code shall establish Grant application and acceptance procedures, including the assignment of all responsibilities, for such Grants to the Board of Selectmen or its designee. The Board of Selectmen shall establish from time to time dollar limits for Grant applications and acceptances. Grant applications and acceptances by any agency of the Town of Hudson shall be pursued in accordance with the provisions of this Policy, and the Town Administrator with approval of the Board of Selectmen may promulgate such other rules and regulations as may be deemed appropriate. In no instance shall rules and regulations promulgated by the Town Administrator with the approval of the Board of Selectmen contradict any provision of this Policy. GRANTS: 1) A majority vote of the Board of Selectmen in attendance at a duly authorized meeting shall be required to approve any request to apply for, and approval of, a Grant that requires the creation of a permanent or part-time position with the Town of Hudson. 2) A majority vote of the Board of Selectmen in attendance at a duly authorized meeting shall be required to approve any request to apply for, and approval of, a Grant that requires Town of Hudson matching funds of \$10,000 or greater if the Grant is for an unbudgeted service, materials, or contractual services. 3) Grants that do not fall under 1 or 2 above may be applied for by Department Heads; but shall require a majority vote of the Board of Selectmen in attendance at a duly authorized meeting to approve the acceptance of the Grant.

Selectman Massey said there was a question whether grants should get Board of Selectmen approval prior to the department heads applying for them. In March 1994, the voters passed an article that allowed the Town to accept unanticipated revenue. In doing some research, and in concert with the Town Administrator, they came up with the concept that any grant that creates a permanent part-time or full-time position would have to get Board approval, prior to application being made, as well as any application that required matching funds of \$10,000 or more for an unbudgeted item--\$10,000 being the point at which the purchasing and contracting provisions of the Code take effect. Otherwise, department heads are authorized to apply for grants without prior approval by the Board. The Board would, however, have to vote to accept the monies.

Selectman Jasper was concerned about obligating the Town to unbudgeted matching funds, which could imply an ongoing program that the Town may have to fund in the future. The policy should state that for *any* matching funds, the request would come to the Board. They could vote not to accept the funds, but the Town would look bad because there might be someone else who was looking for the money, but didn't get it because it was awarded to Hudson.

Selectman Seabury said grants already come before the Board. Selectman Massey said the only policy he could find on grants was the enabling

legislation adopted by the Town in 1994—to apply for and accept *unanticipated* money. He was trying to create a policy that would be consistent. Selectman Massey said, with this policy, the Chief would not have to come before the Board in order to apply. Selectman Seabury said the Police Chief is always applying for grants. If they accept a grant for police officers, those officers would be kept on as permanent employees. Selectman Massey said in the case of adding police officers, the Chief would have to get authorization to apply.

Amendment by Selectman Massey, seconded by Selectman Jasper, that #2 would read: A majority vote of the Board of Selectmen in attendance at a duly authorized meeting shall be required to approve any request to apply for, and approval of, a Grant for an unbudgeted service, materials, or contractual services.

Selectman Massey said that for unbudgeted items that create a future obligation for the Town, the Board should be part of that discussion before setting up a potential liability. Selectman Seabury didn't see how this was going to change the way they were already doing things. Selectman Massey said currently, department heads have to come before the Board for authorization to apply for all grants; with this policy, they could apply for them, as long as they did not commit any unbudgeted matching funds or create a new position. The majority of the grants the Police and Fire Departments apply for fall into that category. Selectman Seabury said that is the way things are already done.

Chairman Cole said both the Fire Chief and Chief of Police talked to the Board about last-minute opportunities. He thinks they should have the flexibility to apply for grants that don't involve personnel, matching funds or in-kind services. There are grants that are awarded just by applying, and the Board should know about those beforehand. Selectman Massey said the policy allows for a grant to be applied for that requires matching funds by the Town for a budgeted item because the cost to the Town will be less. Prior approval is needed only for an unbudgeted item.

Selectman Stewart thought that equipment over \$50,000, even replacement items, had to go to the warrant. Selectman Jasper said if someone said there was a grant for a piece of equipment the Town didn't have, once that piece of equipment was integrated into the system, and it needed repair and maintenance and eventual replacement, that's something the Board should talk about first.

(Start Tape 1, Second Side)

There are times when the Board has to be a little more flexible. If something comes up that needs the Board's approval, a meeting can be posted 24 hours in advance, and they can conduct a five-minute meeting to look at something.

