

HUDSON, NH BOARD OF SELECTMEN
Minutes of the May 27, 2003 Meeting

1. **CALL TO ORDER** by Chairman William P. Cole
2. **PLEDGE OF ALLEGIANCE**, led by Chairman William P. Cole
3. **ATTENDANCE**

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

Staff/Others: Stephen A. Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Sean T. Sullivan, Director of Community Development; Tom Sommers, Engineer; Shawn Murray, Assistant Fire Chief; EMT-I Kevin Blinn; Call Fire Fighter Timothy Upham; Ray Rowell; Leo Bernard; Howard Dilworth, Jr; Gary Dearborn; Anne Lundregan, TEL

4. **PUBLIC INPUT**

Selectman Jasper stepped away from the table and read the following:

I wish to make it clear to you that I recognize that my time as a fire fighter is over. I have no desire to resume my duties in that role. My desire and goal is to correct the miscarriage of justice which took place here two weeks ago. It is my belief that, ultimately, it is in my best interest and the interest of the Fire Department for me to exit from the Department. It appears that this Board came to that conclusion, as well. If our Fire Administration was honest and honorable, the outcome would have, no doubt, been different. My problem is that in reaching that decision, you violated my rights as well as Town and department policy. At the beginning of each Selectmen's meeting, you all recite the Pledge of Allegiance. As we all know, it ends with the words, "and justice for all." I don't understand your definition of justice. As Selectmen, you took an oath, pledging to perform your duties fairly and impartially. The first and most blatant violation was my right to be heard by a fair and impartial board. In order to hold a hearing, the individuals holding the hearing must meet the standard of jurisprudence. In other words, you must meet the same standards that a juror would meet. I do not know what was in your hearts, but I do know what came from your lips. Mr. Cole, you acted as the judge, jury and executioner. Anyone who listened that night knows that you were gunning for me. Your mind was made up and, yet, you pretended to be capable of rendering a fair, impartial and just decision. You clearly should have stepped down. You violated the Right to Know law. The law is clear, that if a person who has a right to a meeting requests that it be public, it shall be held in public. There is no exemption for a Board to go into non-public to deliberate the fate of that person. When that person is willing to put everything in the open, a board cannot hide behind the Right to Know law. You also violated my right to be told what I had been found guilty of. You need to cite specific policies, just as a prosecutor brings specific charges and a jury brings back verdicts of guilty or not guilty on each charge. The Town's interests and the Fire Department's interest cannot be the same, by definition, when holding a disciplinary hearing. The Fire Department's interest is in seeing that the discipline meted out by the Administration is upheld. The interest of the Town is to see that discipline is handled fairly, impartially and justly. Would any of you care to debate that point? I hope you can understand why I feel the way I do. The hour was late and emotions were running high. It is too late for me as a fire fighter, but it is not too late to repair the damage that was done. At this point, the ball is in your court.

5. **NOMINATIONS AND APPOINTMENTS**

Trustee of the Trust Funds (1 Member to fill unexpired term until the March 2004 elections)

Gerald Dearborn, 136 Highland St, is a life-long resident of Hudson and former Manager and Director of IMPCO Credit Union.

Motion by Selectman Massey, seconded by Selectman Seabury, to appoint Gary Dearborn to the position of Trustee of the Trust Funds until the March 2004 elections carried 5-0 by roll call vote.

6. **CONSENT ITEMS**

Motion by Selectman Stewart, seconded by Selectman Seabury, to receive Consent Items, A-C, as appropriate, carried 5-0.

A. Assessing Items

- 1) 2002 Abatement Application, w/recommendation to grant. (58 Pelham Road)
- 2) Applications for Elderly Exemptions, w/recommendation to grant. (8B Lampron Street, 5 Maple Ave)
- 3) Veteran's Tax Credit Application, w/recommendation to grant. (176A Old Derry Road)
- 4) 2002 Abatement Application, w/recommendation to approve. (331 Fox Run)
- 5) 2002 Abatement Application, w/recommendation to approve. (14 Greeley Street)

B. Acceptance of Minutes

Minutes of the Board of Selectmen's Meeting of May 13, 2003.

