

ANNUAL TOWN MEETING
Deliberative Session
February 1, 2003
Lions Hall, Lions Avenue
Hudson, New Hampshire 03051

1. **CALL TO ORDER BY THE MODERATOR**, the Honorable William Arseneault at 9:00 a.m. About 100 people were present.
2. **POSTING OF THE COLORS** by the Police Honor Guard, Master Patrol Officers Dan Dolan, Michael Niven, Michael Gosselin and Kevin Sullivan.
3. **NATIONAL ANTHEM**, sung by Officer Charles Dyac.
4. **PLEDGE OF ALLEGIANCE**, led by the Moderator.
5. **INVOCATION** by Reverend David Howe.
6. **REMARKS BY THE MODERATOR**

Assisting Moderator Arseneault were Jeannette Guill, Esther McGraw, Linda Coburn and Mildred Smith. He said the meeting would run by the Moderator's rules, unless otherwise provided by law, and there would be a 3-minute speaking limit. He then introduced the following:

BOARD OF SELECTMEN -- William P. Cole, Chairman; Teresa Stewart, Vice-Chairman; Rhona Charbonneau, Shawn N. Jasper & Ann Seabury

BUDGET COMMITTEE MEMBERS -- Howard Dilworth, Jr., Chairman; Charlotte Schweiss, Vice-Chairman; John Drabinowicz, Fred Giuffrida, Joyce Goodwin, Robert Haefner, John Kruk, Thaddeus Luszey, Ray Rowell, Terry Stewart, Selectmen's Representative; Shawn N. Jasper, Selectmen's Alternate; Lynne Ober, School Board Representative; John Knowles, School Alternate

LEGISLATIVE DELEGATION -- Senator Robert E. Clegg, Jr. (present); Representatives David Bouchard, David Buhlman (present), Lars Christiansen (present), Peter R. Goyette, Jr., Shawn N. Jasper (present), James Lawrence III, Rudy Lessard, Russell Ober III, and Joan Tate

STAFF/OTHERS

Residents: Cecile Nichols, Town Clerk/Tax Collector; Paul Sharon, Town Administrator; Steve Malizia, Finance Director; Kevin Burns, Road Agent; Shawn Murray, Assistant Fire Chief; Gary Rodgers, Deputy Fire Chief; Steve Dube, Fire Prevention Officer; David Yates, Recreation Director; Police Lt. Don McCrady; Lisa Nute, Police Support Services Manager; Kathy Nealon and Sally Jeglenski, Assessing Department.

Non-Residents: Richard Gendron, Chief of Police; Police Capt. Ray Mello; John Cashell, Town Planner; Frank Carpentino, Fire Chief; Charles Chalk, Fire Marshal; Michelle Rudolph, EMS Supervisor; Everett Chaput, Fire Lieutenant; Jim Michaud, Assessor; Tom Sommers, Interim Town Engineer; Toni Weller, Library Director; Brian Hewey, Library IT; Priscilla Boisvert, Executive Assistant; Torrey Demanche, Fire Department Executive Secretary; Helen Cheyne, Fire Department Secretary; Attorneys Steve Buckley and David LeFevre from Bossie, Kelly, Hodes, Buckley & Wilson; Tom West from the Telegraph; Mike Speltz from the Society for the Protection of NH Forests

Motion to allow the non-residents to be seated by Howard Dilworth, Jr., seconded by Terry Stewart, carried by voice vote.

7. **WARRANT ARTICLES**

Motion by Selectman Jasper, seconded by Selectman Stewart, that the reading of the articles be by title only carried by majority voice vote.

Article 5 Wage and Benefit Increase for Town Clerk/Tax Collector -- To see if the Town will vote to raise and appropriate the sum of \$1,520 for a wage and benefit increase for the Town Clerk/Tax Collector. This sum reflects a 3% Cost of Living Adjustment. This would increase the Town Clerk/Tax Collector's pay from \$44,541 to \$45,877. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Recommended by the Budget Committee.) *Article 5 was sent to the ballot, as presented.* There was no discussion on this article.

Article 6 Wage and Benefit Increases for Non-Union Personnel -- To see if the Town will vote to raise and appropriate the sum of \$36,000 for wage and benefit increases for the following 11 non-union positions: Police Chief, Town Administrator, Fire Chief, Community Development Director, Road Agent, Finance Director, Recreation Director, Assistant Fire Chief, Prosecutor, Highway Department Supervisor and Executive Assistant. Of this sum, \$20,750 has been allocated for a 3% Cost of Living Adjustment and \$15,250 has been allocated for benefits and comparability adjustments. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Not recommended by the Budget Committee.) *Article 6 was sent to the ballot, as presented.*

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Selectman Chairman Cole said the total amount was based on four components: \$20,750 represents a 3% cost of living increase; \$9,000 represents equity adjustments for three positions (Recreation Director, Assistant Fire Chief and Prosecutor); \$2,695 represents benefits rollups; \$3,555 is for a discretionary pool of funds for the Selectmen to use as merit adjustments. The Board feels three positions are under-funded, relative to the scope of their responsibility and comparable positions in other communities. He has had countless opportunities to witness the outstanding performance of duty of each of the 11 individuals. Their demonstrated professionalism and dedication to the welfare of the community is a matter of record and public pride. Approval of this article affords the community the opportunity to express appreciation for a job well done; to do less is intolerable.

Amendment by Fred Giuffrida, 14 Pinewood Road, seconded by John Knowles, to strike the wording of Article 6 in its entirety and insert "To see if the Town will vote to raise and appropriate the sum of \$20,670 for wage and benefit increases for the following 10 nonunion positions: Police Chief, Fire Chief, Community Development Director, Road Agent, Finance Director, Recreation Director, Assistant Fire Chief, Prosecutor, Highway Department Supervisor and Executive Assistant to the Board of Selectmen. This sum reflects a 3% cost of living adjustment."

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Mr. Giuffrida said the Budget Committee was not given an explanation of the figures or who was going to get the equity adjustments, which was the reason some of the members voted to not recommend the article. His amendment reflects a 3% cost of living adjustment, no comparability adjustment or raise for the position of Town Administrator because Mr. Sharon is retiring and it doesn't make sense to give the new person a raise before they start. If this goes to the warrant without a Budget Committee recommendation, the people who are deserving of a cost of living increase will not get one.

John Knowles, 51 Quail Run Drive, said this group of people got a comparability raise last year. In addition to not having justified it this year, he asked if they didn't get it right last year.

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William Pease, 5 Madison Drive, asked if there were figures available, comparing the salaries to other communities. Last year, the Town Administrator said, it was a market comparability with area communities and went a long ways towards bringing the positions into line. This year, they are in marketplace, so there is no need for a comparison study and the 3% keeps the positions on track. The comparability adjustments that are in this year's article are for three positions. The Assistant Fire Chief and Police Prosecutor supervise other people who have had adjustments in their labor contracts that have increased their salaries to the point where they would exceed the people that are supervising them. The Recreation Director is about \$10,000 below market, so his comparability is an effort to try to get him into a median position. Mr. Pease said, in the past, they have tended to fall behind by reducing pay raises for the employees and then play the catch-up game, so he opposes the amendment.

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Steve Benton, 20 B Pelham Road, opposed the amendment. The Firefighters get a 4% increase this year, by contract, and also a step increase, which ranges from 35¢ to 95¢ per hour. Last year, great strides were made to increase the Supervisors' contract and that process shouldn't stop there. The non-union personnel are the leaders and they deserve the raise.

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Selectman Seabury opposed the amendment saying not one of the Budget Committee members could step into those key positions, yet they have the ability to vote it up or down. The non-union people run the Town and make sure the residents get all of their services. They make life comfortable for the community and they should get a raise. The Selectmen have not steered the people wrong in the past and have done a decent job of maintaining staff levels. These dedicated employees are very responsible. At the Budget Committee meetings, she hears about maintaining equity, but it shouldn't just be for the School Department. It takes a long time to find someone qualified at this level and, in the meantime, it places an extra burden on existing staff.

(Start Tape 1, Second Side)

Vote on the amendment was taken by voice vote, but the Moderator could not discern the winner, so he asked for a show of cards. In favor of the amendment, 15; Opposed, 69. The amendment failed.

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Richard Patterson, 2 Madison Drive, said he was in favor of this article, but in the future, he expects that when salary surveys are done, they should factor in the quality and equity of benefits. Every year they hear about pay raises and salaries, but they never hear about the hidden costs, the contractual obligations.

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There being no further discussion, Mr. Arseneault said Article 6 goes to the ballot, unamended.

Article 7 Wage and Benefit Increases for Employees of Hills Memorial Library -- To see if the Town will vote to raise and appropriate the sum of ~~\$12,600~~ **\$15,120** which represents a ~~2½%~~ **3%** increase in wages and benefits for the 25 employees of the Hills Memorial Library. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; ~~Recommended~~ **Not recommended by the Budget Committee**.) Article 7 was sent to the ballot, as amended.