Vote on the amendment failed by a vote of 2-3. Selectmen Massey and Jasper were in favor.

Amendment by Selectman Jasper to add, at the end of #2, "for if the acceptance of such grants would require funds from the Town in future years," did not receive a second.

Vote on the main motion failed by a vote of 1-4. Selectman Massey voted in the affirmative.

Selectman Massey said the warrant article passed by the voters says that it is the Selectmen who apply for, accept and expend unanticipated funds so, unless the Board authorizes department heads to apply, all requests to apply would have to go before the Board. Chairman Cole said the warrant article leaves a little wiggle room to delegate authority to the department heads to sign—and they can do this again in September, if they want to.

8. **NEW BUSINESS**

A. **Nashua Transit System (rate increase)**

Chairman Cole said they had a letter from Mayor Streeter about the increased cost to operate the Nashua Transit System and Hudson's contribution. The Town Administrator's cover memo recommended Option #1.

Motion by Selectman Jasper, seconded by Selectman Seabury, to authorize the City of Nashua to add a \$.50 surcharge to the existing fare schedule.

Selectman Massey asked why the option to reduce the number of trips wasn't being considered since, at a previous Board meeting, they heard that the Town doesn't need bus service. Selectman Seabury said this service was to transport handicapped people to job sites or day care. Amendment by Selectman Massey to increase the funding through Community Grants did not receive a second. Selectman Jasper said this same thing came up several years ago and, at that time, the Town, through the Board of Selectmen and Budget Committee, chose not to increase the funding, so this request is something the Selectmen should have anticipated. These are scheduled trips, unlike the bus service proposal they turned down a few weeks ago. The Town pays \$16,000 for 3,100 trips, which is a good effort by Hudson and \$3.50 per trip was reasonable. It costs him a lot more than that every time he operates his vehicle, with everything taken into consideration. Chairman Cole noted that the proposal for 2004 was \$3,000 more than the number before them.

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

B. **30th Semi-Annual American Red Cross Blood Drive**

Motion by Selectman Stewart, seconded by Selectman Massey, to waive the fee for the use of Lions Hall for the American Red Cross blood drive carried 5-0.

C. **Authorization to apply for a grant to fund the Victim Witness Advocate Position**

Chairman Cole recognized Chief Gendron who said the Police Department has been discussing the Victim Witness Advocate Program with the AG's Office, who informed the Town of some grants available under the Violence Against Women Act. Chief Gendron was seeking authorization to apply for the grant, which would take effect July 2004. Selectman Jasper asked how much the grant was and at what level the position was funded. Chief Gendron didn't know the details because he was notified telephonically. Application would have to be made every year.

Motion by Selectman Jasper, seconded by Selectman Stewart, to authorize the Police Chief to apply for a Violence Against Women Act grant.

Selectman Massey said this was a worthwhile grant that he would support, but his vote should not be construed as approving a position, relative to the vote that was taken at the last meeting. Selectman Jasper said his feelings about what happened at the last meeting have nothing to do with what he feels is the importance of what they are doing with this position, but the Board made the decision that this will be a position, so it's only right that they attempt to fund it, but that does not indicate his approval for the way things were handled at the last meeting relative to this position. Chairman Cole asked if this grant was for Fiscal Year 05 and if it was recurring. The Chief said this was just for '05 and any grant is up in the air because of Homeland Security.

Vote: Motion carried 5-0.

D. NRPC Agreement (for reformatting/updating of Town's Emergency Management Plan)

Chairman Cole said the funds were recently accepted by the Board, then he recognized Assistant Chief Murray.

Motion by Selectman Seabury, seconded by Selectman Massey, to sign the agreement with NRPC for updating the Town of Hudson Emergency Management Plan to the new standards of the State's Emergency Operations Plan.

Chairman Cole asked how many copies of the plan were going to be provided by NRPC, as he didn't want to have to go to Kinko's again. Chief Murray said his expectation was that a copy would go to each Selectman, the Town Administrator, each facility, building and department—everyone who is affected by the Emergency Management Plan. Chairman Cole asked who the point of contact was going to be at NRPC. Chief Murray said probably Angela Rapp.

Vote: Motion carried 5-0.

