

HUDSON BOARD OF SELECTMEN
Minutes of the December 10, 2002 Meeting

7:00 p.m. – 7:40, Attorney-Client Session

1. **CALL TO ORDER** by Chairman William P. Cole at 7:45 p.m.
2. **PLEDGE OF ALLEGIANCE**, led by Selectman Rhona Charbonneau
3. **ATTENDANCE**

Selectmen: William P. Cole, Rhona Charbonneau, Shawn N. Jasper and Ann Seabury. Terry Stewart was away.

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Sean T. Sullivan, Director of Community Development; Kevin Burns, Road Agent; Tom Sommers, Sewer Consultant; Ray Rowell; George Hall; Rich Maddox; Brad Seabury; From the Fire Department: Frank Carpentino, Chief; Shawn Murray, Assistant Chief; Gary Rodgers, Deputy Chief; Torrey Demanche, Executive Secretary; Capt. Jack Brewer; Lt. Dave Morin; Lt. Todd Hansen; Steve Benton; Jerry Carrier; Jim Bavaro, Eric Lambert; James Paquette; Dean Sullen; Al Dube; Tom Blinn; Pat Robinson; Coleman Kelly, HCTV; Anne Lundregan, TEL; Matt O'Brien, SUN

4. **PUBLIC INPUT**

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

5. **NOMINATIONS AND APPOINTMENTS**

Chairman Cole stated that the Board would be making the appointments on December 23, not tonight.

A. **Building Board of Appeals** (3 Members, 2 Terms to expire 12/31/05; 1 Term to expire 12/31/03)

Michael Pitre was not present. He also applied for the ZBA.

Vincent Russo also applied for the Planning Board. He said he wants to get more involved. Selectman Seabury noticed that he used Bill Oleksak as a reference. Mr. Russo said he had dealings with him through his heating and air conditioning company, which he sold, but is still managing. Selectman Seabury said, with his background, he'd be perfect for this board.

Selectman Jasper asked Mr. Russo his philosophy regarding planning and the growth of Hudson. Mr. Russo said he'd like to see even growth because industry helps support the tax base. The residential end is always built up very quickly and he thinks some controls are needed on that end of it.

Chairman Cole asked Mr. Russo if he had a preference of the Board he'd be appointed to, or if he'd be willing to serve on both. Mr. Russo said he'd like to serve on both boards.

B. **Cable Committee** (2 Members, Terms to expire 12/31/05)

Denise Babcock (Current Member), an 11-year resident, has served on the Cable Committee since October 2000 and hoped to be reappointed. She has learned a great deal about cable television and community access television and would bring that experience with her. In addition, she assisted the committee's chairman, Coleman Kelly, in providing a field trip to introduce Hudson Community Television to several 4th grade classes at the Library Street School. The children were enthusiastically interested and attentive to the program. She'd like to continue working on programs and activities that serve the residents of Hudson.

Stephen Boucher (Current Member), who was appointed in December of 1997, said he hoped to continue the work of the Cable Advisory Committee and, hopefully, bring the contract with Adelphia to fruition.

C. **Conservation Commission** (2 Members and 1 Alternate, Terms to expire 12/31/05)

Linda Walkley-Kipnes (Current Alternate) said she's served as an Alternate for one term and would like to become a regular member and be more active in the open-space and preservation effort. Selectman Seabury said she knows Linda, who as done a wonderful job as an alternate and will undoubtedly do an even better job as a member. Chairman Cole asked if she'd be willing to serve as an alternate, if she wasn't appointed as a member. She said she would.

David Haig also applied for the ZBA and Solid Waste Study Committee. He said he was born and raised in New Hampshire, but he and his wife are new to Hudson and he wanted to become involved. He has a background in Conservation, having worked as a laboratory manager with the MWRA. He is also a volunteer with the Appalachian Club. He wanted to be involved with only one committee, preferably the Conservation Commission.

Selectman Seabury said the Conservation Commission was one of the most important boards in Town, with all of the on-going

development, a lot of which is encroaching into the wetland setbacks. She asked what Mr. Haig's feeling were on protecting the wetlands because this board faces a lot of developers who come before them, wanting to work in those areas. Mr. Haig said water is one of the most important resources a town has and needs to be protected, but he'd have to look at the pros and cons of each individual case, but they should be conservative in the area of expansion of a project that would involve water resources.

Chairman Cole said since Mr. Haig wanted to serve on only one committee, it would be the Solid Waste Study Committee, since he was the only applicant. Selectman Seabury said that committee never meets, so it wouldn't take any time. Chairman Cole said he'd call Mr. Haig to work things out, but it was a pretty good bet that he'd be on the SWSCOM.

Eugene Harris, who also applied for the Planning Board and Recreation Committee, was not present.

Sandra Kumbaugh was not present.

Richard Parkinson, who also applied for the Recreation Committee, said he's lived in Hudson 2½ years, moving here from Waltham, MA, to come to a country-type atmosphere. Their property is about an acre and a quarter, with room for his son to roam. He'd like to get more involved in the community and thought the Conservation Commission would be a good place to start.

