

HUDSON, NH BOARD OF SELECTMEN
Minutes of the July 29, 2003 Meeting

1. **CALL TO ORDER** by Chairman William P. Cole at 7:30 p.m. in the Selectmen's Meeting Room at Hudson Town Hall.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Shawn N. Jasper.
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; Police Capt. William Pease; Police Lt. Don Breault; Shawn Murray, Assistant Fire Chief; Gary Rodgers, Deputy Fire Chief; Jim Michaud, Assessor; Ken Briggs, Brox; John Knowles, Library Trustee; Leo Bernard; Howard Dilworth, Jr; Stephanie Coyne, SUN; Anne Lundregan, TEL

4. **PUBLIC INPUT**

Jennifer Frederickson had signed up to speak on the Victims' Advocate Position, but she was not present. Chairman Cole asked if anyone else in the audience wished to address the Board at this time. There was no response.

5. **NOMINATIONS AND APPOINTMENTS**

Motion by Selectman Stewart, seconded by Selectman Massey, to acknowledge the resignations by Alida Weergang from the Benson's Committee and Patrick Tate from the Conservation Commission carried 5-0.

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Selectman Jasper thanked them for their service, adding that normally the Board acknowledges resignations with thanks.

Benson's Committee

Kenneth Matthews, 12 Lindsay Drive, asked the Board what they were looking for in a committee member. He'd be able to help, but would like to know what he'd be helping with. He ran a non-profit Veterans' organization in Lawrence, MA for a number of years, so he understands grant writing. Chairman Cole asked if he'd like to learn more about the committee before the Board considers his appointment to find out what the committee was involved in and where he might fit and be most effective, that they have a meeting on August 13 at 6:00. However, they would consider his application tonight, if that's what he wanted. Mr. Matthews said that was up to the Board, adding that he has a Bachelors Degree in Business and has 10 courses towards a Masters Degree. He is retired, moved to Hudson about three years ago and would like to get involved.

Selectman Jasper said it seemed appropriate for Mr. Matthews to attend a Benson's meeting, prior to the Selectmen appointing him to the committee. That committee has been a revolving door lately and it would be good for Mr. Matthews to know in advance if this is something he'd really like to get involved with. Selectman Massey concurred. Mr. Matthews said it's always best to know what you are getting into. He is a disabled Vet, and has problems of his own, but he likes to deal with people. He believes the Benson's Committee is trying to find out what to do with the property. Chairman Cole said it's a multi-faceted endeavor and that to try to close the loops for Mr. Matthews this evening would be an injustice. He suggested again that Mr. Matthews attend the meeting on August 13 to meet the people, ask questions, learn about the projects they have planned, get a feel for the committee and see if it's a fit for his background experience and present interest. If Mr. Matthews is still interested, he can appear before the Board again in September. Mr. Matthews said ok.

6. **CONSENT ITEMS**

Selectman Jasper said because he was not comfortable with Item A-5, he was not going to vote to accept the consent items, but wasn't going to remove it. Selectman Massey removed Item B-7.

Motion by Selectman Massey, seconded by Selectman Seabury, to accept the Consent Items A, B, 1-6, and C, as appropriate, carried 4-1. Selectman Jasper was opposed.

A. Assessing Items

- 1) Yield Tax Warrant for Wood/Timber, Map 027/Lot 054, w/recommendation to sign.
- 2) Veteran's Tax Credit Application, 121 Barbara Lane, w/recommendation to grant.
- 3) Application for Elderly Exemption, 31 Bonnie Heights Drive, w/recommendation to grant.
- 4) Application for Disabled Exemption, 311 Abbott Farm Lane, w/recommendation to grant.
- 5) 2002 Abatement Applications, w/recommendation to grant: 46 River Road, 31 Flagstone Drive, 24 Flagstone Drive; 9 Hampshire Drive; 35 Sagamore Park Road; 14 Hampshire Drive; 22 Hampshire Drive; 26 Hampshire Drive; 6 Wentworth Drive; 8 Executive Drive; 19 Executive Drive; 9 Sagamore Park Road; 10 Flagstone Drive; 2-4 Hampshire Drive; 5 Flagstone Drive; 46 Trigate Road; 120 Derry Road; 14 Clement Road; 13 Rebel Road.
- 6) 2002 Abatement Application, Aranco Oil Co., 72 Lowell Road w/recommendation to sign the settlement agreement and abatement forms.

