

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the June 10, 2003 Meeting

1. **CALL TO ORDER** by Chairman Cole at 7:30 p.m.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Ann Seabury
3. **ATTENDANCE**

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

**Staff/Others:** Stephen A. Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Kevin Burns, Road Agent; Jim Michaud, Assessor; Dave Yates, Recreation Director; Fire Lt. Dave Morin; Marilyn McGrath; Ray Rowell; Leo Bernard; Stan Walczak of BFI; Peter Dolloff, Mike LeChance, John Coughlin from YMCA, along with several other members of that organization; Jim Sullivan; Howard Dilworth, Jr; Coleman Kelly, HCTV; Anne Lundregan, TEL

4. **PUBLIC INPUT**

**Marilyn McGrath, 81 River Road -- Re: Leonard A. Smith Central Fire Station** – Ms. McGrath has talked with Lenny’s daughter and now she is asking the Board to establish a date for the dedication ceremony, as soon as possible. Ms. McGrath suggested September 6, 20, 27; Fire Prevention Week in October; or November 8 (closest to the date of Lenny’s death of November 10). She tried to contact Chief Carpentino this afternoon relative to the dates, but was unsuccessful. The Planning Board is also planning to do something apart from what the Selectmen are doing. Selectman Massey asked if the ceremony would include both presentations. Ms. McGrath said that hasn’t been decided at this point. The Planning Board talked about buying a granite bench, with Lenny’s name inscribed on it. Chief Carpentino had given them permission to locate it at the Firefighters’ Memorial, and they are considering Library Park. Chairman Cole said this could be discussed further under Other Business. Ms. McGrath said she gave Selectman Jasper a list of Lenny’s accomplishments, his membership on various boards, his civic involvement, etc. so a bronze plaque could be made for the fire station, as part of the dedication. He will check on prices for the plaque and funds have already been donated to put towards the cost of this project. She will pay for the sign for the fire station re-dedication. Chairman Cole suggested keeping the dedication ceremony and the Planning Board’s intentions separate.

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

5. **CONSENT ITEMS**

Selectman Jasper removed Items B & C.

*Motion by Selectman Stewart, seconded by Selectman Seabury, to receive Consent Item A, w/appropriate action, carried unanimously.*

- A. **Assessing Items**

- 1) Granting of Veteran’s Tax Credit Applications (11 Gabrielle Drive, 5 Berkeley Drive)
- 2) Granting of Application for Elderly Exemption (8 Ferry Avenue)
- 3) Recission of Yield Tax Warrant, Map 019/Lot 016 dated May 13, 2003 issued to Account #1716 and approval to sign corrected warrant for Wood/Timber Cut on the referenced property.
- 4) Approval of 2002 Abatement Applications (1 Olde Coach Road, 2 Nathaniel Drive, 47 Pelham Road, 24 Scottsdale Drive, 225 Webster Street, 8 Copeland Drive, 8B Lenny Lane, 60 Griffin Road)

Selectman Massey asked that the Assessing Department flag 1 Olde Coach Rd. and 2 Nathaniel Dr. so if those properties are made whole again, the appropriate assessment can be re-established.

- 5) Denial of 2002 Abatement Application (334 Fox Run, 6 Wade Road, 33 Krystal Drive, 28 Mobile Drive, 8 Riviera Road, 3 Heritage Circle)

- B. **Acceptance of Minutes**

**Minutes of the Board of Selectmen’s Meeting of May 27, 2003**

Selectman Jasper said he talked with Priscilla about an omission, which she corrected, but it wasn’t important enough to go into. *Motion by Selectman Jasper, seconded by Selectman Stewart, to accept the Minutes, as amended, and refer to file carried unanimously.*

- C. **Committee Announcements**

- 06/11 7:00 Planning Board in CD Meeting Room
- 06/12 6:30 Recreation Committee at the Recreation Center
- 06/12 7:00 Sewer Utility Committee in BOS Meeting Room
- 06/12 7:30 ZBA in CD Meeting Room
- 06/16 6:30 School Board in BOS Meeting Room
- 06/16 7:30 Conservation Commission in CD Meeting Room
- 06/17 7:30 Library Trustees in Annex
- 06/17 7:00 BOS sponsored meeting at Lions Hall w/QROE re Nadeau Farm
- 06/18 6:00 Benson’s Committee Meeting—This meeting announcement was made by Selectman Jasper.
- 06/19 7:30 Budget Committee. *Selectman Stewart noted that this meeting would be held at the Police Department, following a tour of the Public Works*

facility.