Chairman Cole asked if he had a preference of committees. Mr. Parkinson said he'd be willing to serve on either or both.

Selectman Seabury said it was important for Commission members to be able to make hard decisions. She asked what his philosophy was pertaining to wetlands and conservation. Mr. Parkinson said each situation is independent and he would have to weigh the benefits, but he would lean heavily towards not impacting wetlands. He has attended a couple of Planning Board meetings relative to development in his area and was disappointed by some of the results. Selectman Seabury said they've come a long way with closing loopholes in the Zoning Ordinance, but there is always a way to get around certain things. There are some very good, conscientious members on the Zoning Board.

Karl Bond, who also applied for the Planning Board and ZBA, said he'd prefer to serve on only one board and has no preference as to which one. He has lived on Easy Street for three years and enjoys the hospitality of the Town. He wanted offer his time to try to enhance the quality of life Hudson residents enjoy. He works with power electronics, where the smallest mistake could be very bad, so he is used to paying strict attention to details and he expects that would carry over to following the rules set forth in all of the boards he has applied for. He believes the Conservation Commission is very important and that open space should be preserved. He has three teenagers at Alvirne and he and his family came here because it is a great place to live and he wanted that atmosphere to continue.

D. Nashua Regional Planning Commission (1 Member and 1 Alternate, Terms to expire 12/31/06)

Chairman Cole said there are no applicants for these seats.

E. Planning Board (3 Members, two Terms to expire 12/31/05 and one Term to expire 12/31/04; 1 Alternate, Term to expire 12/31/05)

James Barnes (Current Alternate) said his term doesn't expire until 2003, but he wanted to apply for a membership seat. He has enjoyed his 18-months on the Planning Board, following his previous service on the Conservation Commission. If he isn't appointed to a membership position, he'll continue in his alternate's position. Selectman Seabury said Mr. Barnes hasn't missed a meeting.

Selectman Jasper asked what his philosophy was in managing growth. Mr. Barnes said growth is to be expected, but he didn't like sudden growth. He'd like to see more comprehensive planning. He'd like to see a development come in as a whole instead of individual lots. Selectman Jasper asked how the balance should be struck between residential, commercial and industrial. Mr. Barnes said residential puts a severe drain on the tax base. Commercial and industrial need to be provided for for jobs and tax rates.

David Forman (Current Member) said he wanted to be reappointed to the Planning Board, having been appointed three times in under three years. In February 2000, he was appointed as an alternate. In January 2001, he was reappointed as an alternate and in March, he was appointed as a member to finish a resigning member's term. He wants a say in how the land in Town is develop, to help maintain Hudson's character and to assist developers in providing housing and needed resources that will benefit and enhance the Town, not burden it. In the past year, he's missed meetings because of his position as manager of a retail store in Leominster, MA, which is a transfer from Salem, NH, and included a promotion. The added responsibility of his job and the long commute has been a factor in his missing meetings--not a lack of interest. He will continue to work on improving his attendance. When he was deciding whether or not to reapply, several other members talked to him and he decided he wanted to continue volunteering his time and service to the Town. He understands the importance of consistency on the board, especially since applicants appear before them several times before a final vote is taken.

Selectman Jasper asked Mr. Forman for an overview of how growth should be managed and how he feels about the mix of commercial, industrial and residential. Mr. Forman said growth is inevitable, but it should be an asset, not a burden with traffic, etc. He'd like to see more residential, but they need a mix of commercial and industrial to balance it.

Chairman Cole asked Mr. Forman if he'd accept a position as alternate if he was not appointed as a member. Mr. Forman said he already has been an alternate, with a goal of becoming a member. However, he probably would accept a position as an alternate.

Marilyn McGrath (Current Member) also applied for a position on the ZBA. Ms. McGrath said she is a life-long resident of Hudson, so she has historical knowledge of the Town. She remembers how things were and how she'd like them to remain. Regarding her philosophy, she'd like to see the Town stay as rural as possible without any growth, but she realizes that isn't possible.

(Start Tape 1, Second Side)

Residential growth is a burden to the Town, being more costly than beneficial, but she recognizes that landowners have a right to develop their property. Commercial and industrial growth is more beneficial to the Town, but there are traffic impact associated with some of them. She was encouraged to apply for the ZBA because one of the Planning Board members, who also served on that board, resigned. She hadn't considered applying for the Zoning Board but, upon reflection, she thought of Lenny Smith and all of the good that he did for Hudson and the many years he served the Town so well. That inspired her to apply for the ZBA, as well. Her preference is to continue on the Planning Board as a member, where she can best serve the Town and, if the Selectmen appointed her to both boards, she wouldn't mind being an alternate to the Zoning Board, which would be a good training ground.

William Tate (Current Alternate) was not present.

Eugene Harris was not present.

Vincent Russo (Already interviewed under Building Board of Appeals.)

Karl Bond (Already interviewed under Conservation Commission.)