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Amendment by Mary Ann Knowles, 51 Quail Run Drive, seconded by Jane Bowles, 57 Hazelwood Road, to replace \$12,600 with \$15,120 an increase of \$2,520 and 2½% with 3%.

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Mrs. Knowles said this was an issue of fairness. There shouldn't be a double standard for setting non-union salary increases. The Library has 25 hard-working, dedicated employees. She had a Power Point demonstration which showed that Library salaries are 16% below the area average. If this trend continues, they won't be able to maintain or recruit qualified people.

John Drabinowicz, 8 Deerfield Avenue, said 2½% was the figure used all through the budget process and wanted to know why a change was proposed. Mrs. Knowles said the budget they submitted was for a 3% increase. The Selectmen lowered it to 2½%.

Vote: The Moderator said the amendment failed. Someone requested a show of voting cards. In favor of the amendment, 44; opposed, 27. Mr. Arseneault declared the amendment to have passed and Article 7, as amended goes to the ballot.

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Space Shuttle Disaster – The Moderator announced that he had just been informed that the space shuttle (Columbia) had crashed (over Texas, upon re-entry). He asked everyone to stand and called for a moment of silence.

Recess – Motion for a recess at 9:45 a.m. by John Knowles, seconded by Fred Giuffrida, carried. The meeting resumed at 9:55.

Motion by Selectman Cole, seconded by Selectman Stewart, to change the order of the day to take up Articles 20, 21 & 22, the tax exemption articles for the elderly, blind and disabled carried by voice vote.

Article 20 Revised Property Tax Exemption for the Elderly -- Shall we modify the elderly exemptions from property tax in the Town of Hudson, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, \$75,000; for a person 75 years of age up to 80 years, \$90,000; for a person 80 years of age or older, \$115,000? To qualify, the person must have been a New Hampshire resident for at least five years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married for at least five years. In addition the taxpayer must have a net income of not more than \$26,000 or, if married, a combined net income of less than \$34,000; and own net assets not in excess of \$100,000, excluding the value of the person's residence. (If approved, this article shall take effect for the 2003 property tax year.) (Recommended by the Selectmen.) Article 20 was sent to the ballot, as presented.

Selectman Charbonneau presented the article and spoke in favor of it. There was no discussion. Mr. Arseneault said Article 20 was sent to the ballot.

Article 21 Revised Property Tax Exemption for the Disabled -- Shall we modify the exemption for the disabled? The exemption, based on assessed value, for qualified taxpayers shall be \$75,000. To qualify, the person must have been a New Hampshire resident for at least five years and own and occupy the real estate individually or jointly, or if the real estate is owned by a spouse, they must have been married for at least five years. In addition, the taxpayer must have a net income of not more than \$26,000 or, if married, a combined net income of not more than \$34,000; and own net assets not in excess of \$100,000, excluding the value of the person's residence. (If approved, this article shall take effect for the 2003 property tax year.) (Recommended by the Selectmen.) Article 21 was sent to the ballot, as presented.

Selectman Charbonneau presented the article and spoke in favor of it.

Howard Dilworth, 15 Sycamore Street, said since this was a non-monied article, the Budget Committee has no input.

Mr. Arseneault said Article 21 goes to the ballot.

Article 22 Revised Property Tax Exemption for the Blind -- Pursuant to RSA 72:37, shall we modify the exemption for the blind from the assessed value of residential real estate for property tax purposes? This statute provides that every inhabitant who is legally blind shall be exempt each year, for property tax purposes, from the assessed value on a residence to the value of \$75,000. (If approved, this article shall take effect for the 2003 property tax year.) (Recommended by the Selectmen.) Article 22 was sent to the ballot, as presented.

Selectman Charbonneau presented the article and spoke in favor of it. There was no discussion. Mr. Arseneault said Article 22 goes to the ballot.

Article 8 Town Operating Budget -- Shall the Town of Hudson raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amount set forth on the budget posted with the Warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$22,851,428. Should this article be defeated, the operating budget shall be \$22,737,448 which is the same as last year, with certain adjustments required by previous action of the Town of Hudson or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Recommended by the Selectmen; Recommended by the Budget Committee.) Article 8 was sent to the ballot, as presented.

Howard Dilworth, Jr., Chairman of the Budget Committee, said the Budget Committee was recommending an operating budget of \$22,851,428, comprised of the general fund, the sewer fund and the water fund. Other components include \$675,555 to fund and operate the Hills Memorial Library and \$37,500 for Lions Hall. The proposed sewer fund budget is \$1,466,634.

(Start Tape 2, Side A)

The water fund is used to operate the water system in Hudson. Debt service accounts for approximately half of the nearly \$4 million it costs to run the water utility. The water utility also budgets two reserve accounts and it is hoped there will be sufficient funds to forestall the issuance of bonds, with resulting interest payments. Both the sewer fund and the water fund are self sufficient in that any appropriations expended are offset by payments by the users. The general fund pays to operate the Town, such as public safety, trash disposal, recreation and administrative functions. The proposed general fund is \$16,761,712. Of this amount, \$4½ million go to the Police Department; \$3.7 million to the Fire Department; \$2.5 million to the Highway Department. The largest non-departmental cost is solid waste removal at \$1,596,000. All these activities are offset by revenues of \$13,861,000 which includes the \$1½ million raised by the sewer users for the sewer utility and the nearly \$4 million raised from the water users for the water utility. Also included in the projected revenue is \$1,600,000 from surplus to reduce taxes. The proposed budget and the recommended warrant articles have a tax impact of \$5.02 per \$1,000. Notable items driving the cost of the operating budget are collective bargaining agreements, employee benefit costs and environmental issues. Collectively, these three items have an impact of nearly \$1.4 million. Another notable increase is the Town Poor account of an additional \$40,000.

Amendment by Mary Ann Knowles, 51 Quail Run Drive, seconded by Jane Bowles, to amend the Operating Budget article by replacing the number \$22,851,428 with \$22,908,778 an increase of \$57,350.

Mrs. Knowles explained that this increase was for an upgrade to their computer technology. In planning for that, they trimmed their budget in other areas. In close consultation with the School Department, including the Superintendent and the Alvirne Librarian they hoped this could be a joint venture. In September 2001, Toni Weller and the Alvirne Librarian received proposals for integrated library management services that would serve

both sides, but the schools delayed their participation. The Library has been struggling with outdated, dysfunctional technology, so they began to consider proposals that would allow them to make sufficient upgrades to their system, while ensuring compatibility with future school systems. They received assurances from the School Department in support of those plans. This amendment would restore the funds that the Budget Committee removed. She explained the role the library plays as justification for this request. To provide the best services and to invest in the future of the library, it is crucial for the software and hardware to be up to date. They are experiencing significant problems with their circulation software. In spite of conversion from DOS to Windows in 1999 and annual upgrades, the system requires weekly integrity tests. The IT person comes in on Sundays when the library is closed to run the weekly checks. It requires complete rebuilds on a regular basis. The system is down every one or two weeks. The amendment covers the cost of a server to support an integrated library system and appropriate software.

Thadeus Luszey, 13 Cathedral Lane, said as he has been in technology for many years, he was tasked to look at this request when it came to the Budget Committee. They asked the Library Trustees for a total plan, to fully document how it was going to integrate with the School and Town systems. If isolated proposals go forward, you end up with pockets of technology springing up within an organization. He supports new technology for the library, but not this year and not the way it was presented.

Fred Giuffrida, 14 Pinewood Road, as a member of the Budget Committee, agreed that the library could use a new computer system. Representatives from the Town and School met jointly to discuss ways to eliminate waste of money through redundancy. The Library was invited to make their presentation to the committee. The Trustees told the joint committee that the School didn't know what they were going to do yet, but the Library needed their system now. When the Budget Committee asked what the Library would do if they didn't get a new system, they said they would continue on the way they are, without dire consequences, such as closing the doors. The Budget Committee was concerned about compatibility and suggested the Library talk with the School and then come back to make a presentation. When the Library came back the second time, they presented a letter which said yes, it would be compatible with the schools. However, the schools haven't chosen a computer system yet and a joint presentation wasn't made, fully explaining the compatibility. He added that he has a couple of decades of experience in the field of technology, so he's aware of the issues involved. They can wait another year for this.

John Knowles, 51 Quail Run Drive, said the Town and School librarians have been working for over a year to put this proposal together. The School had other priorities involving major infrastructure problems. The joint planning committee has been focusing on organizational issues. Everyone is in agreement on the proposal that has been worked out. The Library has major problems with the current server, which continually crashes because it is old and worn out.

John Drabinowicz, 8 Deerfield Avenue, said if a request is not important enough to provide adequate backup, it's not important enough to support. The Library had three opportunities to present a plan, but didn't.