E. Reimbursement of Fire Department overtime for details

Assistant Chief Murray said he was present to ask the Board to consider establishing an overtime detail rate to offset costs incurred by the Fire Department, which currently provides most details at no cost, such as Alvirne football games, Special Olympics; Old Home Days fireworks detail; Fire Prevention programs; Speedway fireworks; ambulance. Those costs are absorbed in the budget. They bill for CPR and First Aid training; fire alarm work; and hazardous materials spills. He asked the Board to determine what would be considered community events and exempt those on a case-by-case basis. The detail rate would be a combination of the average fire fighter overtime pay and per-hour vehicle cost.

Selectman Jasper said he had a real problem with the fireworks details because in all of his years on the department, Call fire fighters were hired, at straight pay, so overtime was not involved. If that has changed, it is very recent--and shouldn't have been. They shouldn't be providing the Speedway a fireworks detail without charge. Chief Murray said that Selectman Jasper was correct. When available, Call fire fighters do cover the fireworks detail. However, these details are still an overall cost to the Fire Department.

Selectman Jasper said, relative to Alvirne and the Special Olympics, the Town should be doing those things as a community. They've tried to get away from cross-billing with the school. They should also be doing fire prevention education programs as a community, but he didn't have enough information on that or the ambulance details. Selectman Massey asked if this was something that could be considered during collective bargaining negotiations. Chairman Cole said there is a detail rate in the Police contract, but not presently in the Fire Fighters contract.

(Start Tape 2, Side A)

Selectman Massey asked what an ambulance detail was. Chief Murray said anything from a sporting event to a road race to a business opening. The six items listed were examples, not inclusive of all the details the Fire Department is called upon to provide. Chairman Cole said the Board needs to know the various details that come about during the year for Fire and Police and how they are being funded. The Town Administrator should meet with the two chiefs and the Road Agent to put together a list of all the details that the Town has supported for the last two fiscal years, how they were or were not funded, etc., and some recommendations that will lead to a decision by the Board.

Selectman Jasper said they should recognize there are things the Town ought to be providing. Regularly scheduled events, with a little prior planning, can be staffed by Call fire fighters and then they won't get into overtime costs. There are ways to avoid overtime, if properly managed. He thought the Speedway made a lump sum payment for the fireworks detail. Mr. Malizia and Chief Murray were not aware of any donation. Selectman Jasper said Fire detail shouldn't be provided to the Speedway for free, but he would have a hard time with most of the other ones saying a fee would be charged. Charging for fire education programs really goes against the grain.

Chairman Cole, as Police and Fire liaison, will work with the Administrator and two chiefs to put something together.

F. Public Hearing/Acceptance of Homeland Security Grant \$53,369

Chairman Cole recognized Police Chief Gendron and Assistant Fire Chief Murray. Mr. Murray said there are a lot of grants coming out of the Homeland Security Act. This grant, that does not require matching funds, is for the purchase of communications equipment for the Police and Fire departments, to enhance their ability to combat domestic terrorism. Two 20-25 year old base units in the Fire Department will be replaced and eight Motorola VHF portable radios will be purchased, which would be used by the Police Department so the departments can communicate with each other. Money will also be used for the relocation of the two present base stations. The two older radios will be moved to the other stations. Funds will also be used to relocate one of the receivers and two radio antennas to increase reception, especially in the Robinson Road area. They would purchase three mobile radios for the Fire Department and two portable communications accountability kits. This equipment coordinates with the State's digital system. The NH Department of Safety web page lists every community in the State that has been allocated those funds.

Selectman Massey asked if this equipment was going to be used in combined dispatch. Chief Gendron these are simply portable radios to allow the Police Department to communicate with the Fire Department and the regional Special Operations Team--Derry, Londonderry and Salem. Chairman Cole said combined dispatch and interoperability are two separate issues. Chief Gendron said another grant of \$8.2 million is coming out, with the bulk of it going to Fire EMS. There is a Homeland Security grant of \$2 million coming out, which the Police will apply for.

Chairman Cole opened the Public Hearing on the acceptance of the Homeland Security grant at 8:38 p.m. and asked if anyone in the audience wished to speak on it. There being no response, he closed the hearing at 8:39 p.m.

Motion by Selectman Stewart, seconded by Selectman Jasper, to accept the Homeland Security Grant in the amount of \$53,369.49 to purchase emergency services equipment for the Fire and Police Departments carried 5-0.