F. Recreation Committee (2 Members, Terms to expire 12/31/05)

Jeremy Griffus, a 21-year lifetime resident of Hudson, already volunteers a lot of time to Rec Department activities. He's a member of the Library Street School Playground Committee, he was part of the Hills Garrison Playground Committee, he's a member of CHIPS and worked on the skate park. He'd like his activities to be made official by becoming a member of the Recreation Committee.

Eugene Harris was not present.

Richard Parkinson (Already interviewed under Conservation Commission.)

Keith Bowen (Current Member) was not present.

G. Sewer Utility Committee (1 Member and 1 Alternate, Terms to expire 12/31/05)

Doris Ducharme (Current Member) was not present.

H. Solid Waste Study Committee (2 Members, Terms to expire 12/31/05)

David Haig (Already interviewed under Conservation Commission.)

I. Zoning Board of Adjustment (2 Members, Terms to expire 12/31/05; 3 Alternates, two Terms to expire 12/31/05 and one Term to expire 12/31/04)

Leo Fauvel (Current Member) said he has lived in Town for the past 23 years and has served on the ZBA for about 12 years. He hopes to be reappointed again. Selectman Jasper said this is a difficult board to serve on because there is fine line between the current zoning and the realistic need by the property owners looking for an exemption. Mr. Fauvel said if they could write zoning ordinances that would handle all situations, they wouldn't need a ZBA. They are a board that grants relief; they don't enforce things. They also handle special exceptions, such as a home occupation, i.e., daycare center, or an in-law apartment. There is strong criteria so they don't end up with a bunch of duplex homes where there once was single family homes. They also hear appeals where a decision has been made in the Town and the person feels adverse to that. The Board will review the facts and may or may not uphold the decision. They've also had situations that have been in effect for several years, such as a garage too close to the side line and someone is causing a problem about it. It takes a period of time to learn what is going on.

Selectman Charbonneau asked if he was a builder in Town. Mr. Fauvel said he hopes to be, that he has a subdivision of 48 acres off James Way that has been approved for 25 lots, each of which will be 1.7 acres and will sell for \$500,000 - \$600,000—and should be the nicest subdivision in Hudson. They will have sidewalks and curbing and are granting easements to the Conservation Commission for wetland setbacks. He hoped that his being a builder is not a condition of his being on the Zoning Board. Selectman Charbonneau said when he first applied, he wasn't developing in Hudson. Mr. Fauvel said he had already built two houses in Hudson, then they were in Hollis. He asked if anyone has implied that he abused his position on the Zoning Board. Selectman Charbonneau said she was just asking questions.

Selectman Seabury said Mr. Fauvel has been a very valuable member of the Zoning Board. He has worked up the ordinance so the Planning Board doesn't get besieged with duplex housing. He is a vital necessity in being able to look at plans and pick up things, as only a developer can do. He is a real asset to the Board.

Chairman Cole asked, if circumstances dictate, if he would consider an alternate's position. Mr. Fauvel said no, he would not.

Jim Pacocha (Current Member) said he's been on the Zoning Board about 10 years, starting out as an alternate. He has enjoyed serving

on the ZBA and he hoped to continue. Because of increased development, the Board is seeing more cases. He is concerned about landowners' rights. (Remarks not discernable.)

Chairman Cole asked Mr. Pacocha if he'd accept an alternate's position, if circumstances so dictate. Mr. Pacocha said he'd have to review that, if it came up.

David Haig (Already interviewed under Conservation Commission.)

Marilyn McGrath (Already interviewed under Planning Board)

Debra Mackey said she is a Town resident and business owner and wants to become more involved, although she's not sure what she's getting into. She attended a few meetings and the ad in the paper piqued her interest. She worked for Digital for 12 years and she has a background in Finance with a degree in Business Management. She is an excellent negotiator and has a good understanding of what is going on in Town and she hopes to bring a different perspective, if appointed. Selectman Jasper asked what she meant by a different perspective. Ms. Mackey said it's not that something was being done that was right or wrong; it's just a different opinion, or a new way to look at something.

Selectman Seabury said on this board, there is an ordinance that must be followed and it is pretty black and white. This board requires experience, so it's important to start off as an alternate because it's difficult to make decisions. It's not like the Planning Board, that can place buildings around willy-nilly. Ms. Mackey said she'd be willing to accept either an alternate's position.

Michael Pitre was not present.

Karl Bond (Already interviewed under Conservation Commission.)

Tammy McNulty (Current Alternate) hoped to be reappointed, saying that she has learned a great deal, since being appointed to this board. She has been a resident since 1976 and hopes she has been an asset to the board. (Further remarks not discernable.)

6. CONSENT ITEMS

Selectman Jasper removed Item A from the Consent Agenda.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to accept Consent Agenda Items B & C carried unanimously.

A. Assessing Items

- 1) **Application for Abatement-Veterans** (89 Gowing Road, Map 012/Lot 029; 12 Chase Street, Map 051/Lot 017; 277 Lowell Road, Map 007/Lot 033)

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to grant, as recommended by the Assessor, carried unanimously.