06/24 7:30 BOS in BOS Meeting Room  
 06/25 7:00 Planning Board in CD Meeting Room  
 06/26 7:30 ZBA in CD Meeting Room  
 07/01 7:30 Library Building Committee at the Library Annex  
 07/02 7:00 Planning Board Workshop in the CD Meeting Room  
 07/04 4<sup>th</sup> of July Holiday—Town Hall closed  
 07/08 7:30 BOS in BOS Meeting Room  
 07/09 7:00 Planning Board in CD Meeting Room  
 07/10 6:30 Recreation Committee at the Recreation Center  
 07/10 7:00 Sewer Utility Committee in BOS Meeting Room  
 07/10 7:30 ZBA in CD Meeting Room  
 07/14 6:30 School Board in CD Meeting Room  
 07/22 7:30 BOS in BOS Meeting Room  
 07/23 7:00 Planning Board in CD Meeting Room  
 07/23 7:30 ZBA in CD Meeting Room  
 07/28 6:30 School Board in BOS Meeting Room

*Motion by Selectman Stewart, seconded by Selectman Massey, to acknowledge the announcements carried 5-0.*

6. **OLD BUSINESS**

**Burns Hill Road Landfill**

Town Engineer Tom Sommers requested that this item be deferred until the Board's June 24<sup>th</sup> meeting, at which time he will also include an update with regard to the West Road Landfill. In Nonpublic this evening, the Board was expecting a status by the Town Engineer with regard to the Water District negotiations in Nashua, but that will also be deferred until June 24<sup>th</sup>.

7. **NEW BUSINESS**

A. **Construction of YMCA Facility in Hudson on Rt. 102**

Chairman Cole recognized Peter Dolloff, Vice President of the Nashua-Merrimack YMCA, John Coughlin, CEO, and Mike LeChance, Operations Director. Mr. Dolloff said they were present--for the third time--to try to establish a YMCA site in Hudson. A committee was established to look at various sites, but not many were workable. Members include Judy Vokes, Dick Gendron, Jim Sullivan, Randy Bell, John Fisher, Sean Sullivan, Atty. Kevin Rossio and Cal Inglais. Mr. Dolloff recognized those who were present on behalf of the Y: Mike Powers, Property Director; Tammy Chavalier, Director; Jim Sullivan; Peter Banks, Finance Director; and Jeff Doyan, Computer Coordinator. Continuing, Mr. Dolloff said the Y is a lot more than fitness; it is about bringing families together and about a facility that can serve various agencies within the community--the schools, the Boy Scouts, the Girl Scouts, etc. The property they are considering is about four acres, situated between the parking lot at Alvirne and Hills Garrison. The committee was wondering if the Town would consider a long-term lease for a nominal fee and the Y would raise the funds to build the facility. If they put in a pool adjacent to the school, Alvirne could consider a swim team. Mike LeChance said this was a prime site because of the close proximity to the schools. They work with special needs students and have done Youth in Government programs, etc. They could have multi-purpose space available for committees, service clubs and the schools. A child care center in the facility would be ideal, which is a need that has been identified. Mr. Dolloff said there are presently 2,200 Hudson members/participants at the Nashua Y.

CEO John Coughlin, who took over five months ago when Dave Dougherty retired, said one of his objectives was to continue looking for a Hudson facility. (He distributed a Conceptual Design Build handout to the Selectmen and Town Administrator.) The facility would be 45,000 sq. ft. and showed the core design of a YMCA and the approximate cost, which would be paid by fundraising efforts; no taxpayers' dollars will be used. They were present tonight to seek the Board's endorsement of the concept, so they can then move forward to pursue a feasibility study, a business plan and a capital campaign. He comes from an area in Maine, where they did this same thing. The Y theme is to build strong kids, strong families and strong communities and that results in a substantial impact on the community.

Selectman Massey passed out a site plan of Freedom Fields, which is also in that area. There was some concern that they were talking about the same site, which turned out to be erroneous, but he couldn't tell who owned the land--the Town or the School. Selectman Jasper said that it was part of the parcel the Town got from the State. Selectman Massey said that piece of property would eventually have to be subdivided because it is shown as one lot on the tax map. Mr. Dolloff didn't know what impact that would have on obtaining a long-term lease from the Town, but it would have to still be approved at Town Meeting. Chairman Cole said that was one of the many steps down the road. Selectman Seabury thought it sounded like a good idea.

Selectman Stewart asked if there would be a reduced membership rate for Hudson residents. Mr. LeChance said a membership rate is established, based on the facility and the people in that community. They also have financial assistance and a sliding fee scale for those who need it. The flat rate would probably be comparable to Nashua. Mr. Dolloff interjected that, for a higher fee, people can use more than the one facility. Selectman Stewart said she was appalled at how high some of the Y's fees were for summer programs. She would like to see the Y come to Town, but it is a private business, such as Gold's Gym or World Gym. Mr. Coughlin said those are fitness centers, and the Y goes beyond that. The social, mental and emotional feature spills out into the community in ways that the other centers do not. Those intangibles make YMCA successful. Selectman Stewart asked what community in Maine this was done in. Mr. Coughlin said Augusta. Selectman Stewart said if they go forward with this, she would object to using RSA 674. Selectman Massey agreed, saying it would definitely have to go before the Planning Board.

(Start Tape 1, Second Side)

Selectman Jasper said he was potentially excited about this, but before they go any further, they should find out the size of the lot, which he thought to be under three acres, because there might be a problem with parking, green space or setbacks. Chairman Cole said the Y was interested in getting a sense from the Board that the concept is favorable or not, so they can take the next step, which is a combination of many different assessments, eventually coming back to the Town with a proposal. Mr. Coughlin said that was correct, that the footprint presented was conceptual; it could be a two-story facility. An Arts & Humanities program within the YMCA is an adventure they would like to pursue.