G. Request to purchase Town-owned Land--Map 12/Lot 34.

Chairman Cole referenced the Town Administrator's memo of August 6, discussing the latest inquiry to purchase Town-owned land. Motion by Selectman Seabury, seconded by Selectman Stewart, that the Town retain ownership of the parcel of land identified as Map 12/Lot 34. Selectman Jasper said the motion violates the motion they just passed. Mr. Malizia said this was put on the agenda prior to the policy being enacted. Selectman Jasper said this should be referred back to the Town Administrator, for him to write a letter denying the request.

H. Town Auction

Mr. Malizia said the Police Department has a lot of bicycles and will probably sell better in the summer.

Motion by Selectman Jasper, seconded by Selectman Stewart, to hold the Town Auction, coordinated by the Police Department, on Saturday, August 23, 2003 from 10:00 a.m. to 12 p.m. at the Highway Facility on Constitution Drive and to approve the list of items attached to the Town Administrator's memo of August 7, 2003, carried 5-0.

I. September 11th Observance

Chairman Cole said about three weeks ago, he sent an e-mail to the Board members, asking for their thoughts on an observance for 9-11. Selectman Seabury thought it should be held at Library Park, with Police, Fire and American Legion participation. Proposed activities included a wreath-laying ceremony by the two chiefs, a short invocation by Reverend Howe, presentation of the Colors by the American Legion, Officer Dyac to sing *America the Beautiful* and Mrs. Kovalcin asked to attend, either as a speaker or as a guest. It will be a somber, low-key event, starting at 10:00 a.m. Chairman Cole will meet with the appropriate people to incorporate the suggestions and put together a game plan.

Motion for a recess by Selectman Jasper, seconded by Selectman Stewart, at 8:53 p.m., which carried 4-1. Selectman Seabury was opposed. The meeting reconvened at 9:00 p.m.

(Start Tape 2, Second Side)

J. Set Budget Parameters

Selectman Jasper said he wanted to avoid what happened last year. Selectman Seabury said they all voted to do it that way—and it was Selectman Jasper's idea. Selectman Jasper said they did vote for it, but it wasn't his idea and they failed to set any parameters. Chairman Cole asked who had made the motion to do what they did. Selectman Jasper said he did, but it wasn't his idea.

Selectman Jasper said all the labor items and health insurance items should be held aside because they are things the department heads don't control. With those aside, they should be recommending a budget not to exceed a 3% increase. However, recognizing that that be difficult for some of them, if department heads have items that exceed 3%, they can bring them in on a separate piece of paper, but as part of the budget presentation. That direction makes the department heads prioritize, so the Selectmen don't have to figure out how to get a budget from 5% down to 3%. Relative to warrant articles, the only thing the Board is going to look at is an Assessing position. The Selectmen have been very generous in previous years with police and fire and they have been catching up in those areas.

Selectman Massey thought prioritization of everything beyond a 3% increase was a great idea, but they should include a warrant article for the Witness Advocate position. Selectman Jasper said that position is already in the budget, morphed by the Board--which he disagreed with at the time.

Mr. Malizia said last year, he submitted an article for a part-time Water Clerk, which the Board of Selectmen and Budget Committee voted for unanimously, but the voters turned it down. That need has not gone away. He recognizes what the Board is trying to do, but felt compelled to advise the Selectmen of this need. Selectman Jasper agreed, saying that part-time position is offset by revenue and the Selectmen have to do a better job of selling it.

Selectman Stewart asked about the part-time position of Welfare Clerk. Mr. Malizia said a temporary solution is in effect, which can be discussed at another meeting. Selectman Jasper said that position wasn't as high a priority.

Chairman Cole asked if Selectman Jasper would relent with regard to personnel recommendations. He didn't want to stifle someone. Selectman Jasper said every department head will have the ability to come in with what they want, but he didn't think they should spend a lot of time doing something that probably won't happen. Chairman Cole asked if the hard and fast parameter was 3%, and then prioritizing, by line item, anything over 3% and warrant articles will be separate. Selectman Jasper said the prioritized items should be submitted on a separate sheet, not within the budget.

Motion by Selectman Jasper, seconded by Selectman Massey, that department heads, outside of the salaries and associated costs, the operating budget to be submitted would not exceed 3% and that any requests above 3% would be presented separately to the Board in a prioritized fashion carried 5-0.