- 2) **Application for Abatement** (36 Cottonwood Drive, Map 044/Lot 107; 75 Barretts Hill Road, Map 031/Lot 052)

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to grant, as recommended by the Assessor, carried unanimously.

- 3) **Application for Elderly Exemption** (5 Bay Street, Map 049/Lot 067)

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to grant, as recommended by the Assessor, carried unanimously.

- 4) **Veteran's Credit & Application for Abatement** (117 Belknap Road, Map 053/Lot 073; 1 Lovewell Street Ext., Map 056/Lot 031; 2 Manny Court, Map 030/Lot 048/Lot 095)

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to grant, as recommended by the Assessor, carried unanimously.

- 5) **Supplemental Tax Bill** (3 Tamarack Street, Map 045/Lot 125; 10 Alpha Street, Map 049/Lot 025; 29 Baker Street, Map 050/Lot 023)

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to grant, as recommended by the Assessor, carried unanimously.

B. Acceptance of Minutes

BOS Minutes of November 1, 2002

C. Committee Announcements

12/11 7:00 Planning Board in CD Meeting Room
 12/11 7:00 Budget Committee at SAU
 12/11 Last Day to accept Zoning Petitions
 12/12 6:30 Recreation Committee at Rec Center
 12/12 7:00 Budget Committee in CD Meeting Room
 12/12 7:00 Sewer Utility in Community Development Office Area
 12/12 7:30 ZBA in BOS Meeting Room
 12/12 4:30 Awards/Promotion Ceremony at HPD
 12/14 9:00 a.m. Budget Committee in CD Meeting Room
 12/16 6:30 School Board in BOS Meeting Room
 12/16 7:30 Conservation Commission in CD Meeting Room
 12/16 7:30 Library Trustees in Library Annex
 12/16 7:00 Budget Committee at SAU
 12/16 7:00 CALEA Town Meeting at Hills Garrison School
 12/17 7:00 Budget Committee in CD Meeting Room
 12/19 7:30 ZBA in CD Meeting Room
 12/19 7:00 Budget Committee at SAU
 12/23 7:30 BOS in BOS Meeting Room
 12/25 Christmas Holiday—Town Hall Closed
 12/30 7:00 Budget Committee in CD Meeting Room
 01/01 New Year's Day—Town Hall Closed

Motion by Selectman Jasper, seconded by Selectman Charbonneau, for a recess at 9:48 p.m. carried unanimously. The meeting reconvened at 9:55 p.m.

7. OLD BUSINESS**A. Rewrite of SUC Policies and Procedures (Deferred from 11/26/02)**

Chairman Cole recognized Tom Sommers, Sewer Utility Consultant, who said from time to time the Sewer Utility makes recommendations for changing the policy and brings them to the Board of Selectmen. Several months ago, they held a public hearing for a rewrite of the ordinance to provide for an alternate member. By the Board approving this request, the policies will be in compliance with the Code. Also, there would be a change in that the Selectmen's rep would no longer be a voting member. This item isn't in the ordinance, and he doesn't think it should be. The Sewer Committee members feel strongly that, because they are an advisory board to the Selectmen, anything they decide is only a recommendation. The purpose of a liaison is to inform the Selectmen what goes on at a meeting. The Selectmen's vote is the vote that counts. Selectman Jasper, the committee's liaison, said he's had a conflict with other meetings on Thursday nights, so his attendance has been abysmal. He had not remembered that the ordinance had been modified.

Motion by Selectman Jasper, seconded by Selectman Seabury, to approve the rewrite of the SUC Policies and procedures, as recommended by the Sewer Utility Consultant, carried unanimously.

B. Public Hearing relative to the acceptance of a \$20,000 grant award from the NH Department of Resources and Economic Development Bureau of Trails for the construction of the Kimball Hill Loop Trail.

Chairman Cole recognized Community Development Director Sean Sullivan, who said the Town has been awarded a grant for the construction of the Kimball Hill Loop Trail on the Benson property. The Community Development put in this grant about a year ago for a total dollar value of \$20,000. There is a \$5,000 Town match, which may be in-kind services. The term of the grant for expending the funds is through September 30, 2004. This is a reimbursable program which requires the Town to make full payment up front. There is a plan on record that was submitted as part of the grant, which was modified slightly, due to wetlands mitigation by the State. This is a great opportunity for the Town. Chairman Cole said any funds expended would be up front by the Town and they would get reimbursed by the State. This money is included in the warrant article that is going to Town Meeting.

Chairman Cole opened the Public Hearing at 9:05 p.m., but no one wished to speak.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to accept the \$20,000 grant award from the NH Department of Resources and Economic Development Bureau of Trails in support of the construction of the Kimball Hill Loop Trail on the Benson's property.

Selectman Jasper was concerned whether or not this will get done, as it has taken this long to approve it. He wondered how they were going to begin the process and who was going to be in charge of it. He is confused about some things on the legal document, which is probably not relevant at this point, but it states Rockingham County instead of Hillsborough. It is signed by Paul Sharon on April 10, but the notary signed it on April 8. He didn't think, however, that anyone would pursue the validity of the document. He was critical of the lack of attention to legal formality in executing a document, but nobody from the State picked it up because they all signed it afterwards. Mr. Sharon said technically it is the duty of the notary to fill in the information, but it doesn't always happen until afterwards.