B. Licenses and Permits

- 1) Raffle Permit request by Hills Memorial Library during Old Home Days, August 15-27, 2003 to benefit the Library—1 audio book
- 2) Raffle Permit request by Fishin' for Kids, Inc. during Old Home Days, August 15-17, 2003 to benefit NH Children's Charities—27" color TV
- 3) Raffle Permit request by Wattannick Grange during Old Home Days, August 15-17, 2003 to benefit the Wattannick Grange—Toys and miscellaneous items
- 4) Raffle Permit request by Hudson Lions Club during Old Home Days, August 15-17, 2003 to benefit Lions Club's charities—Cash prizes
- 5) Block Party Permit request by Sean McGrail for Saturday, August 16, noon – 10:00 p.m. between Towhee and Meadowlark.
- 6) Block Party Permit request by Laura Bisson for Saturday, September 20 from 3:00-10:00 p.m. on Nathaniel and Pulpit Drives.
- 7) **Request for permit by Brox to operate commercial trucks prior to restricted hours and/or on restricted streets one night from 9:00 pm–4:30 am week of August 4-7 and one night, week of August 11-17.**

Selectman Massey wasn't clear on the schedule. Chairman Cole believed it was one day in each of the two weeks. Mr. Briggs, the Brox representative, indicated that was correct.

Motion by Selectman Jasper, seconded by Selectman Seabury, to grant, in accordance with the recommendation made by the Chief of Police on the application, carried unanimously.

C. Acceptance of Minutes

Minutes of the Board of Selectmen's Meeting of July 8, 2003 Meeting

D. Committee Announcements

07/31 7:00 NPS BOS/Labor Relations Session
08/04 7:00 Friends of Hudson's Natural Resources in BOS Meeting Room
08/05 7:30 Library Building Committee in Annex
08/06 9:00 a.m. Highway Safety Committee in BOS Meeting Room
08/06 7:00 Planning Board Workshop in CD Meeting Room
08/11 6:30 School Board in BOS Meeting Room
08/12 9:30 Closing on the Ingersoll Property
08/12 7:30 BOS in BOS Meeting Room
08/13 6:00 Benson's Committee in BOS Meeting Room (Item added by Selectman Stewart.)
08/13 7:00 Planning Board in CD 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
08/25 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. Combined Dispatch

Chairman Cole recognized Selectman Stewart, who said she met this morning with Deputy Fire Chief Rodgers and Lt. Breault and Dispatcher Heather Poole from the Police Department for the second time. Tonight, they will be presenting updated facts and figures. This morning, they were going to contact various departments in Merrimack, Portsmouth, Bedford and Lebanon, and Waltham, MA, to see how combined dispatch was doing in those towns. The dispatch center at Central Fire Station is outdated, cramped and three studies have recommended combining.

Chairman Cole recognized Lt. Don Breault and Deputy Chief Rodgers. Lt. Breault handed out the updated numbers from three years ago and a job description for Dispatch Supervisor. The Police Department's server room isn't large enough to house both Police and Fire Dispatch, with the phones, computer equipment and fire alarms coming in, so they had plans done by Castle Boos, which includes a secondary server room off of the main dispatch area. One will be used for phone lines, radio lines and the second server room will house computer equipment. In three years, the numbers have gone up \$142,000. He reviewed the itemized breakdown of costs, for a total of \$878,500.

Selectman Massey asked for an explanation of the fiber optics, fire alarm and telephone components and what the outside technical services consists of. Deputy Rodgers said they plan to run a cable from Central Fire Station to the Police Station and it includes six pairs of fiber optics so they can communicate with the Police Department, Highway Department and Town Hall more quickly, and will eliminate the need to lease lines from the phone company. The Fire Department's current six lines would be added to the Police Department's system, which will give them paging capabilities from the Police Station to the Fire Station. Technical Services is like Clerk of the Works, making sure they are not missing anything. They would solicit bids, do the design, make sure the consoles are set up correctly, whatever it is to ensure the process flows smoothly. Selectman Massey asked what would happen to the current dispatch. Lt. Breault said it would stay as is, but there would be three people instead of two.

Selectman Jasper said as this moves forward, questions need to be answered. There was a warrant article this year or last to put money aside, but that went down in flames. \$878,500 is a lot of money and there are a lot of other projects in Town. This expenditure will have to be justified to the taxpayers to show them how it will save money in the long run and explained why it needs to be done now. Personnel has already been put into place. Some things have to be done regardless of whether or not they combine, so those costs will have to be shown. They have a lot of work to do to sell this type of expenditure for something that doesn't provide a new service, just consolidates it and makes it more efficient, but doesn't decrease the cost. If it does, that needs to be shown.

Chairman Cole asked what the Board would be updated on next. Lt. Breault said the next step is to contact the agencies that already have this in place to see how things are going, get copies of their policies, learn about any pitfalls to avoid, see who they used for technical know-how, see how they handle union issues, etc.

Selectman Seabury agreed that in order to sell this, they have to be able to show that money will be saved, adding that both Chiefs have said they need to replace outdated equipment, so those costs should be shown. Lt. Breault said three studies have been done since 1987 and all recommend combined dispatch because it eliminates duplication of effort, and could shorten response time, which could mean the difference between life and death.

Selectman Jasper said it always troubled him to hear comments about life-safety issues. If that is the case, he'd like to see specific incidents where there have been significant delays that could have been abated by a combined dispatch. With the 9-1-1 system, calls gets transferred to the appropriate dispatch center and sometimes that involves both agencies, so he could see where one would be delayed if it went to the other agency.