Selectman Massey asked if there was any residual religious activity that is a component of the Y. Based on the fact that they are talking about using Town property, they have to be careful they are not giving preference or support to any religious body. Mr. Coughlin said Christian principals are very important to the YMCA formation, but he feels that the "C" stands for "caring." Selectman Massey suggested getting a legal opinion regarding the membership requirements. They have to be careful not to support a policy that is ok for a private group, but not ok for a governmental agency. Mr. Dolloff said many of the Y's around the country are being built on town, county or school property and, in his years of involvement with the Y, he has never seen any religious involvement. From a membership point of view, there is no exclusionary clause for anyone who wants to join. If someone paid the fees, they could join. Mr. Coughlin said they don't discriminate against anybody. Chairman Cole said they could give the Y a 'warm and fuzzy feeling' on the concept while, at the same time, seek a legal opinion regarding Selectman Massey's concern. Selectman Massey said the Board needs to settle in their own minds whether they would enter into a long-term lease or sell the parcel. Chairman Cole said there are a number of issues to consider, but they might not be chronologically in line with what is being asked for tonight. Selectman Massey said they should defer this until June 24 to give them time to determine if this is something the Town wants to do. Chairman Cole asked what Selectman Massey expected would happen within the next two weeks. Mr. Massey said there should be an open discussion if this is in the best interest of the Town.

Selectman Jasper felt that there was a timing issue, if this was to go forward at Town Meeting. Through the process, there would be a number of public hearings, where they would have the plans, which would have had to be approved by the Planning Board. He would not be interested in selling the parcel, but felt the Board should give the Y a green light because they are in the early stages of exploring this possibility. Ultimately, the voters will decide.

Selectman Seabury agreed, saying this was an excellent area and ties in with the needs of the schools. The community will benefit and she also felt the Town should keep the land. Mr. Dolloff said this was a costly project of \$5½ million, so they would have to have a long-term commitment, such as 100 years. Selectman Massey said he would only support a lease that, at the end of it, the Town has the option of renewing the lease, or the building reverts to the Town. Selectman Stewart asked who would be responsible for the taxes on the building. Mr. Dolloff said the YMCA is a non-profit organization, so it wouldn't be taxed—but they are not being collected now because it is Town property. Selectman Stewart suggested that the amount for the yearly lease could be comparably to the tax for that property; or half of that, but she would not agree to \$1 a year. Selectman Massey said there is ample nationwide precedence for non-profits to provide a contribution in lieu of taxes, in consideration of the fact that the building is going to be the recipient of Town services, such as the Fire and Police. He would not vote to give them a green light tonight. Chairman Cole said the vote was to allow the Y to go forward with their assessments on a multitude of issues and come back to the Town with a proposal at some time in the future. He asked when they thought the Board might get something back from them. Mr. Coughlin and Mr. Dolloff said probably by late summer, at one of the Board's August meetings.

*Motion by Selectman Jasper, seconded by Selectman Seabury, that the Board authorize the Nashua YMCA to develop a proposal to the Board of Selectmen for use of the property off Route 102, carried 4-1.* Selectman Massey was opposed.

**B. Public Hearing on Amending the Rec Department's Summer Fee Schedule to include a Pass Booklet for \$50**

Chairman Cole opened the Public Hearing at 8:18 p.m. Recreation Director Dave Yates said after the summer program fee was increased last year to \$100, enrollment was down, even though daily attendance was the same as previous years, because the people who used it all the time was using it as day car. The 10-day pass booklet, which is double the daily fee, would ensure the purchaser of 10 days and, hopefully, they'd get back some of the people they lost. He still has to work out the logistical particulars with the program director, but registration is a week from Friday. There being no further speakers, Chairman Cole closed the hearing at 8:23 p.m.

*Motion by Selectman Stewart, seconded by Selectman Jasper, to amend the Recreation Department's fee schedule to include a 10-day pass booklet for \$50 carried unanimously.*

**C & D. Public Hearing/Receipt of Donation to the Fire Department of Confined Space Training Equipment by GL&V with an estimated value of \$3,100 and on Receipt of a \$750 Donation from Hudson Sam's Club Foundation to the Police Department to put towards the purchase of a crisis response telephone for the Special Operations Unit**

Chairman Cole opened the public hearing at 8:25 p.m. No one spoke, so he closed the hearing at 8:26 p.m.

*Motion by Selectman Stewart, seconded by Selectman Jasper, to receive the donation, with the Board's appreciation, carried unanimously.*

(Start Tape 2, Side A)

**E. Non-Union Personnel**

Selectman Jasper said he was among the first people to say, after the last Town Meeting vote, that they couldn't afford to go a year without giving these people a raise. He wasn't in favor of circumventing the will of the voters, but this was just a 3% increase and didn't include any equity adjustments. He thought this money should be taken from vacant salary accounts, not from Contingency. That fund is for unplanned expenses and if it used for something not approved by the voters, that money will be gone. If a position has to be kept vacant for three months, until they reach the \$16,000 amount, then that's what they have to do.