C. Committee Announcements

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| 05/28 | 7:30 Planning Board in CD Meeting Room |
| 05/29 | 7:00 CIP in BOS Meeting Room |
| 02/02 | 7:00 Friends of Hudson's Natural Resources in CD Meeting Room |
| 02/03 | 7:30 Library Building Committee in Annex |

02/04 9:00 a.m., Highway Safety Committee in CD Meeting Room
 02/04 7:00 Planning Board Workshop in CD Meeting Room
 02/05 7:00 CIP in BOS Meeting Room
 06/10 7:30 BOS in BOS Meeting Room
 06/11 7:00 Planning Board in CD Meeting Room
 06/12 6:30 Recreation Committee at the Rec 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
 06/19 7:30 Budget Committee in CD Meeting Room
 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

7. **OLD BUSINESS**

A. **Combined Dispatch**

Chairman Cole said Combined Dispatch came before them during the budget season and there seemed to be support by the Town, but no real planning has been done to move that forward. On May 22, he met with Selectman Stewart, Town Administrator Steve Malizia, Fire Chief Frank Carpentino, Deputy Fire Chief Gary Rodgers, Police Capt. Ray Mello, Police Lt. Don Breault relative to Combined Dispatch to discuss its history, where it is today, where they'd like to see it go in the future, what has been done, what needs to be done, etc. They realized that the project is more than simply funding it. He and Selectman Stewart wanted to designate a member of the Board to work with representatives of Fire, Police and other staff, as appropriate, to formulate a plan that can be presented at the next Town Meeting. Selectman Stewart hoped to get the project moving ASAP because the price rises yearly. Selectman Jasper said when the Board approved Phase I, hiring of dispatchers so there would be a full complement when combined of two per shift, plus a supervisor. The supervisor was approved, and that person was going to do crosstraining, implement policies and do whatever needed to be done in order for things to mesh. During the budget process last year, they learned that the supervisor's position was filled with a dispatcher. Until Phase I is implemented, they are going to have a difficult time selling this project to the Budget Committee. Chairman Cole said this was one of the many things the committee discussed and why they wanted to form an ad hoc group. Deputy Chief Rodgers is the Fire Department's rep and Lt. Breault is the Police Department's rep.

Motion by Selectman Seabury, seconded by Selectman Massey, that Selectman Stewart be designated as the Board's representative to this project carried unanimously.

Selectman Stewart agreed to have an outline of the issues by the 2nd meeting in June and a draft proposal by the 2nd meeting in July.

On the subject of budgetary concerns relative to the Water Utility, Selectman Massey said the Board should consider implementing Phase I (constructing a water tower at the south end) & Phase II (close the south end loop of the water line) because of fire safety concerns.

Motion by Selectman Jasper, seconded by Selectman Stewart, to designate Selectman Massey to coordinate the aforementioned, with appropriate staff, carried unanimously.

Selectman Massey said he would hold to the same schedule for this project as for Combined Dispatch—an outline of the issues by the 2nd meeting in June and a proposal for the Board to consider by the 2nd meeting in July.

B. **Benson's**

A) **Historic Structures Report**

Chairman Cole said earlier today, five copies of the Haselton Barn report was delivered, which represents 1/3 of the HSR. It is anticipated that the other two portions will be delivered by June 5. He will talk with Sean Sullivan about having hard copies made for the Benson's Committee and the office. He anticipates an update from Lisa Sasser at a subsequent meeting to give the Board time to read and absorb the information.

B) **Cleanup Day**

Cleanup Day at Benson's was designated as September 13.

C) **Committee Membership**

Following a lengthy discussion on the wisdom on increasing membership at this time, and by how many--if any--it was finally decided that instead of adding two new members, the Board would advertise for one.