Len Lathrop, 31 Winslow Farm Road, asked, in response to some figures provided if it was a reasonable estimate that 250 people visit the library every day. Mrs. Knowles said she didn't have a daily head count, but had quoted statistics that are kept during the year. Mrs. Bowles said they couldn't fit 250 people in the library at one time. The figures are based on story hours, drop-ins, people who come in to return or check out books and use the internet. A lot of people are in there nights and weekends.

Sally Jeglinski, 34 Webster Street, commended the library staff for doing a lot with few resources. She has been in technology for many years and, regarding compatibility, the company they go with will ask what system they have, and they will make it work. That's what system integration and networking is. She hoped people would vote for this because it's frustrating for patrons and staff to deal with what they have to deal with. The money spent on this won't be wasted.

Ted Luszey, 13 Cathedral Lane, said in terms of a company saying they will make it work, it is at a cost. He's presently working on one of those issues. Regarding the server that keeps crashing, this year Microsoft announced that they were no longer going to support the NT operating systems and they had a special upgrade program, which the Police Department took advantage of. In order for that to work, a certain level of hardware configuration is required.

(Start of Tape 2, Second Side)

Shawn Murray, 55 Kiena Road, said he has been in technology for a few years, too--he owns Compaq and Dell computers. He understands there is some progress being made in joint collaboration regarding technology, but as a practical matter, his two children use the library extensively and every time he's gone in there, people are using the computers to access the Internet.

Ken Massey, 20 Fairway Drive, asked if they were saying that everyone has to have the same software, hardware or file transfer capability. If they are talking about file transferability, then hardware and software isn't the issue.

Selectman Jasper moved the question. The seconder was not identified. Mr. Knowles said he was prepared to answer Mr. Massey's question. The Moderator allowed the response. Mr. Knowles said the issue is whether the software the Library was hoping to get was the same as what the school wanted.

Vote on moving the question carried by voice vote.

Vote of the amendment to Article 8 failed—40 in favor; 52 opposed.

Mr. Arseneault said Article 8 moves to the ballot. Mary Ann Knowles said she wanted to present another amendment.

Motion by Selectman Jasper, seconded by Selectman Stewart, to end debate on Article 8 and that it be moved to the ballot was 50 in favor to 40 opposed.

Mr. Arseneault said the motion failed and debate could continue. Mary Ann Knowles' amendment to Article 8 was to replace \$22,851,428 with \$22,860,028 an increase of \$8,600.

Charlotte Schweiss called for a point of order saying that the motion passed and, therefore, an amendment was not in order and there should be no more debate on Article 8. Mr. Arseneault said he stands corrected and Article 8 moves to the ballot.

Selectman Jasper moved that all remaining articles be forwarded to the warrant, unless specifically removed at the request of a voter, seconded by Selectman Cole.

Selectman Jasper said, in light of the morning's event, many of them don't have the heart to continue. However, he understands there are people with specific issues, so his motion is offered in the interest of moving things along as quickly as possible.

Ken Massey, 20 Fairway Drive, opposed the motion, saying there was at least one article that needed debate.

Shawn Murray, 55 Kiena Road, said while he is sympathetic to this morning's events, town government must continue. The taxpayers have a right to voice their opinions on the articles. Selectman Jasper said if anyone wanted to talk about a certain article, they could remove it for debate.

Howard Dilworth, 15 Sycamore Street, said having seen a number of Selectmen's meetings where consent items are removed, he removed Articles 9 through 32.

Selectman Jasper withdrew his motion; Selectman Cole removed his second.

Mr. Arseneault recognized Selectman Charbonneau to present Article 9. Mr. Giuffrida asked if it would be in order to vote to restrict reconsideration of Article 8. Mr. Arseneault said it should have been done already and it takes someone voting in the majority. Someone shouted that such a motion could be done at any time.

Doug Robinson, 16 Cardinal Drive, to reconsider the vote on Article 8, seconded by Mary Ann Knowles.

Howard Dilworth said it has been past practice that if you have an interest in reconsidering, that you let the Moderator or the Town Clerk know. There is no way of knowing whether or not someone was on the prevailing side.

Paul Inderbitzen, 2 Timothy Lane, called for a point of order and said that State law does not require, in the reconsideration issue, someone being on the prevailing side. Anyone can ask for reconsideration, up until the time of restriction of reconsideration is voted on. Anyone can speak, unless the Moderator had made that one of his rules, which he hadn't done.

Ken Massey asked for a ruling on Mr. Inderbitzen's point of order. Mr. Arseneault said he would allow the motion.

Howard Dilworth called for a point of order and asked if the proceedings ran on Robert's Rules of Order. Mr. Arseneault said no, they run on the Moderator's rules.

Vote on the motion to reconsider Article 8: yes, 45; no, 43. Mr. Arseneault said the motion carried.

Fred Giuffrida called for a point of order and said the Moderator has not accepted a motion to restrict consideration. It has been past practice to accept a motion to restrict consideration at any time. Since the Moderator changed that rule, he'd like to know what the new rule was on when a motion to restrict consideration was in order. Mr. Arseneault said any person who is a part of this meeting, after a motion is passed, can move to have that question reconsidered after the vote is taken. He indicated for Mr. Robinson to continue.

Motion by Doug Robinson, 16 Cardinal Drive, seconded by James Paquette, to amend Article 8, the operating budget, from \$22,851,428 by adding \$57,283 for a total of \$22,908,711; this additional money to be placed in the Hudson Fire Department's 5730-105 Suppression Overtime line, bringing the line item to \$351,034. He handed out documentation to support his motion.

Mr. Robinson asked how many members of the Budget Committee have read the fire fighters' contract in detail. Howard Dilworth answered that the Budget Committee sets aside a night to review collective bargaining agreements and they go through each one page by page. Mr. Robinson said the packet he handed out was an abbreviated version of the Fire Department's contract, and reviewed it as justification for his motion and to clarify any misunderstanding about the issue.

(Start Tape 3, Side A)

Regarding the Chief's remark that he is cutting details because he can't afford them, he asked Mr. Malizia how much revenue the Fire Department generates for the Town. Mr. Malizia said they budgeted \$270,000. Mr. Robinson asked Chief Carpentino if he had to call in extra men to generate that income, or if it was the eight employees. Chief Carpentino said both. Mr. Robinson asked if one of them was for fixing the trucks at \$10,000 a

year. Chief Carpentino said yes. Mr. Robinson asked if fire alarm inspections, fire alarm maintenance and making sure the radios work were some of them. Chief Carpentino answered yes. Mr. Robinson said Chief Carpentino had to cut those items because he was forced to cut his overtime for next year from 358 to 309. Those three items are part of what generates \$270,000 worth of income that goes to the General Fund, not to the Fire Department.

- Howard Dilworth, 15 Sycamore Street, said Mr. Robinson presented only part of the collective bargaining agreement. Use of overtime is a management decision. The revenue generated by the Fire Department comes in via fees set by the Selectmen. The Budget Committee's charge is to set an amount it thinks is prudent under RSA 32:1. Mr. Robinson didn't have all of the facts.

- Fred Giuffrida, 14 Pinewood Road, said Mr. Robinson's presentation was nice, but largely irrelevant. The contract does not state that many of the functions have to be done by overtime. That is a management decision. He expected that there would be some discussion on this today, so he went back to 1996, when there was a request of \$122,000 for overtime, which represented 21% of the full-time salary budget for suppression. This year, the request was for \$420,000 for overtime, which represented 30% of the full-time suppression budget. The Selectmen didn't do anything with the overtime request this year. The Town's needs haven't gone up exponentially, but the Fire Department has grown in population by about 60%; the suppression has doubled, so one would expect that the need for overtime would go down, not up. In looking at the history, the overtime budget would be, as a percentage of full-time salaries, what it was a decade ago even though the department has greatly increased in size. There are people in that department that are making a lot of money in overtime, and once they get used to having that overtime as part of their salary, it's difficult to do without it. 3% of the department increases their salary by 100%; 16% increases their salary by more than 75%; and about half of the department adds 50% to their salary in a year in overtime. For that kind of money, they could hire new fire fighters for 2/3rds the cost. If someone is out and someone else is brought in at overtime to cover, that is a management decision. If someone is out on earned time, and they come back, they are paid both their earned time and time and a half for overtime. Collecting 2½ times their salary is a management decision. Regarding the \$270,000 the Fire Department brings in, the cost of fire protection in the upcoming budget is \$3.7 million. This budget is out of control.

- Selectman Jasper said when the budget was proposed, over 10,391 hours were budgeted at next year's rate. The Chief told the Selectmen there were 5,000 hours needed for earned time, so that left over 4,000 hours of overtime. That is a lot of people. The Budget Committee cut only \$15,000 out of over \$300,000. The overtime issue is out of control. In FY00, there were 17 people in the department that earned over \$5,000 a year in overtime. In 02, 26 people were earning over \$5,000; 17 of them earning over \$10,000; 11 over \$15,000; 6 over \$20,000; and 3 over \$25,000 in overtime. There is an obvious problem with overtime. People have been consistently added to the department. This is the first year, since he has been back on the Board, they have not added two fire fighters. When they had a shift of six at Central, they would customarily drop back to five. They now have five at Central and three at Burns Hill, and do not drop back on shift coverage. Up until a few years ago, they had an ambulance at Burns Hill, which ran with two personnel. To be able to reduce some of the overtime, they should run the ambulance out of Burns Hill and run the engine out of Central. To put things in perspective, they have roughly the same number of people on patrol in the Police Department. They are running over 40,000 calls per year v. the Fire Department's 3,000 calls per service, with the same amount of people. The Police budget is \$4,600 a year in overtime v. \$13,500 per man in the Fire Department. Not many places run on man-for-man coverage. Most fire departments are unable to, as he's checked with other towns.