Selectman Jasper hoped there would be a strong message that the Board will not look favorably on additional personnel, outside of what was discussed tonight. Mr. Malizia and Chairman Cole agreed that the message has been conveyed loud and clear.

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

A. Fire Chief Frank Carpentino's Resignation (effective August 19, 2003)

Motion by Selectman Massey, seconded by Selectman Seabury, to acknowledge, with regret and the Board's sincere best wishes for the future, Chief Carpentino's resignation from the Hudson Fire Department.

Selectman Seabury wished him the best of luck. Chairman Cole, as Chairman and liaison to the Fire Department, asked that the following statement be read into the Minutes: "Chief Carpentino's record of leadership and commitment to public safety and the well-being of the men and women of the Hudson Fire Department is without equal. His departure from the Hudson Fire Department will be deeply felt on both the professional and personal level by the entire community. Chief Carpentino's sustained performance of duty and dedication to the Fire Department's mission to protect the lives and property of Hudson's residents has been outstanding in every regard. His contribution to the Fire Department's enhanced ability to accomplish this mission, during his tenure, cannot be overstated. Chief Carpentino is a consummate professional--a credit to the fire fighter tradition and the Hudson community."

Selectman Jasper said the 'without equal' statement disturbed him and does a disservice to former Chief Nutting, who gave over 40 years of his life to the Hudson Fire Department. He became the first full-time chief, oversaw the building of two of the fire stations, was involved in the building of the first fire station and gave unparalleled service. He was there all the time. The night Alvirne burned, he made it from Wells, Maine in 45 minutes. Chief Nutting's service and dedication are unequalled, particularly among chiefs of the Hudson Fire Department.

Vote: Motion carried 4-1. Selectman Jasper voted in opposition.

B. Natural Resources Chapter and Bike/Pedestrian Section of Transportation Chapter of the Master Plan Update

Selectman Massey, liaison to the Planning Board, said this was some of the on-going updates from NRPC. He called their attention to two items. On Page III-38, there is a new concept being promulgated that has promise for the future and the Planning Board is interested in--Transfer of Development Rights. It says that a developer, who owns two pieces of property, could take the rights on Property #1 and transfer them to Property #2 and use the rights from #1 to do the development on #1 and leave #1 totally undeveloped. For instance, you could have a 10-acre site that 10 houses could be built on; you have another 10 acre site that 10 houses could be built on. You could take the 10 units from Site 1 and put 20 units on Site 2 and leave Site 1 open forever. There is a parallel concept, that the Planning Board, in principle, gave the green light to the developers to propose a warrant article for next year. Under State statutes, there is a zoning capability called a Village District, which is somewhat similar in that you can take 20% of your property and develop all of the rights you had on 100% of the property and leave the other 80% open for conservation purposes. In light of all of the significant building activity that's going on in Town, those two items may or may not have some promise.

Continuing, Selectman Massey said bicycling could not be done on some of the main corridors, so they are proposing that the Master Plan include some off-corridor roads. For example, going from Litchfield down to Tyngsboro, you would be on 102 only until Marsh Road and you wouldn't be on Lowell Road until Roosevelt Avenue. This is just another example of what the Planning Board is trying to look at to provide alternative recreational capabilities. He will take any comments to the Planning Board meeting tomorrow night.

Selectman Seabury thought the village concept was very exciting and would be beneficial to Hudson. There was a conceptual plan of 175 acres shown at a Planning Board meeting. Only 25% of that acreage was going to be developed, leaving a large remaining piece of property of woods and ponds. Selectman Massey said it would be an ordinance that, if adopted, would apply Town-wide—and something that the QROE Farm development people could make use of.

Selectman Stewart said she has exchanged e-mails with Sean Sullivan relative to the Riverwalk Project and the pedestrian path from Sagamore Bridge to Taylor Falls that NRPC has been doing some work on. There has been some holdup with some of the land owners relative to easements. This project has been sitting around for two, three years now. Selectman Massey said he'd take that to the Planning Board as an action item.

C. Old Home Days

Selectman Stewart reminded everyone that Old Home Days was this weekend and the weather looks good. She commended the Police Department on *Code of Silence* that was shown on the Discovery channel over the weekend concerning a tragic event that happened in Hudson in 1994. It was interesting to see what goes on behind the scenes in investigating a major crime. The Town has a lot to be proud of in the level of professionalism of the Hudson Police Department... and she wondered if Chief Gendron and Capt. Mello would be signing autographs after the meeting.