Selectman Massey said it is important that they listen to the voters. In general, he is never of a mind to vote something that is contrary to the will of the voters. On the other hand, he has carried some comments by Edmund Burke, one of the great 18<sup>th</sup> Century leaders, who helped our Founding Fathers when they were drafting the Constitution. On November 3, 1774, he said, "Your representative owes you, not his industry only, but his judgement; and he betrays instead of serving you if he sacrifices it to your opinion." Tonight is one of those circumstances. Even though the Town voted not to do this at the March meeting, fairness says that the Board need to make this happen, so he will support the proposal. Selectman Stewart agreed with both previous speakers, adding that she was not in favor, either, of taking this money from Contingency.

Selectman Seabury said when the Budget Committee nixed this, it was because of the comparability adjustment, which is what she explained to a woman who called her to oppose this. After Selectman Seabury explained that if the warrant article asked only for a 3% increase, the Budget Committee wouldn't have opposed it, so the caller was in favor of Selectman Seabury voting in favor of this salary increase. She agreed that it

should not come from Contingency.

Selectman Massey said of the three options presented to them, he preferred Option 1, the 3% COLA increase because, if a lump sum is given in lieu of a salary increase, you are still playing catch-up the following years. Selectman Jasper asked to hear from the Town Administrator on where the money would come from, assuming it would come from Police, Fire and Highway. Mr. Malizia said that was doable. At the start of the fiscal year, the Town will be hiring two new police officers and, chances are, they won't be here July 1.

Motion by Selectman Jasper, seconded by Selectman Stewart, to grant the eight non-union personnel (Chief of Police, Town Administrator, Fire Chief, Director of Community Development, Road Agent, Police Prosecutor, Executive Assistant and Recreation Director) a 3% COLA wage increase, effective July 1, 2003, with the money to come from various salary accounts within the budget.

Selectman Massey asked if the motion would allow them to access the fringe benefit accounts. Mr. Malizia said he considers it one bucket because if you have a vacant salary account, you have a vacant FICA and pension account.

Vote: Motion carried unanimously.

#### **F. Naming of Firefighters' Memorial Park and Signage**

Chairman Cole recognized Lt. Dave Morin of the Fire Department, saying this program has been in the works for a long time. About a year ago, he came before the Selectmen concerning a memorial design competition for the students at Memorial School. He explained that it would be a sign, done in granite, just as the memorial is. The area would be named the Leon Hammond Park, in memory of the late fire fighter. The money would come from fundraising efforts, such as selling bricks like they did for the memorial itself.

Selectman Massey thought this was a good idea, but expressed concern about accessing the area because there is no place to park. If anyone wanted to go there to pay their respects or for a moment of silence, etc., you can't because you can't park there. He thought the Highway Safety Committee should look at allowing at least one car to park on the perimeter. Selectman Seabury said she parks at the skate park and walks over.

Selectman Stewart asked the significance of the date. Lt. Morin said it was just to give them an idea of how it would look. Selectman Jasper thought the slogan, "Dedicated to those who serve in his memory," was inappropriate and thought, "Dedicated to those who serve," was sufficient. It's a memorial park and there are many who are memorialized that served and died before Leon Hammond came to Town. Selectman Massey agreed, saying something along the lines of, "Dedicated to those who have served," that would memorialize all of the fire fighters who have served in Town. Lt. Morin said that was easy to take care of. Selectman Jasper said if they wanted to keep it specific to Leon Hammond, they could say, "Dedicated to his lifetime of service." Lt. Morin said this serves two purposes: recognition of what the area is and to recognize Leon by naming the park after him.

Selectman Stewart asked where this would be placed on the site. Lt. Morin said he wasn't able to obtain a map of the area today, so he was unable to show them where it was going to go. Also, Dig Safe would have to determine where the buried phone lines are before they can firm up a location. The general area would be where Lowell and Central meet.

Chairman Cole asked Lt. Morin what he was looking for from the Board. Lt. Morin said, other than the changes that were brought up, he was looking for the Board's approval of the concept and then to proceed with fundraising. Chairman Cole asked if it was Firefighter or Firefighters. Lt. Morin said plural possessive, 's' apostrophe. Regarding the prayer, it talks about "firōman" and about their "wife," and wondered if there was another choice that was a bit more politically correct, since the department has some outstanding females. Lt. Morin said it should be "firefighter's" prayer. Selectman Jasper said the PC part of it was "children and my wife," but the poem, "A Fireman's Prayer" was written a long, long time ago when they were referred to as firemen. They should not attempt to wordsmith it. In keeping with what they did when the station was renamed, he thought they should have a public hearing.

Motion by Selectman Jasper, seconded by Selectman Stewart, to set a public hearing for June 24, 2003 relative to naming the park carried 5-0.

Chairman Cole asked who was sponsoring the project. Lt. Morin said the Fire Department with the Relief and Local. Chairman Cole said, as the liaison to the Fire Department, he call Lt. Morin to arrange to meet to ensure they have looked at all the things they heard tonight before it comes back for a public hearing at the next meeting.