- Selectman Cole, as the Board's liaison to the Fire Department, yielded to the Fire Chief.

- Chief Carpentino said he's encouraged the Town to do a fair, across-the-board survey of other towns' fire budgets, not just the bottom line. They should look at staffing, earned time v. conventional time off, how many fire fighters and EMT's are on duty, what they run for apparatus, provide for service, etc. Salem, NH has an earned time system with man-for-man coverage, as do a lot of departments in the state, and their overtime is over \$1 million. Manchester has nine fully staffed fire stations and one of two departments in the state that provides a full complement of personnel on all their apparatus and don't have to call mutual aid. You cannot compare what an officer in a cruiser does to an ambulance or fire crew. The 5,000 hours is the minimum amount of earned time the employees must take, by contract. They also budgeted an additional 1,200 hours of extra earned time the employees take. In addition, ever since 98 or 99, the Board of Selectmen and Budget Committee received a report which stated each category that overtime is being funded for, how many hours are requested, the rate and the total cost. Overtime is high in the Fire Department, but anyone that wants to look at the public information is free to do so. They've added two fire fighters a year since he's been Chief because the Fire Department was understaffed for years. In 1996, a management consultant team was brought in. That study said more personnel was needed to staff a second and third fire station. He is not playing with the overtime numbers, nor is he trying to deceive people. This is the third year that the Town was told they were going to go to a five and three split at Central and Burns Hill. That fact was never hidden. If people were opposed to that, they had the opportunity to speak up. If the Selectmen tell him to drop down to two and five, that's what he will do. Every fire fighter is at the EMT-I level and there are six paramedics in the department. All of the apparatus has EMS equipment and they can provide the same level of service that the ambulance crew can. The only thing you don't get with the engine is the ride to the hospital. They don't have sufficient space at the Burns Hill station to put an ambulance there.

- Steve Boucher, 4 Circle Drive, moved the question, seconded by Selectman Jasper, carried unanimously.

- Vote: There being 39 votes in favor and 46 in opposition, the Moderator declared that the amendment failed.

(Start Tape 3, Second Side)

Motion by Howard Dilworth, Jr., seconded by Fred Giuffrida, to restrict reconsideration.

Mary Ann Knowles said she was at the mike before that motion was made. The Moderator said she was only on her way to the mike, not at it. Mr.

Inderbitzen said the Moderator didn't finalize the vote on Article 8, so it can't be restricted. Mr. Arseneault thanked Mr. Inderbitzen.

Amendment by Mary Ann Knowles, 51 Quail Run Drive, to replace \$22,851,428 with \$22,860,028, an increase of \$8,600, seconded by Jane Bowles.

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Mrs. Knowles said this was regarding the minimal amount of computer hardware that they will need until something can be done in the way of joint technology. They are proposing the purchase of a server that was included in the earlier amendment that would be completely compatible with an integrated system. It would also include anti-virus software and an update of the current software in order to make it work for the short term. The library would not close their doors as they have a responsibility to the residents that they take extremely seriously. They will continue to do their best to provide whatever services they can. However, it is becoming increasingly difficult to provide quality, consistent services, considering the current software and hardware.

Motion by Selectman Jasper, seconded by Selectman Stewart, to move the question on the amendment carried by voice vote.

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Vote on the amendment failed, as announced by the Moderator, by a vote of 38 in favor and 57 opposed.

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Motion by John Drabinowicz, seconded by Ted Luszey, to restrict consideration on articles 5, 6, 7, 8, 20, 21 and 22, pursuant to RSA 40:10. Ken Massey, 20 Fairway Drive, called for a point of order saying Article 8 has not yet been moved to the ballot and, therefore, it cannot be restricted. (Talking over each other relative to procedure.) The Moderator said Article 8 was moved to the ballot, unamended.

Motion by John Drabinowicz, seconded by Ted Luszey, to restrict consideration on articles 5, 6, 7, 8, 20, 21 and 22, pursuant to RSA 40:10 carried by voice vote.

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Recess – Motion by Charlotte Schweiss, seconded by Ted Luszey, for a brief recess at 11:30 a.m. carried by voice vote.

The Moderator said certain individuals had said they asked for a show of hands, but it wasn't done in a timely manner. If they did and he ruled against them, they should have protested at the time.

Motion by Steve Gannon, 17 Ledge Road, that for the rest of the meeting, all votes be taken by a show of hands, seconded by John Brewer, 14 Ledge Road.

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John Drabinowicz, 8 Deerfield Avenue, asked if this overruled the right to have a secret ballot. Mr. Arseneault said no, it did not.

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Vote: Motion carried by a show of cards 65 – 0.

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William Abbott, School Street, asked the Moderator to dispense with the actual count and announce the vote as he understood it. Mr. Arseneault said he would not accept that responsibility.

Article 9 Assessment Technician -- To see if the Town will vote to raise and appropriate the sum of \$40,928 which represents the cost of wages and benefits to hire an Assessment Technician I to provide a variety of property data collection tasks, as well as technical work in the administration of the Assessing Department. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Recommended by the Budget Committee.) Article 9 was sent to the ballot, as presented.

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Article 9 was presented by Selectman Charbonneau, who said since 1980, the Assessing Department has had only two full-time employees, while the population of the town, the number of real estate parcels and the workload has increased by 60%, and the tax base has increased over 500%. In comparable towns, the average is 4.2 employees per office. Numerous laws have been passed that have significantly increased the assessing workload. This employee would be responsible for ensuring the building permits for new construction, additions, renovations and town-wide data collection are added on a more timely basis. The property tax base of Hudson accounts for almost 65% of revenue.

Ken Massey, 20 Fairway Drive, asked if the assessment figures were on GIS.

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Jim Michaud, Town Assessor, said responsibility for implementing the GIS lies with the Director of Community Development. However, the re-mapping of the community is occurring now with new tax maps and new tax lots and that will form the foundation for GIS. All of the layers, such as assessing, water, sewer, etc., will be added into GIS.

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There being no further discussion, the Moderator declared that Article 9 goes to the ballot, as written.

Article 10 Assessing Administrative Aide -- To see if the Town will vote to raise and appropriate the sum of \$43,861 which represents the cost of wages and benefits to hire an Administrative Aide to provide a variety of complex clerical, administrative and technical duties in the administration of the Assessing Department. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Not recommended by the Budget Committee.) Article 10 was sent to the ballot, as presented.

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Selectman Charbonneau said this employee would provide administrative duties so the Assessor and Assessment Technician can focus on the more technical aspects of the office, increasing the value of budget dollars. The Aide would ensure that the department maintains regular hours and would assist the elderly, disabled and veterans in applying for exemptions and credits, and overall customer service.

There being no discussion, the Moderator declared that Article 10 goes to the ballot, as written.

Article 11 Two Police Officers -- To see if the Town will vote to raise and appropriate the sum of \$107,360 which represents the cost of wages and benefits to hire two additional full-time police officers. (This appropriation is in addition to Article 8, the Operating Budget.) The cost to hire these officers will be offset by a three-year Federal COPS grant, awarded by the US Department of Justice in the amount of \$150,000. (Recommended by the Selectmen; **Not Recommended by the Budget Committee.**) *Article 11 was sent to the ballot, as presented.*

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Selectman Cole said this was the result of a comprehensive manpower analysis conducted by the Police Department, based on the guidelines set forth by the Department of Justice. The report identified a need for five additional positions, not two. These positions will be augmented for a three year period by the Federal Government in the amount of \$150,000--\$25,000 per position, per year for three years. They will be assigned to day and night shifts of street patrol. Currently the day shift has five officers and the night shift has four, so it would increase to six and five. Approval of this article would significantly help reduce overtime, address safety concerns of officers responding to calls that require an immediate and adequate amount of backup, and bring the level of patrol staffing more in line with the calls for service. In 2000, the Police Department had 32,544 calls for service. In 2002, that number increased to 42,990. Approval of this article will respond to the reality of Hudson's location and proximity to major urban areas and the resulting reality of criminal activity and traffic-related incidents. This article allows for pro-active policing, which has a direct impact on the mitigation of criminal activity and traffic-related accidents. Hudson's statistics have shown that the more proactive policing that can be accomplished through directed patrols, surveillance and police presence, the less crime and accidents in the community. Inadequate street patrol results in increased response time to emergencies and a concern for officers' safety due to a lack of adequate backup for the initial officer responding to a critical or dangerous incident. Lack of adequate patrol staffing decreases the amount of proactive crime deterrence and motor vehicle enforcement. When officers only have time to go from one call for service to the next, there is no time available to perform the proactive measures necessary to hinder crime and prevent accidents before they occur. Failure to approve this article ignores the reality that not only faces the community, but surrounds it. There's an old saying from Rome that when the wall next door catches fire, then it becomes your business. Failure to approve this article is, at best, foolhardy; at worst, it could be fatal.