(Start Tape 1, Second Side)

Motion by Selectman Stewart, seconded by Selectman Seabury, to increase the membership of the Benson's Committee by one citizen member carried 4-1. Selectman Jasper voted in opposition.

8. **NEW BUSINESS**

A. **Nadeau Farm**

Selectman Jasper said he met with Realtor Paul Yarmo and Bob Baldwin of QROE a week or two ago and was very impressed with what QROE has done in other areas and thought it would be a good idea for QROE to meet with the Selectmen, the Planning Board, the Zoning Board, the Conservation Commission and the Budget Committee on an off-Tuesday at Lions Hall so all of these groups can hear the presentation, since the Town may purchase some development rights. Selectman Seabury thought that was an exciting idea and said if this was the same developer that worked in Hollis, they could do a site visit. Selectman Jasper said QROE would bring a Powerpoint presentation with them, or people could visit their website at QROEfarm.com. They don't actually build the homes. They do the subdivision and sell large lots to people who are willing to work within the restrictions on the open land. Sometimes a farmer will use all the open space. In one instance, someone has a horse farm; another is developing a vineyard. There is a variety of agricultural uses within the complex, but about 80% has to remain in agricultural use.

Selectman Massey asked what QROE expected from the meeting. Selectman Jasper said this was a way of introducing themselves and they hoped to get feedback from the boards. A potential stumbling block is they want to put in privately maintained gravel roads and that zone requires 200' of frontage on a Town road. To get around that is by a ZBA variance. The Planning Board has requirements for granite curbing, but the developer doesn't want to do that. Of paramount importance is to ensure that the roads will support fire apparatus, with adequate area to turn around.

Motion by Selectman Jasper, seconded by Selectman Stewart, to hold an informal informational meeting with the people from QROE Farm Development on June 17 at 7:00 p.m. at Lions Hall, which would include the Board of Selectmen, the Planning Board, the Conservation Commission, the ZBA and the Budget Committee.

Selectman Massey questioned the ZBA's participation because they are a judicial board, and may be required to hear testimony on this that may color their deliberations, if they participate in this meeting as ZBA members. Chairman Cole said they weren't going to be sitting at tables with their name plates in front of them; this is just to get the word out to those who happen to sit on various boards or committees. They weren't going to be present in their official capacity to render any type of decision. Selectman Jasper agreed, saying the meeting was to educate so people would understand the non-traditional concept and get them thinking about potential concerns and ways it can work. The Town needs to start considering innovative zoning to preserve land. Board members need to decide for themselves if it is prudent for them to attend. He doesn't think there is any harm in them seeing the presentation, however. The Selectmen would be remiss not to give them the opportunity. Selectman Massey said in any case before the Zoning Board, abutters are given the opportunity to present evidence in support, in opposition, or to seek clarification and if the Zoning Board is at this meeting, the applicant has a chance to influence their thinking without having any abutters present to counter or support that information. He will not vote in support of the motion if the Zoning Board is included in the attendance.

Selectman Seabury said the Zoning Board, Planning Board and Conservation Commission meet once or twice a year to discuss things, including cases and zoning issues, on a generic basis. Chairman Cole asked if they could agree that the Board of Selectmen would sponsor an informational gathering, posted and advertised in the paper, inviting the public to attend. The Board of Selectmen will notify the boards of the time, location and subject. He plans to be present as a private citizen, not as Chairman of the Board. Selectman Massey said that being the case, he would have no objections.

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Vote: Motion carried unanimously.