#### **G. BFI Solid Waste Collection**

Chairman Cole recognized Kevin Burns, Road Agent, and Stan Walczak, General Manager of BFI. Mr. Burns said on July 1, the Town will be entering into the third and final year of the contract with BFI, who approached him about the feasibility of changing the collection schedule. They currently pick up Monday - Friday, three trucks per day. Instead, they would like to pick up the entire Town on Wednesdays, using 15 trucks. BFI would pay for all the advertising, including a direct mailing to all the residents, advising them of the change, and will put an announcement on CATV. Mr. Burns was in favor of this because, one of the few problems they have with the contract is that when the three trucks in Town, M-F, there is never a supervisor, so he ends up acting as the BFI supervisor. If there are 15 trucks in Town, there will be a supervisor to oversee them. He could also more effectively schedule road work because he'd know whether or not it would conflict with trash pickup. In the winter, he'd only have one day to worry about the snow. If the proposal is accepted, BFI is offering a cost-savings of \$6,000 annually. Hopefully, it can be incorporated into the new contract for an even greater savings.

(Start Tape 2, Second Side)

Selectman Massey said on a holiday week, the pickup would be on Thursday, and he thought people might find that difficult to remember. Mr. Walczak said in the brochure that is mailed directly to residents' homes, there will be a calendar with the holidays highlighted, showing that it moves from Wednesday to Thursday. Selectman Jasper said about half the people seem to forget on holiday weeks now and put their trash out anyway.

Motion by Selectman Jasper, seconded by Selectman Seabury, to approve the pickup schedule, changing from five days a week to one day a week

pickup for the entire Town, starting July 2, 2003, as recommended by the Road Agent, carried unanimously.

Motion by Selectman Stewart, seconded by Selectman Jasper, for a recess at 8:55 p.m. carried unanimously. The meeting resumed at 9:10.

#### **H. Waive Water and Sewer Fees for Animal Control Facility**

Motion by Selectman Massey, seconded by Selectman Jasper, to defer this to the June 24 Board of Selectmen's meeting, with a request to the Police Department to meet with the Sewer Utility Committee at their meeting on Thursday, June 12, carried unanimously.

Selectman Massey had talked with Tom Sommers, Engineer, who said it would be on the SUC's meeting of June 12<sup>th</sup>.

#### **I. Repairs to Benson's Property Fence**

Chairman Cole recognized Selectman Jasper, who said they had the tour of Benson's last week. He didn't realize how much fence there is there, and it has been breached in a couple locations, either by a lack of gates or by being cut. They should have the gates repaired or installed, repairs made, and then posted.

Motion by Selectman Jasper, seconded by Selectman Massey, to get proposals to have the fence repaired, gates installed where necessary to secure the fenced area of the Benson's property, and to post the fenced area.

Selectman Massey said this would be money well spent, since the Town is going to own the property. They should try to keep it from further deterioration. Esther McGraw was especially concerned that the Flying Rock Road entrance be gated. Chairman Cole asked if they were talking about going out for bids. Selectman Jasper said they could just use whomever it is that usually does their fence work. He assumes the project will cost less than \$5,000. Chairman Cole asked for the Road Agent's feedback. Mr. Burns said his foreman estimated repairs to the two gates in question would cost about \$2,000--substantially more to fence additional areas. They have two contractors they normally get bids from. Chairman Cole said a statement of work needs to be drafted. Selectman Jasper said the only way to be able to explain what needs to be done is to get out there and walk it. There is one breach in the historic area, which really should have a gate because it's in a roadway, to allow them better access. Another gate is pretty well destroyed. There is another area where there is a roadway that the State has been using that looks like may have been fenced at one time. There is no gate there at all. He thinks the fence has been breached at one spot in the woods because there is a trail that comes down. There is an area along Bush Hill Road that has never been fenced, but that is in a wetlands area. Selectman Massey said they could do the posting right away. Selectman Jasper said the State is still working in the area of the Haselton Barn, so they shouldn't do anything with that fence at this time. The State had to cut down the trees in order to get the asbestos out. Chairman Cole said they would look at getting signs posted as soon as possible and Tim will put together a statement of work and if he has any questions, he can contact Selectman Jasper. They are looking for something to go out to the two contractors they've used in the past.

Vote: Motion carried unanimously.