There being no discussion, the Moderator declared that Article 11 moves to the ballot, as written.

Article 12 Police Operations Clerk -- To see if the Town will vote to raise and appropriate the sum of \$15,825 which represents the cost of wages and benefits to hire a part-time clerk (20 hours) in the Police Department's Operations Division (Patrol and Investigations Bureau). (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Not recommended by the Budget Committee.) *Article 12 was sent to the ballot, as presented.*

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Selectman Cole said the Operations Division encompasses the Patrol and Investigations Bureau. This position would provide critical assistance in dealing with the growing workload and increased paperwork in response to Hudson's continuing growth in population, location and proximity to major urban areas, increased calls for service and increased patrol activity, as well as the ever-increasing number of reports mandated by State and Federal law enforcement agencies. The present level of staffing is inadequate to keep up with the daily activity in and the requirements being placed on this division. The last time a clerical position was added to this division was in 1988, with a part-time detectives' clerk; 12 years later, that position was increased 10 additional hours to provide much-needed support to the Records Division. From 1988 until the present, clerical support has increased 9% while calls for service directly related to the workload have increased 354%. From July 1, 1988 to June 30, 1989 there were 9,418. From July 1, 2001 to June 30, 2002, there were 42,732. Failure to approve this position will serve to exacerbate an unsatisfactory situation. Although this position is administrative in nature, the inability of any departmental element to effectively perform will ultimately have a negative impact on the Police Department's overall ability to accomplish its mission.

There being no discussion, the Moderator declared that Article 12 goes to the ballot, as written.

(Start Tape 4, Side A)

Article 13 Police Support Services Clerk -- To see if the Town will vote to raise and appropriate the sum of \$22,930 which represents the cost of wages and benefits to hire a part-time clerk (29 hours) in the Police Department's Support Services Division (Recruiting, Training, Accreditation, Facilities, Information Systems and Records). (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Not recommended by the Budget Committee.) *Article 13 was sent to the ballot, as presented.*

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Selectman Cole said Support Services is the fastest growing bureau within the Police Department, responsible for community policing programs, recruitment and selection, police interaction within the schools, departmental events, crime watch programs, citizen and senior citizen police academies, training programs, budgeting, grants, computers, facility management and policy and procedures maintenance, all of which are project-driven and require an ever-increasing amount of clerical support. Presently, the vast majority of the clerical work is being handled by Captains, Lieutenants and Chief Gendron. Valuable time is wasted by highly qualified law enforcement professionals performing clerical tasks. The safety of the residents would be better served if these sworn officers were out in the community doing what they were hired to do instead of shuffling paperwork.

There being no discussion, the Moderator declared that Article 13 moves to the ballot, as written.

Article 14 Part-Time Welfare Officer -- To see if the Town will vote to raise and appropriate the sum of \$10,510 which represents the cost for a part-time Welfare Officer (10 hours per week) to handle the General Assistance services, under the direction of the Town Administrator. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Not recommended by the Budget Committee.) *Article 14 was sent to the ballot, as presented.*

Selectman Cole said the town is required by RSA 165 to provide Welfare services to qualified individuals. Failure to do so would be legally and morally indefensible on the part of the town. In 2002, there were 129 cases, an increase of 59% over 2001 and a 90% increase over 2000. Those opposed to this article lean exclusively on the unfounded assumption that the caseload number will go down as the economy improves. This double assumption would have the Town fulfill its legal and moral responsibilities in a manner which fails to pass any test of rational thought. Such a simplistic approach is not, in the opinion of the Board of Selectmen, a manageable risk. But, for the sake of discussion, if this two-headed assumption is accepted, they are then left with an assumption based on a false premise that equates each welfare client to a cookie cutter model, with each and every client's situation requiring exactly the same amount of time and effort to resolve. Such an approach, elemental at best, does not take into account the unique circumstances and human dynamics each case presents, and the resulting impact on the Town's ability to provide effective and compassionate service. This position is currently handled by the Town Administrator, as in previous years. Mr. Sharon is retiring, but this issue will not go away, nor can it be ignored or denied.

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There being no discussion, the Moderator stated that Article 14 is forwarded to the ballot, as written.

Article 15 Part-Time Water Utility Clerk -- To see if the Town will vote to raise and appropriate the sum of \$15,473 which represents the cost of wages and benefits necessary to hire a part-time clerk for the Hudson Water Utility. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Recommended by the Budget Committee.) Article 15 was sent to the ballot, as presented.

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There was no discussion on this article. Mr. Arseneault said Article 15 moves to the ballot, as written.

Article 16 Roadside Tractor/Mower w/19' Boom -- To see if the Town will vote to raise and appropriate the sum of \$67,000 for the purchase of a heavy-duty, 4-wheel drive tractor with a 19' boom mower to perform roadside brush cutting. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Not recommended by the Budget Committee.) Article 16 was sent to the ballot, as presented.

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Selectman Jasper said he and the Road Agent would be glad to answer any questions relative to this article.

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Selectman Seabury apologized for offending the Budget Committee members when she spoke earlier on salary increases. She didn't intend to be derogatory regarding their expertise in the budgeting process. She spoke in favor of this article. The Road Agent said it takes three, four men to do brush cutting. In addition, when the Town owns the Benson land, it will fall to the Highway Department to take care of it. The Road Agent once said he gets called to do everything that's either not on fire or against the law. There is a roadway around the Benson property of 168 acres, which will be used for skiing, walking and horseback riding, and will have to be maintained. This tractor-mower will be an invaluable piece of equipment.

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Ted Luszey, 13 Cathedral Lane, said when this request was presented to the Budget Committee, they asked for a couple of alternatives, but they didn't receive a detailed analysis. He contacted Gardner, Massachusetts, who outsources this type of work. The committee was told that the amount of roadside taken care of each year is 25% of the amount of miles that they actually do and it's in the rural areas of town, so it's less than the total 25% of all miles that would need to be done. Gardner does this for about \$50,000 a year and that is for the equipment, labor and fuel. He thinks the Town should look to that type of approach to save the taxpayers \$67,000 worth of equipment. It would also reduce labor. They could be doing something else because when you outsource, you are buying the labor, also. There wouldn't be fuel costs to run the machine or the repair or maintenance of the machine. If it is purchased, it will become part of the operating budget and in five, six years, they'd be requesting a replacement.

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There being no further discussion, the Moderator said Article 16 was moved to the ballot.

Article 17 Replacement Ambulance -- To see if the Town will vote to authorize the withdrawal of \$119,000 from the Ambulance Capital Reserve Account to purchase a new ambulance. This account was created for the purpose of purchasing new replacement ambulances for the Town and has been used to replace several two other units ambulances already. No funds are requested from general taxation, as there will be sufficient funds available in this account to make this purchase as of July 1, 2003. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Recommended by the Budget Committee.) Article 17 was sent to the ballot, as amended.

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Selectman Cole said this would replace the 1993 ambulance currently in service at the Fire Department. There is no tax impact as the funding will be coming from the capital reserve account which has sufficient funds. The mileage is over 76,000 hours, but does not represent the high number of idling hours on the vehicle's engine. Repair costs continue to increase by keeping the vehicle in service. The town is on a nine-year replacement schedule.

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Amendment by Ken Massey, 20 Fairway Drive, and Trustee of the Trust Funds, to strike the words, "several other units," and replace them with "two other ambulances." Selectman Cole seconded the amendment.

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Mr. Massey wanted the record to accurately reflect that only two ambulances were purchased from this account, one in 1999 and the other in 2001. Selectman Jasper said the account for purchasing ambulances was established under Chief Nutting, back in the early 80's and ambulances have been purchased out of a capital reserve account since then. Mr. Massey said under the statutes, the only approved capital reserve fund was the one established at the Town Meeting in 1994. He didn't mean to imply that the Town hasn't paid monies out of reserve accounts to pay for ambulances; it was to clarify this article.

Vote on the amendment carried by a show of cards, 36 in favor and none opposed. Mr. Arseneault said Article 17 goes to the ballot, as amended.