B. Police Department Fuel Tanks/NHDES Request for Initial Site Characterization

Town Engineer Tom Sommers said this concerns the tank at Town Hall, which is under the control of the Police Department. When there was a leak awhile back, they thought they went through the proper procedures, but the site characterization, which has to do with the fact that there was some contamination found in that area from the tanks that were replaced previously, was left out. The DES wants it done, not that they think the contamination has migrated, but they need to have it on file. Gemini Geotechnical worked with the company that removed and replaced the tank and they have done the majority of the work on the other underground tanks in Town. The Town could be under a program called The New Hampshire Petroleum Reimbursement Fund by paying a deductible amount of \$5,000 which would cover the Town with any other problem with that site and that particular tank. He recommended the Board approve this. Chairman Cole asked who pays the delta between the \$5,000 and final costs. Mr. Sommers believed it was NH Petroleum Reimbursement Fund. Chairman Cole asked, if the characterization study determined there was a problem, if the \$5,000 kept them in the ball game, and if this was an annual fee. Mr. Sommers believed it kept them in the ball game, adding that it was a one-time fee, per tank. Mr. Malizia said the money would come from Contingency.

Motion by Selectman Stewart, seconded by Selectman Massey, to approve the proposal by Gemini Geotechnical, subject to approval by NHDES and, upon approval by NHDES, that the deductible of \$5,000 be paid to the fund carried unanimously.

(Start Tape 2, Side A)

C. Water Utility Status Report

Tom Sommers, Engineer, said the odd/even limitation on outdoor water use (lawn and garden sprinklers, washing cars, etc.) will remain in effect. Water conservation will be a concern for the foreseeable future. In the future he will be recommending a two tier rate system—one for basic usage and one outdoor purposes. He said two safe yield studies have been completed on the three wells and the results have been submitted to NHDES. The Town has received concurrence on the Dames/Ducharme study and is awaiting word on the Weinstein study. The studies recommend reducing the safe yield from the current 2.3–2.4 million gallons per day to 1.9. Any water needed to cover the delta would be through Pennichuck. He received a study from Weston & Sampson for additional water supply sources in Town that he will review with the Selectmen in the future. Selectman Seabury remembered Lenny Smith saying Pelham had a large supply. Mr. Sommers said Pelham has one of the largest aquifers in the state, but towns are more aware of the importance and value of their water sources. Regarding the Regional Water District, Mr. Sommers suggested meeting with the Board in Nonpublic Session to discuss contractual relationships and possible ramifications. Chairman Cole said it would be on the June 10 agenda.

A meeting with Litchfield, DES, Pennichuck, John Boisvert from Weston & Sampson, Town Administrator Steve Malizia has been scheduled for June 4 at 3:00 p.m. at NRPC to discuss Darrah Pond and safe yield limitations. Selectman Jasper asked about the difference in the price the Town is selling water to Pennichuck for versus what it costs to buy it. Mr. Sommers believes it's a substantial difference of a factor of 10 and thought this should be addressed because the five-year incremental maintenance contract is coming up. The 20-year contract says the Town must provide to Pennichuck for Litchfield, 15% of the safe yield, up to 400,000 (15% of 1.9 is around 285,000).

Mr. Sommers will meet with Selectman Massey regarding the water storage tank project. If they can cut down on the use of water during peak times by adding more storage, it will help with fire protection and with respect to the safe yield and how much the Town purchases from Pennichuck.

Motion by Selectman Jasper, seconded by Selectman Massey, for a recess 8:40-8:50 p.m. carried unanimously.

D. Proposed Amendments to the Table of Dimensional Requirements and Table of Principal Uses

Community Development Director Sean Sullivan said he drafted this document after reviewing the Zoning Ordinance and meeting with the Planning Board. The Planning Board, through the Town Planner, suggested that this document be forwarded to the Board of Selectmen for review. He wanted to separate the Table of Dimensional Requirements and Table of Use chart to be two separate and distinct sections of the Zoning Ordinance. A noticeable change is the elimination of the 30,000 square foot lots in the R-1, R-2 Business and Industrial districts, preservation of the 10,000 square foot lots in the TR district and the height of structures by a 2' increase, which will allow for three stories, to specifically define the percentage of the lot where a building can cover so open space is guaranteed and to further define land use classifications. A community cannot anticipate every single land use, but they attempted to expand the existing use classification and to define what zones they would recommend those uses be permitted and by what means—a special exception, by right as a permitted use, or not permitted at all. This document is not anticipated to be the final version. The ultimate goal is to have this ready for the 2004 Town Meeting.