#### **J. Property Valuation Update Contract**

Chairman Cole recognized Jim Michaud, Assessor, who said this was a negotiated contract with New England Municipal Consultants for property evaluation update for 2004. In 2002, they went through a \$1/2 million reval, the first time in 11 years to update property values. In order to avoid dramatic value increases, it's incumbent upon the Town to change values more frequently. The issue is assessment equity and to keep values more in line with the market on a more frequent basis. Bill Krajewski is the President of NEMC, and he was the project supervisor during the last re-evaluation. He was the national sales person for Patriot Properties and he is a re-seller of their product and he uses their product in doing revals throughout northern New England. His performance in the reval is a proven entity. The Town will get a quality product by hiring him. He has an appraiser-trainee with him, who also acts as a data collector and he is also hiring an in-house person for data entry and testing. He will concentrate on the commercial-industrial property valuation, will be involved in data collecting all the sales from January 1, 2003 through April 1, 2004, and he will be responsible for reviewing the residential valuation, which will be the product of Kathy Nealon and him. Last year, they were at a ratio of 92%. The ratio for 2003, which is still in the making because the ratio year goes through the end of September, will probably be in the mid to low 80's. If the market continues like it is, by the following year, they will be down in the 70's. The problem becomes an overlay issue. Commercial-industrial property is not appreciating at the same rate as residential and, as the ratio drops, they invite abatement exposure, which is what killed them from the 1991 reval. The residential properties held more of their value than the commercial-industrial properties. This contract has been vetted through Town Counsel, and would go to the State for their review. All the personnel working on the project would be approved by DRA, and by the Town of Hudson. Data collection on building permits continues to be done in-house; the company will be data-collecting sales. Next year, the State is going to check to see if towns are meeting the laws governing assessing. They are going to look at the market value standard—between 90% and 100% and if the towns achieve the measure of assessment equity within that. If you are at 95% the majority of properties should be near that percentage. They achieved it in the reval and hope to achieve it again next year.

Selectman Jasper asked if the residents would be notified beforehand. Mr. Michaud said they would and will have a local appeal route via the abatement process. Selectman Jasper asked if Mr. Michaud would be expecting somewhere in the 10% - 20% range. Mr. Michaud said it would probably be closer to 20%, if today's market trend continues. Assessing would send out notices and invite people to set up an appointment, come in and discuss it with staff, but they won't have the same level of formal appeals like they had at HO Smith. They are not doing a Town-wide data collection effort. The data is reasonably sufficient and, if kept up to date, it will stay reasonably sufficient.

Selectman Massey said the contract indicates they are going to look only at sales. Mr. Michaud said they are going to look at all market data. They are going to measure and list all the sales—residential, commercial and industrial. They will also gain market data on rentals for industrial buildings, for commercial property, and cost data. Selectman Massey said he was heading down the road that says, "A property in my neighborhood sells..." and there is every indication that, at some point in the near future, there will be a downturn in the market and when that property sells, it will sell low. He wondered if they would be inundated with everybody in that neighborhood seeking an abatement, based on the fact that the property values are changing. Mr. Michaud said nothing is ever stable, but they look at trends, just as leading up to the 1991 revaluation, the trend was starting down. They will be sensitive to whatever the trends are because they have to hit a market value standards as of

April 1, 2004. If the market starts tanking in October 2004, that raises an issue for 2005, but it has nothing to do with April 1, 2004, assuming the market had not started trending downwards. They will look at the sales, the cost, the income and that information will indicate a trend, which is the direction in which they will go. He estimates an average adjustment of 15%-20% in prices.

Selectman Massey said the property owner sells for a 20% increase in its valuation and if all the neighbors have a much lower valuation, wouldn't that property owner still be able to come back and say that his property is being valued at a 20% premium only because he is selling it, and why the Town isn't going to go out and update their properties. Mr. Michaud said that's exactly what they will be doing, whether or not the properties sell. Selectman Massey asked if the property next to him sells, if a change will be made in the computer for all of the surrounding properties. Mr. Michaud said yes, as well as in comparable neighborhoods. They are looking at 500-600 sales a year in Hudson and are gathering from those sales what the others would sell for, based upon the property data and characteristics that have been collected and what the market tells them. There are components that matter and others that don't. Selectman Massey said it seems to him this type of a program is useful only if it continues on an annual basis because one of the problems they wound up with in 1991 is the properties were assessed at historic highs and the market tanked almost when the evaluations came out, so they went another 12 years without a valuation, which meant that an awful lot of new properties got the benefit of those 12 years. Mr. Michaud did not recommend an annual Town-wide assessment update. Two years is a sufficient to measure the market forces and their impact on Hudson--and there is the question if they want to be playing with someone's assessment every year. If he needs to make a temporary adjustment in 2005, he will come to the Board to recommend that. Selectman Massey said no one should get too excited if they find their valuation has gone down and their tax rate has gone up. Mr. Michaud said taxes are a function of spending and assessing is outside of that equation, with the exception that taxes supports the department.

Selectman Jasper said this is part of a program that the Assessor has been working on for about five years--a program where the Town will be reassessed, about a third a year. At the State Ways and Means Committee last week, the Commissioner of DRA handed out some charts and on the equalized value basis in the State, and Hudson has the 11<sup>th</sup> highest equalized valuation in the State of NH for property now. Mr. Michaud said there is a lot of base.

Chairman Cole asked when they would do another reval, if this program wasn't implemented. Mr. Michaud said the playing field is changing on how the State will force towns to go through revals. If they wait to be forced, he anticipated it would be around 2007, with a price tag of about \$1/2 million. Chairman Cole asked if they would be doing this every year. Mr. Michaud said he was recommending doing it every two years, looking at a segment of the properties, going out on a continuous basis to make sure the data is correct. They have a valuation update and they have an on-going data collection cycle. Chairman Cole asked which heading this requests falls under. Mr. Michaud said it's a value update; a limited data collection of the sales every two years, which should be less than \$45,000 because they will be used to doing it.