Article 18 Replacement SCBA's -- To see if the Town will vote to authorize the Board of Selectmen to enter into a lease-purchase agreement for the purpose of leasing 44 self-contained breathing apparatus units and to raise and appropriate \$36,225 for the first year's payment of a five-year lease-purchase for that purpose. The total cost of this lease-purchase is \$181,125. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Not recommended by the Budget Committee.) *Article 18 was sent to the ballot, as presented.*

Selectman Cole the purpose of this article was to replace and upgrade apparatus currently in use by the Fire Department. The SCBA units are outdated and do not meet current safety standards. The new units will have an integrated personal alerting system, a larger air capacity cylinder and come with an eight-year warranty on all parts and service and will meet the current standards for SCBA's. The warranty that comes with the units will allow the department to save an estimated \$25,755 per year in maintenance costs, resulting in a savings of \$206,040 during the eight-year period. The purchase of these units will allow Hudson to have SCBA equipment that is compatible with the majority of communities in the area. The use of standardized equipment provides an enhancement to safety and operational benefit to the fire fighters while working in highly hazardous environments. The SCBA units currently in use were purchased in 1995 and 1996. Since then, many significant advances and upgrades have been made to improve the operations and safety features of SCBA equipment. The units the department presently uses were not manufactured in the United States. As such, the department continues to experience long turnaround time when units go out of service for repairs or maintenance, which has a negative impact on the department's ability to have sufficient, operable SCBA equipment on hand for employees to use. Of greater significance is the reality that department personnel have lost faith in the SCBA equipment currently in use and its ability to properly function and adequately protect them. The SCBA is an essential item of equipment, providing the fire fighter with the ability to safely operate in a variety of dangerous environments and situations. It is imperative and the community's responsibility to ensure that its fire fighters can be confident in the ability of their equipment to operate properly. Improvements in technology, enhanced fire protection standards and the safety of Hudson's fire fighters and, thus, the residents, supports the criticality and approval of this warrant article.

Fred Giuffrida, 14 Pinewood Road, said during budget deliberations, they questioned this purchase because the new units have a lot of bells and whistles. He didn't believe the current units were ready for replacement. He said the units were being looked at for possible changes next year and it was unclear whether or not the new units would meet the standards which haven't been finalized yet. That's why many members of the Budget Committee voted against this.

Shawn Murray, 55 Kiena Road, the Assistant Fire Chief, who is also responsible for the suppression efforts of the fire fighters. This is not an issue of bells and whistles. It's an issue about fire fighter safety. In 2001, over 100 fire fighters were killed in the line of duty, not including the 340 from the World Trade Center. This equipment has seen a significant technological development over the last five, six years that allows a fire fighter to go into an atmosphere that a person could not breath in. This purchase can't wait. It's a life safety issue, a serious safety issue for the citizens of the town. The current SCBA's are not reliable.

William Pease, 5 Madison Drive, supported the article. It's an essential piece of equipment to keep the fire fighters safe. They are being asked to do a difficult, dangerous job and \$36,000 a year, in order to do the job and go home to their families, is money well spent. He didn't want an average bullet-proof best if he's going into a crisis situation and he didn't want these men and women who are going into a burning building, perhaps his house, to have just an average piece of equipment; he wants them to have a darn good piece of equipment so they can go home at night.

Ray Rowell, 6 Marshmallow Path, supported the article, saying the piece of equipment he brought in was sufficient for his use at his facility in Nashua. What the Fire Department is requesting has more on it than the unit he brought in. The requested units also have a longer life expectancy than his and this is equipment the department needs.

Chief Carpentino said the air pack that was brought in to the Budget Committee by Ray Rowell was not one of the Fire Department's units. Air packs are on all of the vehicles, are used by fire fighters in very dangerous situations. He asked everyone to think about the equipment they use—cars, radios, etc. If they don't have confidence in it, they aren't going to use it. The fire fighters strap on a 40-lb. piece of equipment and put themselves in harm's way. Would you want to wear a piece of equipment that wouldn't save your life?

(Start Tape 4, Second Side)

Sally Jeglinski, 34 Webster Street, said she'd rather not wait until equipment proves faulty by a fire fighter getting hurt. The savings in service costs over the lease period more than covers the cost of the equipment. She urged passage of this article.

Motion by Dave Morin, 29 Library Street, moved the question, seconded by Selectman Stewart, carried 31-0 by a show of cards.

There being no further discussion, the Moderator declared that Article 18 moves to the ballot.

Article 19 Greeley Street Drainage Construction -- To see if the Town will vote to raise and appropriate the sum of \$50,000 for the construction of an enclosed drainage system along a portion of Greeley Street. Of this amount, \$25,000 represents a contribution for this purpose by the developer of Greenleaf Estates. The balance of \$25,000 will be raised by taxes. This is a Special Warrant Article, per RSA 32:3 VI, reflecting an appropriation that will not lapse until the monies are expended, or June 30, 2008, whichever is the earliest. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Recommended by the Budget Committee.) *Article 19 was sent to the ballot, as presented.*

Selectman Jasper spoke in support of Article 19, saying that there has been a long-standing drainage problem on Greeley Street, which has an extensive slope that was diverted years ago into the Greeley Street Extension. There are five duplexes in there and it really is a town problem that should have been corrected when that development went in, but it wasn't. There is now additional development going on in the area. The contractor

has agreed to donate \$25,000 and this is asking the taxpayers for the additional \$25,000 to take care of the problem. There is an erosion problem along Greeley Street, which is mitigated to a large degree by the rip-rap. This problem is the town's responsibility to correct.

There being no further discussion, the Moderator declared that Article 19 moves to the ballot. He stated that the people who were supposed to provide refreshments didn't show. He asked if the body wanted to stop for lunch or keep going. The consensus was to continue.

Articles 20, 21 and 22 were taken up following Article 7.

Motion by Steve Boucher, 4 Circle Drive, seconded by Ted Luszey, 13 Cathedral Lane, to restrict Articles 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19 from further consideration carried, as declared by the Moderator.

Article 23 Development of the Benson's Property -- To see if the Town will vote to raise and appropriate the sum of \$253,000 for the development of the Benson's property, said sum to be taken from the unexpended General Fund Balance for the year ending June 30, 2003. There is no tax impact. This is a Special Warrant Article, per RSA 32:3 VI, reflecting an appropriation that will not lapse until the monies are expended, or June 30, 2008, whichever is the earliest. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Recommended by the Budget Committee.) Article 23 was sent to the ballot, as presented.

Selectman Cole said in November of 2000, the NHDOT contracted with VHB engineers to produce a study concerning the development of the Benson's property as a passive-use park, in conjunction with the state's wetlands mitigation project. In January of 2001, the Board of Selectmen authorized the formation of a Benson's Committee. In August of 2001, a memorandum of agreement was signed between the town and the state with regard to the future disposition and use of Benson's property. In December of 2001, the Board of Selectmen authorized submittal of a \$25,000 trails grant request, supporting the restoration of the Kimball Loop Trail. The grant was received and accepted by the town on December 10, 2002. In March of 2002, the Benson's master plan was presented to the town by VHB and the NHDOT. In April 2002, the Board of Selectmen Chairman was designated as the town's point of contact to coordinate with the state for the transfer of the Benson's property to Hudson. In June of 2002, the Board of Selectmen authorized submittal of a \$14,000 LCHIP grant request for a historic structures report. This grant was received and the contract was awarded in October 2002. The historic structures report is presently being compiled and a final report will be submitted to the town not later than April 20 of this year. In November of 2002, the Governor's Executive Council approved the transfer of the Benson's property to Hudson. In January 2003, the town received the state's draft quit claim deed for the actual transfer of the Benson's property to Hudson, and expect to receive the final deed from the state within the next week or 10 days. He extended the Board's appreciation to the members of the Benson's Committee, past and present, for their hard work and dedication to the project. Their shared dream for the community made it possible to reach this latest milestone. Voter approval will make possible initial development efforts supporting the restoration of the Benson's animal farm property. These initial development activities include the renovation and securing of the Haselton Barn. This project will follow the recommendations contained in the historic structures report. The estimated cost is \$100,000 to cover engineering, design, labor and materials efforts. Development of the Kimball Hill Loop Trail is estimated will cost \$25,000. The relocation of the railroad station is estimated will cost \$58,000 for labor and equipment. Engineering services supporting the welcome center, the various parking areas, the north and south fields and the historic Benson's area itself is estimated to cost \$75,000 for survey, site plans and permitting activities. The Benson's effort presently stands at a critical juncture in its long and storied history. Approval of this article is imperative if they are to move forward and, finally, realize the unique benefits this project offers the community.

Fred Giuffrida objected to the wording that this article doesn't have any tax impact. Any time money is spent from the fund balance, that money isn't used to reduce taxes. Nothing has a greater tax impact than that. He asked what the total estimated cost to the town for the completion of the Benson's master plan. Selectman Cole said if one looks at all of the projects included in the plan submitted by VHB that might be attractive to the citizens of Hudson, if you added all of those up, you'd come up with a figure, which is not what is being proposed at this time, or something they even have conceptual plans to implement. If one was to project out 10, 15 years, and if the funds were available, and if the town supported implementing those plans, the estimated cost, as he recalls, was in the \$4-\$5 million range. Right now, they are doing some of the initial things, i.e., save the Haselton barn, create a trail and make some initial moves in the engineering field that will allow them to progress and enhance the use of that property for the community.