(Start Tape 1, Second Side)

Selectman Massey said if there is a need to upgrade equipment, they are talking about offsetting costs. Fire Dispatch is not conducive to good working conditions. It would be helpful if they understood what would be asked for if the dispatch centers were not combined. Chief Gendron said now is the opportune time to consolidate centers and not duplicate purchases of equipment. It would provide better communication in the long run because the Emergency Communications Center will be right next door. In the 9-1-1 system, there are times when there are delays. If there is a fire or EMS call, it will go directly to Fire, even though an officer might be just down the street. It doesn't make sense to build up Fire Station equipment, then move everything to the Police Station.

Deputy Rodgers said yesterday was a good example of the benefit of combining centers. There were four incidents at the same time. A Litchfield dispatcher came in to help Hudson's dispatcher, who was overwhelmed because no one else was in the station to even answer calls. The Fire Department has only one dispatcher on duty at all times.

Selectman Stewart said the team has another meeting scheduled for August 26, at which time they should have additional information and answers to tonight's questions.

B. Town-wide Radio System

Police Chief Gendron said last October, the Town conducted an emergency management exercise involving Police, Fire, Highway, Community Development and the schools for the purpose of evaluating Town resources in handling a critical incident. One scenario involved a hazardous materials accident, which led to a hostage situation, where they had to utilize the emergency response team. One of the things they learned from the exercise was they don't 'communicate' well because the departments all operate on different frequencies. (Police is on a UHF frequency, which was installed in 88; Fire on VHF and Public Works on a low band and operates primarily off Nextel phones and there is no communication with Community Development or the Town Administrator's Office.) After the Drega case in Colebrook, it was found that State, County, locals and the Feds didn't communicate well, either. Grants were obtained through Sen. Gregg's Office that put the Law Net on a VHS system and would meet the FCC regulations of going digital—a standard that everyone will have to meet. Right now, Hudson Police is on an analog system. At one time, Manchester, Nashua, Hudson, Derry and Hampton were the only communities not on VHS, but he recently found out that Hudson is the only community in NH that is not on VHS. He thinks a Town-wide system should be considered, which offers total operability to communicate effectively. There is some money becoming available through Homeland Security grants and it is anticipated the State is going to get quite a chunk. \$10-\$11 million is being earmarked for locals, with \$8.3 million going to Fire and EMS. Since Hudson operates on a 24-7 basis, they stand a good chance to get money to upgrade their radio system and the Town should take advantage of that. \$3 million is being put aside, based on population, so they hope to see \$50,000-\$60,000 which both Police and Fire can take advantage of, and there will be \$1 million in competitive grants. The Department of Safety is aware of the fact that Hudson is an island, and will help financially to get the Town where they ought to be. Hudson is part of a regional SWAT team that goes into several communities. If Hudson's Police Department stays with their old UHF

system, they will need upgrades at a cost of \$90,000, but is still not digital. If they go to VHS, such as the Fire Department and the rest of the State, it will cost \$413,000.

Chairman Cole asked about the linkage of the \$8.3 million that is going to be going to Fire/EMS to Combined Dispatch. Chief Gendron said as the bulk of the \$8.3 million will go to Fire, the money set aside in Combined Dispatch to buy Fire radios could be diverted to the Police. There is a relationship between a new radio system, Combined Dispatch and grant monies. Next year, there is another \$26 million coming to the State. The Department of Safety is still deciding on how to divvy up the Homeland Security grant money. Once Chief Gendron knows that, he can move quickly in getting the paperwork in, adding the Senator Clegg offered to help. The Feds require going to a digital system and go to a narrow band width on the frequencies. If they stay with the analog system, they won't get any money at all. The radios have to be changed, either now or in two or three years because no one can be on an analog system by then. It is difficult trying to get a VHF frequency because the whole State is VHF. VT and MA are UHF, so he has been monitoring departments who are giving up their VHF systems, trying to get those frequencies. They need to apply for a pair of VHF frequencies, which could take up to a year. Lt. Breault is ready to move on it, but Motorola had advised to let an expert handle it and suggested Spectrum, who has already sent the Town a proposal. It will cost \$2,000 for them to do the paperwork. If it looks like they are heading in the wrong direction, he will ask the Board to allow him to expend funds out of radio repairs. Selectman Massey asked if they were not used within a certain period, if they would be lost. Deputy Chief Rodgers said yes, but didn't know the time frame. They use the frequencies every hour to show that the lines are being used.

Motion by Selectman Massey, seconded by Selectman Jasper, to authorize the Police Department to secure a pair of VHF frequencies for the Town of Hudson and, if they cannot do it in-house, the Chief is authorized to contract with Spectrum, Inc. in the approximate amount of \$2,000 carried unanimously.

Chairman Cole asked who the Police Department would go to if they didn't accept Spectrum's proposal. Chief Gendron said Lt. Kearns has some knowledge of this. Selectman Massey said in light of the Chief's presentation on the radio system, he thinks it would be worthwhile to see two proposals in August: build the system with 100% VHF capability and the other one with the Police Department on UHF.