Chairman Cole, liaison to the Benson's Committee, felt certain that the committee will be presenting a plan to the Board sometime early in 2003 with regard to the actual project and expenditure of funds, etc.

Vote: Motion carried unanimously.

C. Fire Department Default Budget (Suppression Overtime)

Chief Carpentino said six years ago tonight, he was hired as Fire Chief and this was part of the discussions relative to department operations. Ironically, he's back before the Board six years later, talking at the same thing. He read the following prepared statement:

I find it unfortunate, but necessary, to address a number of statements that were made at the last BOS meeting by Selectmen Jasper concerning the Fire Department. Selectmen Jasper's statements were related to various cost factors that are Associated with running the Department. The cost factors are the direct result of providing services to the citizens of Hudson. The Town of Hudson has entered into contractual obligations with its employees that address a number of areas that include pay and benefits. Employees of these bargaining units are exercising their contractual and legal right as provided to them through the collective bargaining agreements that are in place. It is irrelevant whether I or anyone else agrees with the provisions of the agreed upon contracts, they are in place and as Fire Chief it is my responsibility to assure that the contracts are upheld and the provisions are complied with. The agreed upon and approved collective bargaining agreements require that the Town provide the following items: Competitive Pay Raises to its employees; Provide and pay for certain training programs; Allow time off for union officials to attend meetings and conferences; Require all employees to take a minimum number of earned time days off a year; Does not set a maximum number of earned time days that an employee can take off in a year or at one time; Caps the number of days that an employee can sell back to the Town at the end of their service. All of the above have a direct impact on the costs to staff and operate a Fire Department. As Fire Chief, I acknowledge the fact that the cost to staff shifts is high. As Fire Chief, I have repeatedly spoken with the BOS and forwarded numerous documents that address problems associated with earned time use, overtime, shift staffing and station coverage since 1997. The addition of much needed additional employees has brought the on-duty shift staffing to a point where 2 fire stations can be staffed and serve the community. The staffing of the Burns Hill Fire Station has provided a significantly higher level of service to the Town and allowed the Fire Department to meet the needs of the community in a much more effective and efficient manner. The BOS and the voters of the Town were always told that when this station was staffed it would require employee for employee replacement and that the Department would split the on-duty employees between the 2 stations. A review of past Town Meeting minutes, BOS Meeting Minutes, Department Reports, etc will confirm this information. As a matter of fact on at least one occasion (September 14, 1999) the BOS was told that the cost to staff 2 fire stations employee for employee was going to be high, at that time I recommended to the BOS to work towards 10 employees per shift. If this had been done, as recommended, 2 employees could be out without providing coverage for their vacancies. Selectmen Jasper in his remarks of the last BOS meeting made the following statements: The Fire Chief is not managing the Fire Department; He searched the internet and found 1 item regarding the use of overtime back in 1998; There are no controls in place within the Fire Department; This is not about safety; The Fire Department is spending \$10,000 a week in overtime. The above statements are inaccurate and not based on factual information. There is much more information available on each item that can be found with ease. I too conducted an internet search on the Fire Department regarding Fire Department items that have been forwarded to the BOS for BOS meetings and found the following: Fire Department Overtime; Fire Department Earned Time; Fire Department Shift Coverage; Fire Department Shift Staffing; Fire Department Vacancies. All of the above items directly impact the level of services that the Fire Department provides to the community. The use of regular pay and overtime pay directly provides for the: The safety of the community; The safety of the employees; Allows us to provide the needed and approved services and programs to the community; Allows us to maintain the equipment, apparatus and facilities. It also allows us to maintain the Towns Municipal Fire Alarm System and conduct Public Education Programs to the entire community; Allows the Department to provide the staffing levels to staff 2 fire stations that were approved by the voters of the Town that was supported by the BOS. Some other information that must be taken into consideration regarding Fire Department spending are: The present overtime rates that are in the FY 03 budget are based on the old contract and do not reflect the actual current overtime rates that employees must be paid; That the FY 04 proposed budget has a built in 2 year adjustment to employee overtime rates based on the fact that the present overtime rates are incorrect; There is an increase in the number of Fire Department employees; Employees are required to take a minimum number of earned time days off; There is not a maximum number of earned time days that an employee can take at one time or during a year; There is no limit to the number of employees that can be out at one time; The Department is required to provide sufficient on-duty employees to provide fire and EMS services to the Town 24hours a day. The problems of: Earned Time Use; Overtime; Shift Staffing Problems; Shift Coverage Problems have all been brought to the attention of the BOS, Town Administrator, Town's Contract Negotiator and the Voters by the current Fire Administration since 1997. The current Fire Administration has submitted ideas and proposals to address the current problems that exist within the Department. We have identified areas that need to be renegotiated with labor, but these items have not been addressed through contract negotiations as of yet. In closing I would simply like to say that last year the statement was made by the BOS that the Town had to "bite the bullet" regarding labor contracts. Now that the cost factors are coming out it seems that people have forgotten what that statement meant. I thank you for allowing me the opportunity to read this statement and bring these facts to light. My Staff and I will now answer any questions that you may have regarding Fire Department overtime.