Phyllis Appler, 52 Glen Drive, said the GFWC Hudson Community Club was given a presentation about this property and they are just waiting for the transfer to happen so they can all get together as a community and make Hudson and the Benson's property a special place again. She urged support of the article.

Amendment by Ken Massey, 20 Fairway Drive, seconded by Howard Dilworth, to strike the words, "There is no tax impact."

Mr. Massey said if this money is not withdrawn from the general fund at the end of this year for this purpose, it can be used for tax rate mitigation, so it does have a tax impact.

Selectman Jasper said the Board of Selectmen may also choose to retain it in the fund balance. There are millions in the fund balance, in part because that is a recommendation by DRA and it also prevents them from having to borrow money in anticipation of taxes. In a real sense, it has no tax impact. He urged defeat of the amendment.

Vote on the amendment was a tie, with 31 in favor to 31 opposed. The Moderator broke the tie by voting nay and declared the motion to have failed.

John Drabinowicz said the total cost was presented to the Budget Committee as in the range of \$5-\$7 million.

Selectman Cole said this article calls for an appropriation in support of \$253,000; they are not talking about \$ millions. No one has any idea of what they may be talking about at some time in the future. It depends on what the town wants to do with the property and they have to begin somewhere. A lot of people have put in a lot of time and effort to get to the point where the state is going to make an offer for the transfer. They should stick to the subject. They are looking for \$253,000 which already exists and will not be coming out of the taxpayers' pocket, contrary to what they've heard. He has been talking about the pot of money for a few months and he's glad to hear the Budget Committee is finally getting on the band wagon with that.

There being no further discussion, Mr. Arseneault stated that Article 23 moves to the ballot.

Article 24 Ingersoll Family Trust Land Development Rights -- To see if the Town will vote to authorize the Board of Selectmen to purchase on behalf of the Town, the development rights for the so-called Ingersoll Family Trust Land, Tax Map 40 /Lot 10; and to raise and appropriate the sum of up to \$268,000 for said purchase, with said funds to be withdrawn from the Town's Land Use Change Tax Fund; and to further authorize the Board of Selectmen to negotiate the terms of and the purchase price for this acquisition, provided that any additional funding necessary to acquire the property be raised through grants and donations. There is no tax impact. This is a Special Warrant Article, per RSA 32:3, VI, reflecting an appropriation that will not lapse until the acquisition of such rights is accomplished, or June 30, 2008, whichever is the earliest. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Recommended by the Budget Committee.) *Article 24 was sent to the ballot, as presented.*

Selectman Jasper said this article was to purchase the development rights of about 44 acres in Hudson, but it is part of a larger parcel of land totaling 190 acres in Hudson, Londonderry and Windham. It runs along Route 111 and back through Bockes Road and then on to Griffin Road. They are being asked to take up to \$268,000 from the account, and money was put into this account for this type of use. The money comes from current use releases within the town and is available. That is the purpose of the fund. The appraised value of the property within Hudson is \$470,000. Currently, they have a DES grant in the amount of \$71,000 and they have also applied for an LCHIP grant and expect the balance to come in. He urged support of the article.

Mike Spelts said he was from the Society for the Protection of New Hampshire Forests, a non-resident. If the transaction is completed in all three towns, the Society will own the property and be open to public access, but will remain on Hudson tax rolls, so it's a win-win situation. He appreciates the commitment the people of Hudson have shown to open space conservation and recognize that in future tax savings, the project pays for itself. Beyond that, the clean air and clean water benefits are going to make this a bargain sale. The owners of the land are asking \$70,000 less for the land than what it was appraised for.

There being no further discussion, Mr. Arseneault said Article 24 goes to the ballot, as written.

Article 25 Planning Board Expendable Trust Fund -- To see if the Town will vote to create an expendable trust fund under the provisions of RSA 31:19-a to be known as the Planning Board Expendable Trust Fund, and to raise and appropriate the sum of \$83,009; of this amount, the full amount of \$83,009 is authorized to be withdrawn from the Planning Board Residual Agency Fee Accounts. The Board of Selectmen shall be designated as the agents to expend and shall be authorized to make expenditures of principal and interest for the purpose of funding Planning Board activities, including the hiring of non-legal consultants, engineers and experts. (Recommended by the Selectmen.) *Article 25 was sent to the ballot, as presented.*

Being no discussion, the Moderator said Article 25 goes to the ballot.

Article 26 Library Expansion Capital Reserve Fund (Library Fund Balance) -- To see if the Town will vote to raise and appropriate the sum of \$30,000 to be placed in the existing Library Expansion Capital Reserve Fund and to authorize the use/ transfer of the June 30, 2003 Library Fund Balance (surplus) in an amount not to exceed \$30,000 for this purpose. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Not recommended by the Budget Committee.) *Article 26 was sent to the ballot, as presented.*

Mary Ann Knowles, 51 Quail Run Drive, said if there is a surplus at the end of the year, this is the Library's request to put the money into the existing capital reserve fund for purposes of library expansion.

There being no further discussion, Mr. Arseneault stated Article 26 moves to the ballot.

(Start Tape 5, Side A)

Article 27 Library Expansion Capital Reserve Fund (Town Fund Balance) -- To see if the Town will vote to raise and appropriate the sum of \$20,000 to be placed in the existing Library Expansion Capital Reserve Fund and to authorize the use/ transfer of the June 30, 2003 General Fund Balance (surplus) in an amount not to exceed \$20,000 for this purpose. (This appropriation is in addition to Article 8, the Operating Budget.) (Recommended by the Selectmen; Not recommended by the Budget Committee.) *Article 27 was sent to the ballot, as presented.*

Mary Ann Knowles, 51 Quail Run Drive, said this request was that \$20,000 would be placed into the Library's capital reserve fund for the library expansion, if there are any remaining funds at the end of the fiscal year.

Mr. Arseneault announced that there were technical difficulties with the video equipment and called for a brief recess.

Article 28 Discontinuance of Alvirne Land Capital Reserve -- To see if the Town will vote to discontinue the Alvirne Land Capital Reserve

Fund created in 2000. Said fund had been created to purchase a parcel of land connecting Route 3-A and Route 102 lying south of Alvirne High School. Said funds, with accumulated interest to date of withdrawal, are to be transferred to the Town of Hudson's General Fund. (Recommended by the Selectmen; Recommended by the Budget Committee.) Article 28 was sent to the ballot, as presented.

Selectman Charbonneau said this article returns the unexpended balance of the reserve fund into the general fund surplus.

There being no discussion, the Moderator said Article 28 goes to the ballot.

Petitioned Articles

Article 29 "The Health Care for New Hampshire" Resolution -- Whereas New Hampshire residents pay the 12th highest cost for insurance in the country; and whereas the cost of health insurance premiums for families has increased by 45% over the past three years; and whereas 100,000 New Hampshire residents have no health coverage and 77% of them have a full-time worker at home; and whereas due to these rising costs almost half of New Hampshire's small businesses cannot afford health coverage for their employees, therefore be it resolved that we, the citizens of Hudson, New Hampshire, call on our elected officials from all levels of government, and those seeking office to work with consumers, businesses and health care providers to ensure that everyone, including the self-employed, unemployed and un- and underinsured, and small business owners, has access to an affordable basic health plan similar to what federal employees receive; everyone, including employers, consumers, and the state, local and federal government makes a responsible and fair contribution to finance the health care system; everyone receives high quality care that is cost efficient and medically effective; and that these efforts help control the skyrocketing cost of health care. (This resolution is non-binding and represents no fiscal impact.) Article 29 was sent to the ballot, as presented.

There was no discussion on this article. The Moderator stated Article 29 goes to the ballot, as presented.

Article 30 Requesting Legislature to Restore the LCHIP Grant Program -- To see if the Town will vote to send the following resolution to the New Hampshire General Court: Resolved, in its first two years of operation, the Land and Community Heritage Investment Program (LCHIP) has helped communities throughout New Hampshire preserve their natural, cultural and historic resources and, therefore, the State of New Hampshire should maintain funding for LCHIP in its next biennial budget." (Recommended by the Selectmen.) Article 30 was sent to the ballot, as presented.

There was no discussion on this article. The Moderator stated Article 30 goes to the ballot, as written.

Article 31 To Place 100% of Revenues from Land Use Change Tax Fund into the Conservation Fund -- To see if the Town will vote to adopt the provisions of RSA 79-A:25, II to place 100% of the revenues of all future payments collected from the Land Use Change Tax into the Conservation Fund, in accordance with RSA 36-A:5, III. (Not recommended by the Selectmen.) Article 31 was sent to the ballot, as presented.