C. Policy regarding the Sale of Town-owned Property

Chairman Cole said at the last meeting, Selectman Jasper had a motion on the table that he withdrew, saying that he'd come back with another motion at this meeting. Selectman Jasper apologized, saying he had forgotten about this item until last night and did not draft one. He will try to remember to do it for the next meeting (August 12).

8. NEW BUSINESS

A. Public Hearing/acceptance of a \$5,738.10 grant from the NH Office of Attorney General, Department of Justice, for the Hudson Fire Department's Domestic Preparedness Equipment Program

Chairman Cole recognized Assistant Fire Chief Murray, who said this grant has been received from the NH Department of Justice and was seeking the Selectmen's authorization to accept it. This grant is a Domestic Preparedness Equipment Support Program grant. This program has been in place since FY 2000 and ran through this year. The grant encompasses protective equipment for the Fire Department. About a year ago, the Police Department applied for this grant and was awarded protective equipment for use in domestic terrorism. This grant provides equipment for the three ambulances, protective masks, protective suits and, because they are a Fire Department, they can apply for decontamination showers. The grant does not require any matching funds. The only requirement is the Town purchases the equipment up front and then reimbursed by the Dept. of Justice.

Chairman Cole said that as far as the Dept. of Justice was concerned, the application was a de facto grant award. He asked where they stand relative to, "Request for payment must be received by this office not later than 29 August." He asked if they had an equipment list they are prepared to purchase. Chief Murray said everything that they are requesting has been identified in the initial grant application. Upon proof of purchase to confirm that the items were purchased, the Town will be reimbursed the funds. Chairman Cole asked if the Fire Department was also requesting authorization to expend the funds. Chief Murray said that was correct.

(Start Tape 2, Side A)

Chairman Cole opened the Public Hearing at 8:29 p.m. and asked if anyone in the audience wished to speak on this. Being no response, he closed the hearing at 8:30 p.m.

Motion by Selectman Stewart, seconded by Selectman Massey, to accept and authorize the Hudson Fire Department to expend the \$5,738.10 grant from the Department of Justice, NH Office of Attorney General, for the Fire Department's Domestic Preparedness Equipment Program carried 5-0.

Selectman Jasper said he was confused. It has been his experience that the Board has to authorize the submittal of grant applications. That didn't happen with the one the Board accepted at the last meeting, nor did it happen with this one tonight. He asked the Town Administrator if there was an established policy on this, or if a policy was needed. He wondered if everyone was playing by the same set of rules. Mr. Malizia knew there was a quick turn-around time on some of the grants. The Benson's Committee has sought Board authorization to apply for grants, but he hasn't done a survey on every grant to determine the procedure used. Selectman Jasper said they

should have a policy that applies to everyone because all of them should be handled the same way. There may be an occasional quick turnaround, but doubted that there were too many. Even in that case, a phone poll can be done—not that he liked them that much, but sometimes they are necessary. There should be consistency on how they handle things.

Selectman Massey asked if there is a policy. The real issue is approving the grant and allowing the department that applied to accept the grant because, in most cases, it requires matching funds. He didn't see a problem with departments processing applications, as long as they understand they are at risk for not getting the grant. Mr. Malizia said all awarding of grants have gone through the Selectmen. Chairman Cole said the voters adopted Article 36 at the 1994 Town Meeting, which gives the Selectmen authority to apply for, accept and expend unanticipated monies from the State, Federal or other government unit or private source that become available during the fiscal year, so there is a policy. Except for the grant that he was personally involved in with the Fire Department about a month ago, every grant that has been accepted by the Town has come before the Board. The Board of Selectmen has the ability to apply, accept and expend. He doesn't think they want to delegate the authority to accept or expend, but they might want to consider delegating the authority to make application.

Selectman Jasper said the problem is that if you apply for a grant and the body that has to accept it hasn't been part of the process, and once they see it notice strings attached, they have put themselves in a bad situation with the granting authority because they can assume there is almost always competing interests for the money. If the Town turns down a grant they have been awarded, that agency is unlikely to look favorably on their next grant application. He disagreed with the rationale that the Selectmen could delegate the authority delegated to them. The Board of Selectmen should be involved in the process right from the beginning.

Selectman Stewart said the Police Department does most of the grants and doesn't recall that they ever asked for authorization from the Board to apply for grants. Chief Gendron said if they have to come before the Board every time they apply for a grant they hear about, they will miss the window of opportunity. Last week, he was in Concord and heard about some money left over in Homeland Security. They told him if he wanted that money, he'd have to get the application in by Friday—and they had to really hustle to accomplish that. Last month, they missed getting in on the grant that was before them tonight, and he was upset about it. There are times when there just isn't time to seek permission to apply for something. If he gets a call from a State Highway agency, advising him that the Town qualifies for X amount of dollars to do DUI patrols on the 4th of July, but they need the application by Friday. When he gets those, he fills out the applications and when it comes in, the Chairman reviews it and the Board will sanction it. On the other hand, he came before the Board to ask if they wanted him to apply for the \$150,000 COPS MORE grants. Some are not time sensitive, but some are. If his hands are tied, they will miss out on the opportunity to get a lot of grants. If the Town had a grant writer, he wouldn't come before the Board for every grant he applied for. Selectman Jasper said the Town did have a grant writer and he applied for one grant.