Chief Carpentino said Executive Secretary Torrey Damanche handles the payroll and inputs the figures into the computer and would be able to speak to the numbers being discussed. Chairman Cole said the Chief was hoping to be authorized to address an increase to Line Item 105, Suppression Overtime, to the Budget Committee during his presentation on December 17. The appropriation for FY2003 is \$309,571; the request for FY2004 is \$419,768. The Board adopted a level-funded operating budget, which was forwarded to the Budget Committee, which would put the Fire Department's 105 line back to \$309,571.

Selectman Jasper said he'd like to see some of the minutes referred to. This Board has had discussions with overtime issues and a number of years ago, they directed to not attempt to staff at 100%. He doesn't recall any time where the Board of Selectmen ever said they would staff at 100%. The Town approved that overtime budget. He expects that the Townspeople expects the Fire Department to live within that budget. He finds it particularly disturbing that what he heard tonight from the Chief is the Union's position. There is no mandatory minimum staffing in the contract and no mandatory shift assignment. They don't have to fill every available position at all times. Over the last six years, the call level has barely increased, but staffing has increased tremendously, so they are providing much more coverage for roughly the same number of calls. Right now, there are three at Burns Hill, but it is unreasonable to put an ambulance there if they don't have three people. These are things that could be looked at. In FY2000, \$187,305 was spent for the top 17 people in the Fire Department. In 2001, it was \$214,928. In the current year, 17 people earned \$290,000 in overtime. Out of the top 20 people earning overtime in the Town of Hudson, 17 are in the Fire Department. The Police Department operates with approximately the same number of people in patrol, and he compared some percentages. The default budget is based on the new contract for the first year, although they did not ever approve the entire amount the Chief requested. In FY2002, that line item was over-expended by more than \$140,000 and even that was \$70,000 more than requested. It is not reasonable to budget an average of more than \$13,000 for overtime. The Police budget is \$4,600. Based on the averages, in FY2004 in Suppression, they will pay approximately \$19,000.85. They are still budgeting for over 10,000 hours of overtime in FY2004. The budget right now will allow for just over one hour of overtime for every seven hours worked--a tremendous amount of money. Two weeks ago, he suggested that the Administrator do a survey of surrounding communities to see what their budgets are. Right now, Suppression is being funded at a rate of 45% for overtime. For every dollar spend on salaries, 45¢ is spent on overtime--three times more than the Police Department.

Chief Carpentino said it is unfair to compare them to the Police Department. The Police have one person per vehicle; they have three. The overtime rate for a Captain is \$32.18. (Remarks not discernable due to defective tape.) Chief Carpentino said that if he is not authorized to speak to the Budget Committee and they don't end up with the funding they need, services will be cut. Selectman Seabury asked how the Fire Department's figures compared with Selectman Jasper's. Torrey wasn't sure because she hadn't seen Selectman Jasper's. Selectman Jasper said he got his numbers from the Town Report. Mr. Sharon said doing a salary overtime survey wasn't feasible because there weren't any parameters. (Further remarks not discernable.)

(Start Tape 2, Second Side)

Chief Carpentino said they all know earned time is a problem. With the increase in overtime, they are up \$18,500 in that one item because of pay raises, not an increase in hours. The 5,000 hours of earned time is the minimum that all employees, by contract, are required to take. There's not enough money to fund overtime.

Selectman Seabury asked if any time anyone goes on vacation, someone else is brought back on overtime. Chief Carpentino said yes. Last year, a long-time employee left the department and took 637 hours of earned time. He was paid to be out, plus someone else was paid to work his shift. He had to allow that person to be off because the Town capped the hours that could be accumulated/paid when an employee retires. Selectman Seabury asked how many people there were. Chief Carpentino said 32 in Suppression. They send out three people in trucks and two in the ambulance. Selectman Charbonneau's questions were not discernable. Chief Carpentino said the contract that expires June 30, 2004 and is minimum 3% to maximum 4½% of the CPI. At one time, employees could accumulate as much earned time as they wanted. It was the Board of Selectmen who capped the buyout during negotiations. When employees take earned time, they still accumulate hours. It's not management versus labor. It's a right that the employees are taking advantage of because it was given to them.