Relative to Table of Permitted Uses, Item 24, Selectman Stewart said that type of use was going to be permitted only in industrial, and the Planning Board spent a lot of time on that; now it's permitted in General and G-1. Mr. Sullivan said he would talk to the Planning Board about that.

Selectman Seabury asked why the height of the buildings was increased. Mr. Sullivan said the Planning Board felt that was reasonable. She then asked about expanding industrial, commercial lots. Mr. Sullivan said the 30,000 square foot lots that are buildable lots in R-1 and R-2 Business and Industrial, it is recommended that they be increased to 43,560 which would make a 30,000 lot an acre. The minimum lot size, exclusive of the TR Zone, would be one acre.

Selectman Jasper felt that 10,000 sq. ft. was awfully small and asked if something more reasonable could be considered. Mr. Sullivan said he can talk to the Planning Board about it. In the TR districts, people are finding 10,000 sq. ft. lots could be sub-divided to create two lots. Selectman Massey preferred to restrict the size of a building rather than the size of the lot. Selectman Jasper said there are a number of lots in Town that are 20,000 sq. ft. and will get sub-divided and change the character of the center of Hudson, with little houses crammed all over.

Selectman Massey said in proposed commercial uses it says "adult use establishment." In the current permitted uses, it talks about "sexually oriented businesses." He asked if "adult use" was going to be explicitly defined. Mr. Sullivan said he would consult with Town Counsel on that and agreed that the better defined it is, the more difficult it is to litigate.

Selectman Jasper asked if maximum building coverage was new. Mr. Sullivan said it was. There is currently some reference only in the site plan and subdivision regulations, but it becomes convoluted and difficult to find. Selectman Jasper wondered if that would allow for the necessary operations that can exist in the General Zone. Mr. Sullivan said that was taken into consideration.

Chairman Cole asked if there was going to be another reiteration. Mr. Sullivan said at least one more. He will take the comments he heard tonight back to the Planning Board and ask them to keep them in mind when they make further revisions. Mr. Sullivan said he'd bring the next version of this substantial document back to the Selectmen.

(Start Tape 2, Second Side)

E. Public Hearing on receipt of Donation to the Recreation Department's Skate Park by Malley Electric for Electrical Services in the amount of \$6,360.57.

Chairman Cole opened the Public Hearing at 9:05 p.m. and asked if anyone wished to speak. There being no response, he closed the hearing.

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

F. Donation from Burger King, 7-Eleven, Dairy Queen and McDonalds in support of the Hudson Skate Park's Helmet Program.

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

G. Request to use the Gazebo for a Wedding Ceremony

After a brief discussion, the consensus of the Board was to direct to Town Administrator to write to the requestors, informing them that there was no objection by the Board, and asking them to leave the grounds in the same clean condition as they found them.

H. Town Hall Cleaning Contract

Motion by Selectman Massey, seconded by Selectman Stewart, to solicit bids to provide cleaning and maintenance services for Town Hall, per the proposed scope of services provided, carried unanimously.

I. Town Administrator's Annual Evaluation

Following a lengthy discussion, it was decided that each member of the Board of Selectmen would complete an evaluation on the Town Administrator/Finance Director so the Chairman can merge the information into one document.

J. Reaffirmation of Town Policies and Procedures, as it relates to Discipline

Selectman Jasper said he didn't want to put this on the agenda, but he had e-mailed all Board members and asked for a reply, but only Selectman Cole replied, asking if it was a rhetorical question. He is not trying to be difficult or smart, but he is having a hard time understanding what happened. The policy said that discipline should be fair, reasonable and impartial. From his perspective, it hasn't been and no one will talk to him about it. He asked if the Town means what the policy says, or if the intent is something else, if the Town is saying they are going to support the department head, regardless. If that's the way they feel, then the Board doesn't have a role in a hearing. If the policy is to be fair, reasonable and impartial, it should be followed. He is trying to get at how the Board intends for the disciplinary policy to be used.