Selectman Massey said there is a distinction in grants. One is where the Town has to provide matching funds and the other is where the grant money comes to the Town in its entirety and, in those cases, he can understand that time would be critical and felt it would be acceptable for the department head to apply for those without getting prior approval from the Selectmen. However, if a grant requires matching funds, especially in the hiring of an individual, those absolutely have to come before the Board of Selectmen.

Chairman Cole asked if Selectman Massey wanted to make a motion to that effect. What they have now is an article from the 1994 Town Meeting. The Board of Selectmen has the authority to apply for, accept and expend. As it stands now, the applications have to come before the Board, unless they want to delegate that to the department heads under certain circumstances, or if they want to delegate that authority to the Town Administrator, who would keep them informed. Selectman Massey didn't want to try to wordsmith a policy tonight, but he would be willing to meet with the Town Administrator to craft an appropriate motion, available for the August 12 meeting.

B. Request by the Police Department to apply for a one-year grant of \$11,833.60 from the NH Fish and Game Department to enable the Police Department to conduct OHRV enforcement patrol

Chairman Cole recognized Chief Gendron, who said this is an effort by the Police Department and the NH Fish and Game Department to conduct OHRV patrols in the Hudson area. They just found out about this grant and he's asking to apply for it. Other towns have delegated the authority to their Police Chiefs to apply for grants. This grant is to allow them to provide additional enforcement in areas of the Benson's property, Brox Paving Company, sand pits by Lexington Court, Memorial School and abutting property, Griffin Road and all the utility property throughout the Town. Those are the areas that they are having problems with with off road recreational vehicles, that they have received complaints from or damage to the area. Most of the work will be done on weekends, adjusted as appropriate, to target the problems. NH Fish and Game would help to expedite the problem, but wanted something in writing that authorized the Chief to handle the day-to-day operations of the Police Department and take action, as he sees fit, to best serve the law enforcement needs of the community, and to authorize him to enter into agreements with Fish and Game, which means he would sign documents, along with Fish and Game, to go into certain areas to enhance Hudson's law enforcement capabilities. If the Board chooses not to give the Chief that authority, there are three forms requesting assistance that the Board Chairman would have to sign. Every time that is done, they would need the Minutes of the Board of Selectmen's meetings, requesting OHRV patrols from Fish and Game for assistance.

Selectman Seabury prefers Option #1. Chairman Cole clarified that the Chief was asking for authorization to apply for an \$11,833.60 grant and, if awarded, will come back to the Board for acceptance. The Chief is also asking for authorization, without coming to the Board every time, to make application for grants and assistance from NH Fish and Game. Chief Gendron said that was correct. If he wants to saturate an area where there are a lot of OHRV's, it allows him to call Fish and Game and said he needs one of their officers here to assist and patrol together.

Selectman Jasper said he was confused and asked if this \$11,000 would be used to pay for overtime costs, and to enter into an agreement with NH Fish and Game to have them come down to assist Hudson. Chief Gendron said that's correct and, if needed, to apply for future grants with that agency. Selectman Jasper didn't have a problem with this because it was with a specific agency and they knew what the grants were going to be used for.

Selectman Massey asked if the grant covered overtime only for the Police Department, or if it includes the Fish and Game people, if they are called in. Chief Gendron said it included both.

Motion by Selectman Jasper, seconded by Selectman Massey, to authorize the Police Chief to apply for NH Fish and Game Department grant in the amount of \$11,833.60 which covers the cost of overtime for off highway recreational vehicle enforcement patrols carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Massey, to authorize Chief Gendron to enter into agreements with the NH Fish and Game Department to enhance law enforcement capabilities in the Town of Hudson and also to apply for applicable grants of that department carried 5-0.

C. Request to rent Lions Hall by Drama Kids International, September-June, 4:00-6:00 p.m., one day a week

Motion by Selectman Jasper, seconded by Selectman Seabury, to authorize Lions Hall to be rented to Drama Kids International from September 2003 to June 2004, one day a week from 4:00 – 6:00 p.m., at \$100 per week.

Selectman Jasper asked if the Town Administrator had any discussions with these people, saying \$100 maybe too steep for them. Mr. Malizia said no, he hadn't, as he was on vacation for the past two weeks. Selectman Jasper didn't have a problem with the request, saying that it sounds like a decent use.

Amendment by Selectman Stewart, seconded by Selectman Seabury, that the agreement be reviewed every three months by staff to monitor for possible problems.