Selectman Jasper expects the Fire Department to live within the bottom line. Chief Carpentino agreed, saying they should be held to a standard, but it's a double-edged sword. If they explain what they need, the Selectmen should give it to them. When it comes to earned time, maybe there can be another mechanism to take care of that. Selectman Jasper said, based on his earlier numbers, taking the salaries that are in Suppression right now, dividing that based on a 42-hour work week for Suppression staff, came up with an average hourly rate, times 50% to give time and a half rate. There are 10,391 hours in the amount given to them, twice the required amount of hours for their earned time. That's one hour for every seven hours worked. When you figure that out on 10,000 hours, every person can be covered. It's seven weeks of overtime--a tremendous amount of money. The Town shouldn't be expected to pony up more than that and the problem needs to be managed within the confines of that 10,000 hours. Chief Carpentino said that was a false representation of the problem and he proceeded to list all of the reasons for overtime coverage. Selectman Jasper said there isn't enough money in Town to continue to cover man for man. They will have to make adjustments to live within the bottom line for overtime. Chief Carpentino asked why, then, was Selectman Jasper micro-managing. The taxpayers were informed of the five and three split and he'd like to hear the opinion of the 24,000 people in the community instead of just one opinion on whether or not they want the stations manned. He tells the Selectmen what he needs for a bottom-line figure, and it gets cut. Then when he doesn't have enough money, the Selectmen tell him he's overspending the bottom line. Selectman Jasper said if people at Town Meeting want to add \$2 million to the budget, they can do that and then it will go to the voters. Next March, people are going to be voting the Selectmen they think can best manage the Town. The Selectmen are elected; the Chief isn't.

(Further remarks not discernable due to defective tape.) Chairman Cole said the issue was to authorize the Fire Chief to go before the Budget Committee on the 17th and discuss the possibility of increasing the overtime line in Suppression. They own the Fire Department that opportunity.

Chairman Cole asked for a motion to authorize the Fire Chief to address an increase to Line Item 5730-105 during the Fire Department's presentation to the Budget Committee. Selectman Charbonneau made the motion but there was no second. Chairman Cole stepped down and handed the gavel to Selectman Jasper, who was appointed Pro Tem. Selectman Cole seconded the motion. Selectman Seabury said she was going to vote in favor of the motion because the Chief should go before the Budget Committee, but she didn't

think they would approve of this because none of them were happy about the overtime. *Vote: Motion carried 3-0.* Chairman Pro Tem Jasper declined to vote saying, in accordance with Robert's Rules, his vote would neither make or break a tie.

D. Request for Town-Owned Land (Map 35, Lot 67-55, from Alain Dutil and Gabriel Lapointe) (Deferred from 11/26/02)

Community Development Director Sean Sullivan said this parcel is .678 acres and he understands that the people who inquired about this lot purchased an abutting 35-acre lot. If the Board approves this, it will provide access to the 35-acre, land-locked parcel. He outlined three options for the Board's consideration:

- 1) Do not sell Map 35/Lot 67-55 since development of this lot and the abutting lot would impact Town Services.
- 2) Sell Map 35/Lot 67-55 with a deed restriction allowing for only one single-family structure to be built upon the land to which Map 35/Lot 67-55 could be combined.
- 3) Sell Map 35/Lot 67-55 and place a Conservation Easement on the entire lot to which Map 35/Lot 67/55 would be combined. Include language in the Conservation Easement that would allow for only one single-family structure to exist on the lot, ad infinitum.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to deny the request to sell this parcel carried unanimously.

E. Discussion of Staff attending out-of-Town Conventions, Meetings, Seminars, etc.

Selectman Charbonneau thought this should be deferred to a time when the full Board is present.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to defer this until December 23, 2002 carried unanimously.

8. NEW BUSINESS

A. Beaverwood Subdivision Public Access Easement

Motion by Selectman Seabury, seconded by Selectman Jasper, to accept the Quitclaim Deed of Easement to allow the public to pass from Kiena Road to Breakneck Road, as part of the Beaverwood Subdivision, as approved by the Planning Board, carried unanimously.

B. Request from Verizon for licensing of pole(s) and/or buried wire/conduit (9AAGCY)

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to approve and sign the petition and license outlined in 9AAGCY, dated October 2, 2002, carried unanimously.

C. Acceptance of Zoning Petitions (through COB tomorrow)

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to receive any certified zoning petitions received through the close of business on December 11, 2002 and forward them to the Planning Board carried unanimously.

9. OTHER BUSINESS

A. Increased Interest shown in Benson's Property (Selectman Seabury)

Selectman Seabury said the issue of purchasing the Benson property was getting wonderful press. The request for money should be in a Warrant Article and not done through the budget. Interest by the general public is picking up.

B. Dirt Bike Noise on Cutler Road (Selectman Seabury)

Selectman Seabury said she got a call from someone concerned about the dirt bike noise on Cutler Road. She has a video tape and will bring it in. She has been told that when the noise consultant comes back from Italy, he will work on the amendment. She didn't think it would be ready for the warrant this year.

C. BOS Alternate to the Budget Committee (Chairman Cole)

Chairman Cole said Selectman Jasper would not be at the Budget Committee meeting tomorrow night and Selectman Stewart is out of Town. The Chairman of the Budget Committee suggested that the Board appoint an alternate Selectman to act as a voting member to fill in during the absence of the Selectmen's rep and alternate.

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to appoint William P. Cole to serve as the Alternate Selectman for

the upcoming Budget Committee Meeting on December 11 and possibly on December 12 carried unanimously.