D. Installation of Water Meters

Selectman Massey praised the Highway Department crew of Jess Forrence, Joe Anger, Eric Dionne, Ken Jobin and Jeff McQuarry who worked on the two water meter pits. The Town received a bid from an outside contractor for \$119,102. The Highway Department did the work for \$79,701 saving the Town \$39,401. The crew did a good job and the Town will reap the benefits with more accurate cost recovery from the towns that are taking water through Hudson's systems.

E. Proposed Zoning Ordinance Changes

Selectman Massey said the Planning Board voted to sent five changes to the Zoning Ordinance to Public Hearing on September 10, and on the 24th, an additional change, as it pertains to older persons, i.e., anybody over 55. The hearings will start the process of updating the Zoning Ordinance.

F. Chapter 98 of the Code

Selectman Massey said in doing the research for the policy on grants, he found the chapter on Purchasing and Contracting in the Town Code Book

was adopted by Town Council in 1987, accepted by the Board of Selectmen when reverting back in 1992, and amended in 1993. The four-page amended document is not reflected in the Code Book. To compound things, the amended document was amended in 1999 to reflect signatory changes. As a result, he wanted to put this on the August 26th agenda, at which time he will have a proposed amendment for Board consideration.

G. Hudson Fire Chiefs

Selectman Jasper said it seems that people think the history of Hudson began when they moved into Town, forgetting those who came before, such as Frank Nutting, who served from the 1940's as a Call Fireman until the day he became the first full-time Fire Chief, at which time he left the Board of Selectmen after 21 years. That is unparalleled. He started the ambulance service and full-time fire service. They do a great disservice when someone comes along and they feel he's done a good job to say, "this is unparalleled." Frank Nutting was one of a kind. When Frank Nutting was Fire Chief, he even refused raises. He wouldn't allow his salary to go up to where the Selectmen thought it should be. That is unprecedented and unparalleled. No one will ever do what Frank Nutting did for the Hudson Fire Department.

(Start Tape 3, Side A)

A lot of people have resigned from various things and the Board's history has been to acknowledge, sometimes with thanks. Given his history with the Fire Chief, he found it unnecessary that wording was added that hasn't been added when others have left. That is why he had to vote no. He finds it less than professional that a department head gave anything less than the customary one-month notice. A two-week notice is certainly not professional.

H. Nonpublic Session

Selectman Jasper said two weeks ago, when the Board went into Nonpublic Session, he and Selectman Massey left the room. When they returned, he asked what had transpired, but was told he didn't have the right to know. Unless he has removed himself because of a personal conflict, he has the right to know everything the Board does. He chose not to participate in what he felt to be an illegal activity, but that should not have prevented him from knowing what went on. As a matter of fact, his purpose for asking was that he had some questions for the Police Chief. He was assured that he did not need to have the Chief present, but he did. What the Board did was take a position which had been a sworn part-time officer and change it into a Witness Advocate. That whole process has called the Board's credibility into question, and the Chief's, because about two years ago, they said this was a position they had to have to manage the evidence room. That position has never been filled and, to date, he doesn't know why. That is a disservice to the Town. Everything he knows about the Victim Witness Advocate Program tells him it is a good thing, but the process was not handled correctly. He was told that this was reorganization, but it is not. It is totally different. They upgraded a position to a management position. They didn't then take the position that person had been in and fill it with someone else. They took a Lt.'s position, downgraded it to a sworn officer, and that's the difference. They did that in nonpublic because it was about the individual. At the end of the day, they had the same number of sworn officers. Perhaps, he could have been convinced that was the thing to do, but it should have been a public discussion. They didn't hire anybody that night, proving his point about the position. Fill the position and is proper nonpublic discussion.

I. Dispatcher Position morphed to Secretarial Position

Selectman Seabury asked Selectman Jasper what he thought the difference was between Dispatcher and Secretary—Fire Department to Assessing. Selectman Jasper said he regrets doing that, and they probably shouldn't have, but they did both in public. He's not going down that slippery slope again. Selectman Seabury said she just wanted to make sure they are all on the same sheet of music.