Selectman Seabury asked how many suspensions they have done over the years—six? Selectman Jasper said probably. Selectman Seabury said every time one came forward, the Board followed the recommendation. The Selectmen don't know what is going on in the trenches; they take the word of the department heads--and the Board has never overturned a recommendation. Selectman Jasper said her point was why he was asking the question. He's seeing it from a different perspective and wondering if they have been fair, reasonable and impartial. He thinks they were, but maybe they are just following the department head without looking at the reasons and may not be in a position to be fair and impartial.

Selectman Seabury said she didn't know the other people that came before the Board, except in passing, but she was more personally involved and knowledgeable with Selectman Jasper and believed that the policy had been followed. She has a stack of paper that contains written warnings and other things that had happened. Selectman Jasper said there was a list of things that he hadn't seen until "that time." For instance, there were examples of chain of command issues. Two of them were letters and in one of the letters, the one having to do with the brush fire, it says "this is not a disciplinary action," and that had nothing to do with chain of command. The policy says anything like that, and even a disciplinary action, anything will come out of the personnel file after a year. Those should have been out of his personnel file in 1999. He didn't bring that incident to the Board's attention because he didn't have the opportunity to see it beforehand, but he's brought other issues to the Board. He wondered if the Board read the policy, or if they just took the word of the department head. He had written letters to the Board, countering items point by point, saying things needed to be addressed. He wants to know how they will proceed in the future in terms of policy, if the Board can look at things objectively, or if they are too close to the department heads to actually be fair and impartial.

Selectman Seabury said, in this case, they were too close to Selectman Jasper. Selectman Jasper said he does not know specifically what the Board said he did wrong, so it's hard to have closure. Selectman Seabury said the minutes of the Nonpublic Session were not sealed. Selectman Jasper said they didn't tell him anything. Selectman Massey said it is incumbent on the Selectmen to know what is in the policy manual, which he read several times in the days leading up to the Board's previous meeting. When he made his decision, it was based on the policy. He won't go any further unless the individual is challenging the ruling. If they were to do that, they would be opening a hearing on a matter that has already been decided. He followed the proper procedure--and it was based solely on the chain of command issue.

Chairman Cole said Selectman Jasper has asked the Board in the past on other issues if they believe they should be fair and if they should follow Town policy. That's why he responded to the e-mail, asking if it was a rhetorical question. He asked what Selectman Jasper felt the Board violated or didn't follow. Selectman Jasper said he was merely asking if the Board felt that discipline should be fair, reasonable and impartial and if all Town policies should be followed in the implementation of that. Chairman Cole said his answer, as in the past, was yes. The Board, in Nonpublic session, deliberated on information they had received. When this meeting is over, he will be more than willing to explain to Selectman Jasper why he voted the way he did. In his estimation, many of the things that were brought to the Board that night and prior to that fall under the heading of particularly egregious actions. He wasn't following the Chief or the lead of somebody else. He was following his conscience and his understanding of what happened. It was not a hearing; it was a deliberation and they have a right to have that in non-public.

K. Town Policy on Emails

Selectman Jasper said there was a court case that was decided last week on emails being public documents, which the Board has already been told by their attorneys, so he felt that they ought to have a policy. It may mean that every time they mail each other as Selectmen, or the Administrator or department heads, it should be copied to Steve or Priscilla to print out and put in a book, but they need to make sure they are in compliance with the court decision.