(Start Tape 3, Side A)

Selectman Jasper said it is important to get the elements in place that Jim needs to do the continual assessment. In this budget cycle, they must put only Assessing positions on the warrant. If they include police and fire, those are the only positions that will be voted in. This is the year to make this program work so they can save money in the long run.

Chairman Cole said if the Town had to do a Town-wide reval that would cost \$1/2 million, what would \$90,000 buy him between now and 2005. Mr. Michaud said it buys him close to market value each year. Chairman Cole asked what it buys him with regard to saving taxpayer dollars. Mr. Michaud said \$400,000. They have two update contracts--04 and 06. He's asking to do an update next year. This is a data collection cycle that crosses years--physically measuring the properties and inspecting them. Right now they are two years out from going out to some properties.

Selectman Massey said if they do this every two years, then they aren't going to have to do the 2007 full reval. Mr. Michaud said that was correct, if they add in the data collection components, which will be coming in with the budget request. Chairman Cole asked what would happen to the first component, if they don't get the second component. Mr. Michaud said if they don't re-data collect properties, they will be basing their update on flawed data. Chairman Cole asked if it mattered which component was executed first. Mr. Michaud said they already have pretty fresh data.

Selectman Jasper said if they do this every two years, they have avoided a lot of pain that comes with a full blown reassessment, where people suddenly see spikes of 60%. The only people that are going to feel any dramatic difference are those that have made improvements to their property that didn't get picked up. Mr. Michaud said if the market was tanking, people would be demanding an update.

Chairman Cole asked what the two components were. Mr. Michaud said data collection and statistical update; this request is for statistical update, in addition to collecting data on the sales, the income and the market. Chairman Cole asked Mr. Michaud if his department got the individual they needed to do data collection, if that could be done during the course of the year and follow up with a contract like this for statistical data. Mr. Michaud said it would take more than one year for one person to collect data from 8,900 properties. Chairman Cole pointed out that the contract indicated a date of January 1, 2003 to March 31, 2004. Mr. Michaud said they would capture the sales that started January 1, 2003. Chairman Cole asked if they were going to put this out to bid. Mr. Michaud said he's talked to people in the industry when he was developing figures to put into the budget and he's negotiated with Bill Krajieski on what the contract would entail. He's not doing a full statistical update; he's doing some components and the Town is doing others. Chairman Cole asked how big NEMC was. Mr. Michaud said there are three full-time employees and he sub-contracts work out. Chairman Cole asked how data is obtained if the people can't get into the homes. Mr. Michaud said a letter will be sent to the residents, explaining what they were going to be doing. During the reval, they had an 80% success rate on getting into properties. Chairman Cole asked about the Town providing office space, etc. Mr. Michaud said it will stay within the Assessing Department area, and they will be working out of their cars. Chairman Cole asked who would authorize additional time, over and above the contract. Mr. Michaud said the Board of Selectmen. Chairman Cole asked about the accountability for 160 hours of work. Mr. Michaud didn't expect the Town would need NEMC for more than 160 hours. If the Town asks NEMC to defend the values to the BTLA or Superior Court, that's another component, not included in the contract.

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve a property valuation update contract with New England Municipal Consultants for the 2004 property tax year in the amount of \$45,400, as recommended by the Town Assessor, carried 4-1. Chairman Cole voted in opposition.

## 8 & 9. OTHER BUSINESS and REMARKS BY THE SELECTMEN

### A. Leonard A. Smith Central Fire Station

Selectman Jasper thought the next step was to ask the Fire Department for a recommendation on the dates Marilyn McGrath put forward during Public Input and for the Chief to identify a spot for a bronze plaque to be placed within the station. Chairman Cole suggested that Ms. McGrath and/or Selectman Jasper set up a meeting with the Chief, or his designee, to review the dates and discuss the plaque issue. Ms. McGrath expects to come back to the Board with an agenda for their approval of what should take place on the day of the dedication and the attendees that she thinks should be present. Chairman Cole said after the meeting with the Chief or his designee, it would lead into a proposal that she could bring back with the time, date, attendees, format, etc. Ms. McGrath said she'd call the Chief tomorrow.

**B. Thorn Bush Infestation at Benson's**

Selectman Jasper said, as a result of the walk-through at Benson's, he noticed a sharp thorn bushes with a beautiful white flower, that is infesting Benson's. They are terrible bushes and need to be chemically killed or pulled out by the roots. His grandfather planted one on the homestead years ago, and its children have migrated all over his property. If they let this go another season, the area will be choked off. They need to get a contractor to eliminate the bushes. Selectman Massey said even when they are pulled out of the ground, they grow back because long feeder roots stay in the ground. Selectman Jasper said this plays into a Benson's cleanup in the fall, but there isn't a lot to clean up. The State has done a pretty good job, but they do need to start doing some maintenance, getting some of the more problematic bushes removed. There are areas where a roadside tractor can get in and keep some of the areas open. The problem is they don't have anyone managing this property; no one is really on top of this. They need to start getting aggressive with the issues of maintenance inside Benson's, at least in terms of these types of bushes.