D. Police Department Items

Chairman Cole said the Police Department's Promotion and Awards Ceremony is December 12 at 4:30 p.m. at HPD. The promotions are Capt. Pease, Lt. Lavoie and Sgt. Briggs. The Medal of Valor will go to Sgt. Mike Smith and Officer Mike Niven. Officers Balukonis, Keller, Puopolo and Hobeke will be recognized for Operation Enduring Freedom.

Chairman Cole stated that the CALEA Police Accreditation Team arrives on Saturday, December 14. On Monday, December 16, at 8:30 a.m., there will be a Photo Op at HPD Headquarters and at 7:00 p.m., there will be a Public Hearing on the CALEA accreditation at Hills Garrison School.

10. REMARKS BY THE SELECTMEN

Rhona Charbonneau asked for the total cost of the accreditation process, including overtime, and what the benefits are of being accredited. She stated that she has been opposed to the project. Selectman Charbonneau hoped people visited the Hills House during the Christmas Gala. It was very well done and the house was beautiful.

- **Ann Seabury** said she enjoyed the Gala Evening at the Hills House and especially appreciated the valet service.

- **Shawn Jasper** said he had some issues regarding policy that he was planning to discuss, but would defer it to another evening since it was so close to Christmas. Regarding an earlier action, he was disappointed they voted to let the Budget Committee be the "bad guys." He then read the following prepared statement:

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Ours is a nation of laws and not of men. That is a principle that when adhered to has the effect of equalizing all of mankind, for under our system of justice, no man is more important than the law of the land. This is what our forefathers fought for in the American Revolution. No longer would we suffer under the oppression of a monarch who did not need to follow the law. Those patriots wanted to ensure that we had a system of government, where all of mankind would be subject to the same standards, no matter their social rank. It is my perception that the Town of Hudson is becoming a town of men and not of laws. It matters not what our rules and regulations say. What matters is what a few individuals would like the rules and regulations to say. Mr. Chairman, I understand that it is easier to follow than to lead and that is what makes it so easy for power to be abused. When the Chairman, the Town Administrator and a department head take one side of an issue, it becomes almost impossible to convince a majority of the Board that three such individuals could be wrong and that one line Selectman could be right. Add to that a history of conflict between that Selectman and the department head and one might have more luck tilting at windmills than to prevail with a contrary view. Mr. Chairman, when you were first elected to the Board, I sat down with you and asked if you had any issues with me. It was my sincere hope that if you did, we could work them out. You told me you didn't, but then proceeded to tell me that you felt that I always took the wrong path. You have since repeated that opinion. The reason that I even felt it necessary to ask the question was that ten years ago, when I was a State Representative and you were a Selectman, I delivered a proclamation on behalf of the NH House to the Hudson Fire Department at the Firefighters' Ball. I was there with my future wife. This event was her first Hudson event with me. You made it one she will never forget. Your speech followed mine and you stated that you had always been told never to follow small children or animal acts, but there you were. I still can't believe that you could be that insensitive. It should go without saying that I was terribly embarrassed to be treated that way in front of my fiancée and the Townspeople. At the last Selectmen's meeting, in private, you belittled my life experiences, stating that I never got out of Hudson. When I pointed out to you that you really knew nothing of my life experiences and that I had been the Majority Whip of the NH House, you said, "Big deal; you've been in Concord." Mr. Chairman, those comments leave me with the distinct impression that you have little respect of the State of NH and even less for the Town of Hudson. I hope that impression is wrong. Mr. Chairman, you have crossed the line. You have gone from the realm of politics to personal attacks. You, sir, have picked the wrong man to bully and degrade. I am proud of who I am and what I have done with my life. Where we go from here is up to you. We will, however, address the issue of policy violations at a future meeting. The tone of that meeting will in no small part be up to you. My reasons for bringing this to light are that you have publicly suggested that I have an agenda when bringing up Fire Department issues, yet you have shown a disdain for me, which appears to be based solely on my political views. My issues with the Fire Chief are based on what I believe is a history of empire-building and, thus, the wasting of taxpayers' money, as well as what I believe to be clear violations of Town policy. I believe our policies to be clear and easily understood. Mr. Chairman, if I am wrong, then show me where I am wrong. Don't throw mud at me in an attempt to deflect the issues. What is at stake is whether we will have a government of laws or a government of men.

11. NONPUBLIC SESSION

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to enter Nonpublic Session under RSA 91-A:3 II-(b) Hiring of Personnel carried unanimously.

- Nonpublic Session was entered into at 10:40 p.m. and was terminated at 10:45 p.m.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to hire Kenneth Jobin as a Truck Driver/ Laborer in the Highway Department at a rate of \$13.53 per hour, Labor Grade VIII, Step Minimum, per union contract, with an effective start date of December 15, 2002, carried unanimously.

12. ADJOURNMENT

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to adjourn at 10:47 p.m. carried unanimously.

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

HUDSON BOARD OF SELECTMEN

William P. Cole, Chairman

Rhona Charbonneau

Shawn N. Jasper

Ann Seabury

Teresa Stewart