Selectman Stewart said they've had problems with organizations you wouldn't expect to. This could be worked out by the Community Development Office and the custodial staff for a three-month review, and any problems relayed back to the Board, who would have the right to terminate, if appropriate. Selectman Jasper said that was much too lenient because his intention that this would be a week-to-week rental. He assumes that either Sean or Steve has the ability to terminate them, if they violate the rules. It shouldn't go on for three months before something is done. Any renter who violates the rules of the hall won't be able to rent it any more. This isn't a contract they are entering into, it's just approving a request to rent the hall for a period of time. He asked the Town Administrator if those safeguards were in place. Mr. Malizia said he'd have to read the agreement again, but they haven't done many other non-civic groups. Selectman Stewart said they *are* entering a contract—a lease from September to June. Selectman Jasper said he hasn't seen an agreement and thought this was just a request. He wouldn't be in favor of signing an agreement.

(Start Tape 2, Second Side)

Chairman Cole said they were talking about the Town's standard rental agreement. He said although he agreed with the amendment, he didn't agree with the main motion because he didn't support the entire issue.

Vote on the Amendment, 2 in favor; 3 opposed. Selectmen Seabury and Stewart were in favor; Selectmen Cole, Jasper and Massey were opposed. Chairman Cole stated that the amendment failed.

Amendment by Selectman Jasper, seconded by Selectman Massey, that this is a week-to-week rental of the hall and any violations of the conditions of rental will terminate the authorization for use of the hall, as determined by Sean Sullivan, Community Development Director carried 4-1. Chairman Cole voted in opposition.

Selectman Massey said he was opposed to the application, in view of the fact the requestors were not present. If someone wants to use the hall, they should come before the Board in person in order to answer any questions. Selectman Jasper said that was a little unfair, if they weren't told they should be present. Selectman Massey asked the Chairman why he didn't support this. Chairman Cole said they've been down a version of this road in the past and they all know where that got them. This isn't the same as renting it out for parties, but this Board decided to use the hall for civic, community-oriented activities--with the exception of the two grandfathered activities, the quilters and the antique show. When they leave for whatever reason, he didn't think they would replace them with a commercial venture. He doesn't know anything about this business or the individuals, but it is still a commercial venture, so he couldn't support it, as it might open the dam for possible problems as they had in the past.

Selectman Seabury said she thought this was a good idea and hoped that her granddaughter would be able to get involved in this program. She thought this would be an asset to the community and she was going to vote for it.

Vote by Roll Call: Motion failed 2-3. In favor were Selectmen Jasper and Seabury. Selectmen Cole, Massey and Stewart were opposed.

Motion by Selectman Stewart, seconded by Selectman Jasper, for a recess at 9:05 p.m. carried unanimously. The meeting reconvened at 9:15 p.m.

9. **OTHER BUSINESS/REMARKS**

A. Selectman Seabury's Items

Selectman Seabury said when she went to visit former Chairman Lorraine Madison, it cost her \$659 to have the water pump on her car replaced. Last Thursday, the Zoning Board denied a request to rezone Unicorn Park. Atty. Prolman got the Seniors out en masse, but they weren't interested in the (55 plus) high-end housing.

B. Time-Line on Fire Department's Grant on the Board's July 8 Agenda

Selectman Jasper said, relative to the grant and how it came about, what Chief supplied wasn't entirely acceptable because it raised more questions than it answered. The June 19, 2003 letter to the Board of Selectmen clearly states that the Board would take up the matter on June 24, which didn't make it to that meeting because of the posting requirement. If there was a public posting requirement that wasn't met, they could still have talked about it on the 24th, but instead, the Fire Department went ahead and applied for the grant. Because the Chairman didn't sign it, it came back to the Board, so it seems like they really had until July 2. Another thing that isn't fully explained is that the original grant was delivered by both the Fire Chief and the Deputy, who might have been in Concord together on other business, but for two chief officers to deliver a grant application doesn't seem to be a good use of Town resources. He still doesn't know what the deadline was, which he specifically asked for. Chairman Cole asked if the deadline was for applying for the grant, or acceptance. Selectman Jasper said he didn't find that out, either, but the Board ultimately accepted it, so he was looking for the drop dead date, which appears to be July 2.