Michelle Champion, 7 Chiswick Road, said she wrote this article on behalf of the Conservation Commission to address a discrepancy in how the Town was accounting for the land use change tax fund money. The way the article was written in 1999, money is not allowed to accumulate from year to year. Current use taxation allows towns to provide a reduced tax rate to landowners who keep their land in an undeveloped use. It was set up to maintain the rural character of NH. The land use change tax is a penalty that is paid by people who pull their land out of current use when they decide to develop that property. It is a tax of 10% on the full value of that property, as developed, and it goes into a fund known as the Land Use Change Tax Fund. At Town Meeting the following year, she tried to put that money into a capital reserve fund for conservation and open space preservation purposes. For legal reasons, she was not allowed to make that amendment. In following years, the money was spent on conservation measures. Last year, however, there were no articles to spend that money, so it should have gone back into the general fund. When the article was written for the Ingersoll purchase, they noticed on the financial records that they were using that money as part of the money that would purchase the Ingersoll farm. It was then that they raised that point to the Selectmen. This article is trying to make sure that money can accumulate and, rather than going back into the general fund, is dedicated for conservation and open space preservation. An issue that the Selectmen raised was that it puts the control of the money into the hands of an appointed board and not an elected body. Major land purchases should be done by a vote of the townspeople, but the way State law is written, they don't have that option. They can either put the money into the Land Use Change Tax Fund and return it back to the general fund if it is not expended, or they can place it into a conservation fund. That's what this article proposes to do. The Town would have money that the Conservation Commission could expend when properties come up. Windham and Londonderry had money to use as matching funds for the grant application. Hudson had to say that if Hudson is given the grant, in March they would vote on whether or not to put up matching funds. That puts the Town at a disadvantage when applying for grant money. The amount of money that goes into the Land Use Change Tax Fund averages \$50,000. The most she has seen is \$150,000 in any given year. Any large open space initiatives, like the Nadeau land, would almost always have to go before the town for additional money, but the Commission would have the flexibility to negotiate. There are 114 towns in NH that put money into their conservation fund and give their appointed members the power to spend that money.

James Battis, 6 Potter Road, Chairman of the Conservation Commission, said when land comes out of current use, it cannot go back in. It's a one-time event. There is a long-term effect of land development. The Town will benefit by procuring open space.

John Knowles, 51 Quail Run Drive said the Conservation Commission members are appointed by the Selectmen for their expertise, so they shouldn't have a problem with the commission making some of the lower level decisions.

John Drabinowicz, 8 Deerfield Avenue, said the Selectmen could bring in a warrant article next year to make the Conservation Commission an elected board. He asked what the tax impact will be if the money doesn't go into the general fund and why did the Selectmen vote not to recommend the article. He asked what the attorneys' opinion was on this article.

- Selectman Jasper didn't think there was a legal position, as this is something the town clearly has the ability to do. He's not sure they have the ability, however, to have an elected board. A long-standing tradition has been not to give the Selectmen the authority as agents to expend. This gives the Conservation Commission the ability to expend and purchase property in an unknown amount. This year, the fund is going to get about \$200,000. Last year, it was about \$60,000 and they purchased the Hills property development rights. While that money did revert, they also had payments to Mr. Hills of over \$50,000 so there was very little money that carried over. As a legislator, he will work to effectuate a change in the law to allow the money to carry over so this body will have the ability to determine what properties they will buy. The Conservation Commission may have a different idea of what properties should be conserved. There is no way for the Selectmen, the Budget Committee or Town Meeting to change the decision of that non-elected board. Giving that type of authority to a non-elected board isn't a good idea. While there may be 114 communities in the state that does, but there are 124 that don't.

- Ken Massey, 20 Fairway Drive, Trustee of the Trust Funds, asked if the fund referred to in the article was the land capital reserve fund, which was established two years ago, or if it was a different fund, under the control of the Conservation Commission. Michelle Champion said the article refers to the conservation fund, established under the RSA 36 A 5, 3 that is under the control of the Conservation Commission, with a balance of around \$60,000. Mr. Massey asked if the Conservation Commission would entertain an amendment that would change Conservation Fund to the Conservation Land Capital Reserve Fund, which would mean the only way the money could be expended is at a future town meeting, since it has no agent to expend.

- Attorney Steve Buckley said the requirement of the statute that is being employed by the Conservation Commission is that the money must go into the Conservation Fund and that would be an improper change to the authorization vote in the statute.

Richard Callahan, 93 Pelham Road, strongly urged support of this article.

- There being no further discussion, Moderator Arseneault stated that Article 31 moves to the ballot, as written.

- **Article 32 Purchase of Nadeau Farm Land/Hold Special Town Meeting** -- To see if the Town will vote to further explore the purchase of the remaining portion of the Nadeau Farm, property identified as Map 37, Lot 1, 99 Old Derry Road, with total acreage of approximately 144.8 acres, with the intent of establishing a conservation easement on said property so that it will continue to be used for agricultural, open space, conservation or recreational uses. ~~and to see if the Town would consider the convening of a Special Town Meeting if said purchase is deemed feasible prior to Dec. 31, 2003.~~ This warrant article does not request any appropriation for this purpose; it is intended to determine if sufficient interest exists within the town to pursue an open space protection effort of this magnitude. *Article 32 was sent to the ballot, as amended.*

- Michelle Champion, 7 Chiswick Road, said a number of them worked to see about the purchase of this property, spearheaded by Jean Serino. They worked with the Trust for Public Land and were somewhat close to an agreement when the Nadeau's decided to sell 50 acres to a developer. That left 144.8 acres of extremely valuable land, aesthetically and from a conservation standpoint. They tried to put together an article at the last minute for a bond to purchase the remaining part, but there wasn't enough time to properly notice the hearing. The Nadeau's were not convinced the Town would approve the purchase, and they didn't want to wait until March. The Trust for Public Lands did not have faith in the Town, so one of the things they wanted the town to do was a poll to see if it was something that would likely go forward. They were in the process of raising the \$5,000 to do that poll when the farm was sold. That is the purpose of this article; it's a poll to see if the voters want them to explore the purchase of the property, which will cost \$2-\$3 million, as the landowners are not willing to accept less than market value. If they go forward with this purchase, they would propose a conservation easement. If they can negotiate a reasonable deal with the landowner, they would like to see if the voters would be willing to call a special town meeting, once the deal has been negotiated.

- Howard Dilworth, 15 Sycamore Street said this is a non-monied article, so the Budget Committee has no position on it. The article talks about calling a special town meeting between now and December 31. There is a window in which a special meeting can be called. It cannot be held later than 60 days prior to an annual meeting. A deliberative session would have to be held approximately 30 days prior to the vote on which the 60 day window would be based. If monies are to be appropriated, then the Selectmen most likely would be required to petition Superior Court. They would have to show cause as to why an emergency exists that requires a special town meeting and the court would be required to hold a hearing to give citizens the right to challenge the town's petition for a special town meeting. If monies are to be appropriated, the Budget Committee would be required to hold a public hearing 25 days prior to the proposed meeting and, in the event that a bond issue is to be discussed, the Selectmen would be required to hold a public hearing. If the Budget Committee does not recommend the bond issue, then the meeting would be moot because the bond issue could not be voted upon because it's a supplemental budget.

- *Amendment by Selectman Jasper, seconded by Selectman Cole, to strike the words following, and put a period after, recreational uses: strike "and to see if the Town would consider the convening of a Special Town Meeting if said purchase is deemed feasible prior to December 31, 2003."*

- Selectman Jasper said he could not consider this a valid reason to declare an emergency to hold a special meeting. If it can't be done within the time frame of the normal meeting schedules, they shouldn't do it. There is a lot of property in town they can buy the development rights to. He's a direct abutter to the Nadeau property, so nobody would like to see it preserved more than him, but that doesn't mean he can bend the definition of emergency. There are people like Paul Hills and the Ingersoll family who are willing to sacrifice some of their dollar value to sell development rights within the Town. That's who they should be looking for.

(Start Tape 5, Second Side)

Michelle Champion asked for a ruling by the town attorney because her understanding was that if she submit a petition, signed by 5% of the

registered voters, they could hold a special town meeting that does not need to be an emergency. Attorney Buckley said for a town meeting to raise and appropriate money, the Selectmen are required to petition Superior Court for permission. SB2 towns get one chance to raise money and that's at the ballot session and one extra chance if an operating budget isn't adopted.

- James Batts, 6 Potter Road, said the groups that try to help the Town spend a lot of time and effort to effect a result. The purpose of the article is to get a sense whether or not the voters are interested and then giving that group of people, who dedicate their non-working hours to this, an opportunity to carry out the purchase. The intent of the article is to find out if the town would back this pursuit.

- Motion by John Drabinowicz, seconded by Ted Luszey, to move the question carried by a show of cards, 25 to 0.

- Vote on the amendment carried by a show of cards, 34 in favor, 6 opposed.

- There being no further discussion, the Moderator stated that Article 32, as amended, goes to the ballot.

8. ADJOURNMENT

Motion to adjourn at 1:37 p.m. by Shawn Jasper, seconded by Coleman Kelly, carried by voice vote.

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

Cecile Nichols, Town Clerk/Tax Collector