Chairman Cole said the Town has a policy, three little paragraphs, with the main theme being that you should have no expectation of privacy. Selectman Jasper didn't think that went far enough because emails become part of the official record. Selectman Massey said the courts have already ruled that any communication by a member of a government entity is public, unless it is covered under the right to know law or attorney client privilege. As such, anything they write to each other is subject to discovery at any point in time that an attorney chooses to do it. It would behoove them to all use the Town email system for their communications with one another, even though it is another mail system they all have to get used to, but it keeps the information in a confined area. He is also concerned about some of the material that is going through the email system because it is not secure. Any email can be intercepted at any point along the way because it goes through up to 30 stops. The Town's email is being managed by an outside entity, which means it can be accessed without using a Town computer. If they want a restrictive policy, they would have to adopt an email system that is inside the Town's firewall. No other email system would be secure.

Selectman Jasper said there should be a policy saying certain information will not be transmitted by email. Selectman Massey said they could exchange encrypted email. Selectman Jasper said it was illegal for a public body to do that. The judge was saying that boards get out of having public meetings by making decisions via email. Chairman Cole asked how that differed from getting together at a coffee shop and having a conversation. He asked if the Town needs to get a separate something to archive the emails.

(Start Tape 3, Second Side)

Selectman Jasper said if a reporter from the Hudson News wanted to come in and see what had gone on, you would give them the terminal and they could look through the emails. The attorney should look at it and give them a recommendation. The Fremont School Board was accused of circumventing the Right to Know Law. Selectman Massey agreed that the Town's legal counsel needs to give them a guideline, in light of this court case. They should find out what their legal obligations are. Chairman Cole asked the Town Administrator to ask Randy Bell for a copy of the Fremont School District decision. Mr. Malizia said he would.

Motion by Selectman Stewart, seconded by Selectman Massey, for a recess from 10:00-10:10 carried 3-2. Selectmen Seabury and Jasper were opposed.

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

Selectman Massey said the Hudson United Soccer Club has signed the agreement that incorporates the changes the Selectmen requested. He commended Bruce Daigle, John Faulkner, John Dowgas, Brian Lessard, Jay Twardosky and Tim Lamper of the Highway Department, who did an excellent job getting Library Park looking magnificent for what should have been the Memorial Day parade, but unfortunately, the weather didn't cooperate. This Town crew did an excellent job!

- **Selectman Stewart** said the CIP Committee met last week--Fire and Police Departments. Combined Dispatch received the highest rating out of the three items presented. The next meeting is Thursday.

- **Selectman Seabury** said the Library is happy that the building on Ferry Street they wanted has been offered to them.

- **Chairman Cole** recognized American Legion Post 48, who sponsored the Memorial Day observance. A weather decision was made to cancel the parade, but they were able to effectively and professionally pull together a moving and meaningful ceremony at the Legion Hall at 2:00 p.m. Hats off to that organization for keeping Memorial Day visible and viable in the Hudson community, in spite of some unfortunate weather.

- He asked Selectmen Stewart and Jasper if the Joint Planning Committee with the School Board and Budget Committee have met. They answered in the negative.

10. **NONPUBLIC SESSION**

Motion by Selectman Stewart, seconded by Selectman Massey, 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; (c) Pending litigation carried 5-0 by roll call vote.

Motion to seal the Minutes by Selectman Stewart, seconded by Selectman Jasper, carried unanimously.

Open Session Motions:

Motion by Selectman Jasper, seconded by Selectman Massey, to acknowledge the resignation of Call Fire Fighter Timothy Upham, effective 27 May 2003, carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Seabury, to promote Gary Webster to the position of Civil Engineer, effective July 1, 2003, classified within the wage scale of Town Accountant, at Step 3, within the Hudson Police, Fire and Town Supervisors' Association, at \$47,527 per year and further, to eliminate the position of Project Inspector as a funded position within the Administrative and Support Union carried unanimously.

11. **ADJOURNMENT**

Motion to adjourn at 11:41 p.m. by Selectman Stewart, seconded by Selectman Jasper, 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