C. Purchase of T-shirts and Hats by the Benson's Committee

Selectman Jasper said it was very troubling to him when he learned that \$11,000 worth of T-shirts and baseball hats, with the Benson's logo on them, were purchased by the Benson's Committee, without the authorization of the Board of Selectmen. This happened during the time the Town Administrator was on vacation, but the Finance Director and three Selectmen signed off on it. All purchases over \$10,000 have to go out to bid, but that didn't happen—and you can buy T-shirts in bulk for less than \$10 when buying 500. He checked a catalog and estimated they could have purchased the same quality for about 40% less than what was paid. It's even more troubling, because on June 18, the committee decided to look into ordering 500 hats and 500 T-shirts. Laurie Jasper asked if there would be a price break for larger quantities and Keith said he would ask. Selectman Jasper said the clear indication was that it would be going back to the Benson's Committee, but the invoice was dated June 18, which indicated to him that the order was placed before the meeting took place. Three Selectmen signed the PO on the 21st. The Benson's Committee was told on the 23rd and some of the members were surprised that this was a done deal. They also talked about where they would be stored. The check was cut and sent out on the 25th. The Town paid \$11,000 for T-shirts and hats which they do not have. He wasn't criticizing anyone because he believed that intentions were good, but internally, it got messed up. First of all, money for purchase and renovation of Benson's should have been discussed. They also received an invoice for \$400 for 500 cups to give to the volunteers for Benson's cleanup day. They have taken money that was put aside by the voters, in good faith, and bought something to make a profit—from the same people that paid for the T-shirts to begin with. He thinks trying to sell 500 T-shirts is a very risky venture. Having been involved with Old Home Days for a number of years, selling T-shirts has been less than successful. These may be novelty items, but to make a profit off them is a policy issue that the Board of Selectmen should have discussed. It was not proper to use the purchase and renovation money to invest in a scheme to make money. He didn't know where he wanted to go with this, but this isn't a good thing and he is extremely troubled by it. The Board needs to question why \$11,000 was paid for items they do not have.

Chairman Cole didn't know the delivery schedule, so he couldn't address that. Selectman Massey asked what the Town's policy was because you don't pay for an invoice until the goods are received and the receipt of the goods and the invoice should match in quantity and dollar amount before a check is cut. If that didn't happen, something did slip through the cracks. Selectman Seabury asked who negotiated for and ordered the T-shirts. Chairman Cole said the Chairman of the Benson's Committee, and was discussed at the June 18th Benson's Committee meeting.

Selectman Stewart said she did question the PO at the time, along with some others, but her impression on the night of the joint Board of Selectmen and Benson's Committee meeting, when the Chairman of the Benson's Committee passed out hat samples, that it was already in the works and the contract had been negotiated. She apologized for her misunderstanding.

Chairman Cole said, initially, the numbers were smaller than they ended up being. At the June 18th meeting, a new hat was made available and there was exuberance and enthusiasm by the Benson's Committee, as a whole, for the purchase of an increased number for sale at Old Home Days, and then within the schools. He wouldn't characterize it as a commercial endeavor simply to turn a profit, but as a marketing measure to gin up enthusiasm and to get Benson's out in front of the people in anticipation of the Town owning the property and moving forward. The money came out of the Selectmen's budget and will be determined where the funds will actually come from—probably from the account that has \$253,000 in it, which was a warrant article for the development of Benson's property, adding that 'development' was a nebulous term. The committee did slip up by not bringing this to the Board for a formal vote. It was an unintentional oversight, but the Board was aware of what the Benson's Committee was intending to do, and there wasn't any opposition prior to that.

Selectman Massey made the same assumption as Selectman Stewart, because they saw the sample hats and believed the rest were coming. He now understands his decision to sign the PO was erroneous. On that particular day, there must have been 50 warrants to sign, which he

believed to be end-of-the-year cleanup. This is a wake-up call for all of them to be more diligent in reviewing what they sign, but he takes his lumps on this one.

Selectman Jasper accepted the explanations, but when the hats were distributed, he came away with the understanding that someone was promoting their business by making up some sample hats. This was an extremely large order, and the proper procedures were not followed. Politicians get bad names when they don't have any interest in seeing what someone else could do for them because they got some free hats. Selectmen Seabury and Stewart said they didn't get hats. Selectman Jasper said he is more concerned with what happened within the Finance Department and Board of Selectmen. There are other troubling aspects, but he let it lie there.

Chairman Cole asked who received free hats, besides him. Selectmen Jasper and Selectman Massey said they did. Selectmen Seabury and Stewart did not because they only had the men's version that evening. Chairman Cole said he received a hat, but did not sign the PO. He would have, though, if he hadn't been out of the country.

D. Housing for 55 and Older

Selectman Massey said there are currently 172 55-plus housing units before the Planning Board and a proposal in the conceptual stage. Two lots are at the corner of Webster and 3A. There is a conceptual plan for multiple units for a 55-plus housing on Robinson Road. The assumption should not be made that it's going to be low-cost housing.

(Start Tape 3, Side A)

E. Water Meter Pits

Selectman Massey praised the Highway Department for installing the water meters, which will allow the Town to know exactly how much water is leaving Hudson for Litchfield and Pelham. Hudson will be in a better position to charge the actual usage. At the next meeting, the Road Agent will provide the actual costs and how much was saved by doing the work in-house instead of contracting it out.

F. Water Enhancement Warrant Articles

Selectman Massey said this will be on the Board's August 26 agenda--costs, where the money would come from, benefits to the Town, plans and proposed warrant articles for consideration for the water enhancements.

G. Brush-cutting Operations

Selectman Jasper said when the machine they were asked to purchase last year is used as a trimmer, it butchers the trees, leaving shredded branches hanging out of the trees, which opens up the trees for diseases. They should do a little better job of going back and cleaning up the trees, since they have hydraulic chain saws on the dump trucks. This has upset a lot of people.