J. Former Meadows Property

Selectman Seabury said at a meeting of Friends of Hudson's Natural Resources, and she told a couple of Conservation Commission members they shouldn't approve plans with wetlands on them, especially since Planning and Zoning take what they say as Gospel. They said they didn't want to be sued. The Commission shouldn't be threatened with lawsuits if they do not approve a wetlands crossing over major wetlands. She was talking about the old Meadows property.

Selectman Massey said the Conservation Commission is an advisory body only. They cannot approve or disapprove a wetlands request; they can only make a recommendation to the Planning Board or Zoning Board, and their recommendation has a great deal of weight. He was at the meeting when this issue went before the Conservation Commission. There is a concept in land management called a taking, that says if you deny a person the use of his land, as a governmental agency, you must reimburse them. That night they were looking at a reasonable way to cross that property because they recognized that if they said no, they were going to say this developer would not be able to develop that property. If the Commission thought they were going to be sued, they misunderstood what was said. They should have understood that they had to be very careful if they were saying there was no way they could ever cross. The front piece of the Meadows property is being proposed as a fast-food drive-in; the back, which abuts the Benson's property, will be a self-storage facility, with a wetlands crossing to get to that property. If you don't allow them a crossing, you've denied them the use of their land. At that point, you would probably be involved in a taking action.

Selectman Seabury said there is a current case where the Zoning Board denied a wetlands crossing and it was upheld by the courts. which was denied by the courts for crossing wetlands. The Meadows area is a major wetlands and the Commission felt that if they didn't approve it, they would be in serious legal trouble. They should be told not to feel terrorized or threatened. Selectman Massey said nobody from the developer's side that night made any comments to the Conservation Commission that would have caused them to come to that conclusion. At one point, he cautioned them regarding the taking principle, so if they came away with any idea of being sued, it would have been his comments.

K. Labor Relations Session

..... Chairman Cole reminded the Board of the meeting with the Labor Relations Consultant on August 19 at 7:00.

L. Filling Position of Fire Chief

Chairman Cole opened the floor to discuss filling the position of Fire Chief. Selectman Seabury asked if there was any internal interest, adding that she didn't want to use MRI because that was too expensive. Chairman Cole assumed there probably was internal interest. Mr. Malizia said they could post internally, externally or both at the same time. Selectman Jasper didn't want to limit their choices too severely and thought an internal and external posting should be done. They owe it to the citizenry of Hudson to get the best-qualified person and, possibly, that person will be found in Town. He wouldn't make it a lengthy process. Mr. Malizia said it's up to the Board on whether or not they want to post internally for a period of time, or in and out and, thereby, not prejudice themselves one way or the other. If they post inside and then, after a period of time, decide to go outside, that might send a message they don't want to send. They might even want to include eastern Massachusetts. He is sure the word is already filtering out in the fire community. Selectman Massey suggested using NHMA. Chairman Cole said they could present the Board with a proposal to review. The applications must be vetted by an outside agency to get them down to a workable number.

Motion by Selectman Jasper, seconded by Selectman Massey, to direct the Town Administrator to solicit a proposal from the Municipal Association to handle the process.

Chairman Cole said NHMA should give them some options, such as one state, New England, etc. and they can review that. He asked if this was for the next meeting. Selectman Jasper hoped so, saying the sooner, the better.

Vote: Motion carried 5-0.

11. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Stewart, to enter Nonpublic Session pursuant to RSA 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; (b) The 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 9:50 p.m. and was terminated at 10:56 p.m.

(Start Tape 3, Second Side)

OPEN SESSION MOTIONS:

Motion by Selectman Stewart, seconded by Selectman Seabury, to hire Cheryl Talarico as part-time Victim Witness Advocate, effective 13 August 2003 at \$15.75 per hour, carried 3-0 by roll call vote. Selectmen Jasper and Massey abstained, as they left Nonpublic Session when this item was being discussed and they were not part of the Nonpublic discussion on July 29th.

Motion by Selectman Massey, seconded by Selectman Stewart, to appoint Assistant Fire Chief Murray as Acting Chief at a salary of \$70,000 carried 5-0.

12. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Stewart, to adjourn at 10:58 p.m. carried unanimously.

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

HUDSON BOARD OF SELECTMEN

William P. Cole, Chairman

Teresa Stewart, Vice-Chairman

Shawn N. Jasper, Selectman

Kenneth J. Massey, Selectman

Ann Seabury, Selectman