Chairman Cole suggested Selectman Jasper talk to Mrs. Jasper about putting that on the Benson's Committee agenda for June 18<sup>th</sup> so they can discuss it. Clean-up day is to get the community involved and turn it into a fun opportunity for people to see Benson's. If there is trash out there and they pick it up, that's good, but getting volunteer community involvement is a prime reason for having a clean-up day. He asked how widespread the bush was. Selectman Jasper said fairly significant, pretty much in every area of the park. Chairman Cole said perhaps the Committee can develop a proposal to present to the Selectmen. The cost is an unknown and the Town doesn't own the property, so expenditure of funds is a bit dicey. Selectman Jasper said eradication of these bushes is money wisely spent.

**C. Warrant Article for a Water Tower in South Hudson**

Selectman Massey suggested the Board meet in Nonpublic Session on the 24<sup>th</sup> to talk about strategy. In talking with the Town Engineer and Town Administrator, it makes sense to bond for the three stages--tower and closing the loop on the south end, putting a tower on the north end and doing some interconnect on the high pressure line between the current Barretts Hill and the Marsh Road—but construct in stages. He proposed coming to the Board on August 26 with a full proposal, including costs, payment structure, etc. which would include all of the components.

**D. Hudson United Soccer Club—Freedom Fields**

Selectman Massey said Hudson United Soccer Club needed an easement for PSNH to run a power line to the fields and are responsible for all the associated costs, about \$6,000. If the soccer club is going to be responsible for the electricity costs, there should be a fee structure developed to compensate the soccer club for the use of the electricity and/or any associated item when other groups use the field. He'd like to meet with HUSC and Dave Yates to draft an appropriate fee structure for BOS approval. Chairman Cole didn't think anyone would object to Selectman Massey doing that.

(Start Tape 3, Second Side)

**E. Update on Combined Dispatch**

Selectman Stewart met with Police Lt. Don Breault and Deputy Fire Chief Gary Rodgers this morning and they hope to bring back current pricing information for the July 8<sup>th</sup> BOS agenda.

**F. Video Tapes of BOS Meetings**

Selectman Seabury asked if video tape copies of the Selectmen's meetings could be kept at the Library so people without cable could look at them. Chairman Cole said he'd talk to Coleman about that.

**G. QROE Meeting re Nadeau Farm**

Chairman Cole reminded everyone that June 17<sup>th</sup> is the informational meeting with the principals of QROE relative to the Nadeau Farm land, Lion's Hall @ 7:00 p.m.

**H. Wattannick Grange Community Recognition Award**

On June 16, Wattannick Grange is presenting its Community Recognition Award to Animal Control Officer Jana McMillan.

**I. BOS Liaison to Water Utility**

Chairman Cole said he has come to a re-appreciation of the complexity of Hudson having its own water utility and the scope of the various activities that impact it, which goes beyond sending out water bills, collecting money and getting water from Point A to Point B. There are issues with Litchfield; there is a water district consortium in Nashua with various municipalities, which may or may not impact Hudson; there is maintenance and updating of the existing system and a number of CIP/water study capital improvement projects. Parts of the water utility are handled by different departments such as Finance, Engineering, Highway, etc. Unlike the sewer utility, the water utility doesn't have its own designated committee to support it. Selectman Seabury, the liaison to NRPC, has the responsibility for monitoring the water district negotiation sessions and has said she would relinquish that portion of her duties, and Selectman Massey volunteered to represent this large, multi-faceted Hudson Water Utility, with a goal of keeping the Board informed.

*Motion by Selectman Seabury, seconded by Selectman Jasper, to appoint Selectman Massey as BOS liaison to the Hudson Water Utility carried 4-*

I. Selectman Massey abstained.

**10. NONPUBLIC SESSION**

Motion by Selectman Stewart, seconded by Selectman Seabury, to enter Nonpublic Session under RSA 91-A: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 carried 5-0 by roll call vote.

Nonpublic Session was entered into at 10:15 p.m. and was terminated at 10:50 p.m.

**OPEN SESSION MOTIONS:**

Motion by Selectman Massey, seconded by Selectman Jasper, to hire Marc Rankin as Truck Driver/Laborer in the Highway Department, effective June 15, 2003 at a rate of \$13.53 per hour, Labor Grade VIII, Step minimum, in accordance with the labor relations union contract carried 5-0.

Motion by Selectman Stewart, seconded by Selectman Jasper, to hire Jessica Mitchell and Benjamin Thornton as substitute Counselors for the Recreation Department's 2003 summer staff at \$7.25 per hour, effective June 18, 2003 carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Seabury, to hire Patricia Hickey as part-time Secretary (29.5 hours per week) in the Assessing Department, at \$13.02 per hour, effective July 6, 2003 and in accordance with the Administrative and Support Union contract, carried 4-1. Selectman Massey voted in opposition, as he did not support the position.

Motion by Selectman Seabury, seconded by Selectman Jasper, to sign the Cable Consultant's contract for the upcoming fiscal year, July 1, 2003 through June 30, 2004 carried 5-0.

**11. ADJOURNMENT**

Motion by Selectman Stewart, seconded by Selectman Jasper, to adjourn at 10:55 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

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Teresa Stewart, Vice-Chairman

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Shawn N. Jasper, Selectman

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Kenneth J. Massey, Selectman

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Ann Seabury, Selectman