H. Budget Parameters for Department Heads

Selectman Jasper said last year he didn't say anything about setting parameters and they didn't do anything. Before the department heads start putting budgets together, the Board should set parameters and give direction so they don't end up like they did last year with a wholesale slaughter of the budget. It was a disastrous process and he felt none of them wanted to go through that again. They should talk about what they see as a realistic and acceptable growth in the budget for the upcoming fiscal year, either at the next meeting, or on an off-Tuesday.

Chairman Cole asked what the schedule was for budget screens. Mr. Malizia said at the end of August, budget screens become available so department heads can begin their input. Early to mid-October, they are expected to be complete so the books can be put together for the Selectmen's review in late October, with delivery to the Budget Committee by mid-November. Selectman Jasper said they should be setting a parameter in August. Chairman Cole asked if he'd like that item on their next agenda. Selectman Jasper said that was possible, but a lot of things need to be considered. Chairman Cole said if you take away the salary issues, which the department heads have no control over, and it may be premature to be looking at warrant articles, they are looking to set parameters for the operating portion of an operating budget. Selectman Jasper said the Board can give direction in terms of warrant articles, if the Board isn't going to consider any bonding, etc., what is acceptable overall. They didn't really give the CIP any consideration this year. It is fair to give the department heads a little more guidance in order for them to do a good presentation to the Budget Committee. If there are things the Board definitely is not going to support, they should know up front to avoid false hope and putting a lot of time into those items. Chairman Cole said it can be on the next agenda and they can see where they are in terms of time. If the agenda is long, it can be moved to another date.

I. 2003 Congressional Delegation Law Enforcement Awards

Chairman Cole said he was pleased to attend the 2003 Congressional Delegation Law Enforcement awards at the Police Academy in Concord on Sunday evening. It was a packed house of 400-500 people—members of law enforcement, their families and friends. Senator Sununu, Congressman Bass and Congressman Bradley were in attendance. This program was instituted five, six years ago by Senator Sununu and Congressman Bass. Sgt. Mike Smith and Sgt. Mike Niven were recognized for their activity in the events surrounding on 2 September 2002 with the Above and Beyond the Call of Duty Award, along with their Nashua counterparts. The ceremony also recognized those individuals who had been called to active duty in response to the September 11th and the situation in Iraq. The Hudson officers who were in attendance were Officer Joe Hobecke, Officer Steve Pupolo and Officer Matt Keller. He extended the Board's congratulations,

with deepest gratitude and thanks for their on-going support and performance. It was a good opportunity for them to shine at the State level.

10. NONPUBLIC SESSION

Motion by Selectman Stewart, seconded by Selectman Massey, 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; (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

Selectman Jasper said he understands that they are going to talk about a position, but a general policy discussion should take place in public as it pertains to a decision on the actual position. Whether or not there is going to be a position to fill should be dealt with publicly. If they were to create the position, the actual hiring would be eligible for nonpublic.

Vote: Motion carried 3-2, by roll call vote. Selectmen Jasper and Massey were opposed.

Nonpublic Session was entered into at 9:50 p.m. and was terminated at 11:38 p.m.

OPEN SESSION MOTIONS:

Motion by Selectman Seabury, seconded by Selectman Stewart, to hire Amy McMullen as part-time Secretary in Assessing, effective August 17, 2003 at \$13.02/hr, Grade VIII, Step 1, in accordance with the Admin & Support contract carried 5-0.

Motion by Selectman Stewart, seconded by Selectman Seabury, to hire Andrea Hansen, effective August 3, 2003 and Bryan Smith, effective July 30, 2003, as part-time Police Telecommunication Technicians, at \$13.91 per hour, carried 5-0.

Motion by Selectman Stewart, seconded by Selectman Seabury, to hire Justin Mangum and Thomas Scotti as full-time Police Officers, effective August 10, 2003 at \$17.39 per hour, per the Police Local 3657 Union Contract, carried 5-0.

Motion by Selectman Stewart, seconded by Selectman Seabury, to convert the existing part-time Police Officer position in the Police Department to the position of Victim Witness Advocate.

Selectman Jasper said this was totally inappropriate. This discussion should have taken place in public session and that's why he left (the room). They were told that this part-time position was needed in the Police Department for many reasons and that is what was sold to the Budget Committee and to the voters. He didn't know why they don't need that position any more because that discussion was in non-public. The Victim's Advocate position was part of an agreement with other communities through an agency--they should not be creating this position. If that is what the Chief wanted, he should have gone through the budget process.

Selectman Massey said he was going to abstain from voting for the same reasons that Selectman Jasper gave. He can't vote on something he has no knowledge of. Selectman Jasper hoped Selectman Massey would vote no.

Vote: Motion carried 3-1 by roll call vote. Selectman Jasper voted in the negative and Selectman Massey abstained.

12. ADJOURNMENT

Motion by Selectman Stewart, seconded by Selectman Seabury, to adjourn at 11:42 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