

HUDSON, NH BOARD OF SELECTMEN
Minutes of the August 27, 2002 Meeting

7:00 – 8:00 p.m. Attorney-Client Session

1. **CALL TO ORDER** by Chairman Cole @ 8:14 p.m.

2. **PLEDGE OF ALLEGIANCE**, led by Selectman Stewart

Chairman Cole paid tribute to Stanley N. Searles, Sr., who passed away yesterday at the age of 83 at the New Hampshire State Veterans Home. For those privileged to know Stanley, they all remember his warm, engaging smile, his ability to listen, his focus on the future and his concern for the well-being of others. He retired from the Army after 24 years, serving in Korea and WW II, he served nine years on the School Board and 11 terms as a State Representative. On behalf of the Board and entire community, Chairman Cole extended deepest sympathy to Maria, his widow, and to the entire family, saying Stanley's passing creates a void which will never be filled.

3. **ATTENDANCE**

Selectmen: William P. Cole, Rhona Charbonneau, Shawn N. Jasper & Teresa Stewart. Ann Seabury was absent.

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Steve Malizia, Finance Director; Cathy Hawkins, Data Processing Manager; Kevin Burns, Road Agent; Frank Carpentino, Fire Chief; Shawn Murray, Assistant Fire Chief; Jeff Emanuelson; Ray Rowell; Rick Maddox; Howard Dilworth, Jr; Stephanie Hooper, Derry News; Anne Lundregan, Telegraph

4. **PUBLIC INPUT**

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

5. **CORRESPONDENCE**

- A. From: Cathy Hawkins, Data Processing Manager
Re: Computer Services Department IT Plan
Refer to: New Business
- B. From: Kevin Burns, Road Agent
Re: Solid Waste Contract Extension
Refer to: New Business
- C. From: Richard Gendron, Chief of Police
Re: Highway Safety/Sidewalks on Melendy Road
Refer to: Old Business
- D. From: Kevin Burns, Road Agent
Re: Donation of Plants & Shrubs by Tamarack Landscaping
Refer to: Public Hearing/New Business
- E. From: Leigh Ann Zdon, Verizon
Re: Pole Petitions and License Requests
Refer to: New Business
- F. From: Tom Sommers, Sewer Utility Consultant
Re: Various Sewer Items
Refer to: New Business

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to receive the Correspondence, with appropriate referral, carried unanimously.

6. **OLD BUSINESS**

Highway Safety Committee/Sidewalks on Melendy Road

Chairman Cole said they had a memo from the Highway Safety Committee, with a recommendation, but they are still waiting for information from the Road Agent with regard to the particulars of the project.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to postpone until the BOS meeting on 24 Sep 2002 carried unanimously.

Chairman Cole said the Town Administrator will coordinate with the Road Agent regarding this issue.

7. **NEW BUSINESS**

A. Computer Services Department IT Plan

Cathy Hawkins, Data Processing Manager, was recognized and reviewed her memo, dated August 22. Ms. Hawkins said she tried to provide a general overview of the goals of the Computer Services Department, without getting into minute detail regarding hardware and software because they change too quickly to plan over the long term. She chose five years as the time frame as she believed that to be adequate to provide long-term vision without going out too far because projects become obsolete. She tried to involve all of the department heads in the development of the plan, and is confident that it is comprehensive, covering the needs of all Town departments, including Fire, Recreation and Highway. The Computer Services Department tries to be fiscally conservative and not ask taxpayers to fund projects or equipment that is not absolutely necessary. .

Ms. Hawkins said every user now has a PC, running Windows NT Office software, so they are on a reasonably consistent level. Some of them are older, but they try to keep them upgraded. A standard life span for a PC is about seven years, which is a little longer than industry standards, but most of the users find that that is adequate. They plan to continue with this cycle of upgrades. Over the next five years, the plan is to migrate off the VAX, a convenient file and print server, but expensive. They can run NT servers with in-house or purchased programs at a fraction of the cost. The problem is having to convert so many interconnected data bases in order for this to happen. Her goal, although ambitious, is to be completely free of the VAX at the end of FY 2007. The first step is to get all of the users on a consistent level, and that was accomplished this year. The second step is to convert all of the programs, which they have started. The Fire Department has a fire dispatch program, running on a PC based system, and that is one of the larger programs. There is a printer that will have to be replaced, but that is five years out.

Another goal is to have fiber optic cable connecting all Town buildings. Ideally, this would include Hills Memorial Library, but they need to meet with the entities before they can make any assumptions with regard to their inclusion. Those discussions have not happened to date, but they are working on that. Part of the need for this project is public safety. Combined dispatch between fire and police will make for viable and efficient communications between those departments and the outlying buildings. The police need to be able to access the GIS system, a critical piece of their crime analysis system. In order to have a fully functional and operational emergency operations center, they need to be able to communicate from any site in the Town. If all the buildings are appropriately wired, they can set up the EOC from any of those locations. The other part of that project is to provide reliable, efficient communications between Town departments. They continue to have problems with communications with the Highway Department, which is at the far end of the network.

The next goal is the get the GIS fully functional for a useful tool for Town departments. The re-mapping is continuing and will help make that happen. The police have a pressing need for GIS, but other departments can benefit, as well. Having discussed the project with department heads, they are planning in the near future to meet with everyone involved and develop a time-line for full implementation.

A future project is the development of the Town web site and expanded internet accessibility to the public. She touched on it in the plan. Although it is not a formalized project, because they purchased WebPro this year, they've opened up the possibility of providing more data to the public. With WebPro, they've created an internal web page, which displays (not discernable) within the network. It's possible to expand it to the internet with other data bases, if the interest is there. Some of the other department heads have also expressed interest in providing alternatives to the public for things like payments and permit applications.

Chairman Cole asked Selectman Jasper or Selectman Stewart if the IT plan was a topic for the Joint Planning Committee. Selectman Jasper said Mr. Sharon could probably better address that. Selectman Stewart said it would be discussed at the upcoming meeting. Mr. Sharon said the School Superintendent is trying to set up a meeting with him, his deputy, Steve Malizia, Cathy Hawkins and their IT person. They've been charged with presenting some unified direction to the Joint Planning Committee.

Chairman Cole referenced the IT Plan and asked what was meant by "writing programs." Ms. Hawkins said they have a database program that allows a user to develop tables and forms. Chairman Cole asked if there was any type of network management software. Ms. Hawkins said their NT servers provide them with that information. John Sauter monitors the network 24/7 and uses the software that the NT server provides.

There being no further questions, Chairman Cole thanked Ms. Hawkins for her presentation.

B. Solid Waste Contract Extension

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to extend, as recommended by the Road Agent, the existing Solid Waste Contract with BFI for a one year period, from July 1, 2003 through June 30, 2004 in an amount not to exceed \$1,596,500 carried unanimously.

C. Public Hearing on Donation of Plants & Shrubs by Tamarack Landscaping for the Skate Park

Chairman Cole opened the Public Hearing at 8:30 p.m. and asked if anyone wished to speak on this item. There was no response, so he closed the hearing.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to accept, with the Town's appreciation, the donation from Tamarack Landscaping of Hudson, valued at \$1,000 carried unanimously.

D. Pole Petitions and License Requests by Verizon

Chairman Cole stated that the subject petitions have been reviewed by staff and determined to be in order.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to approve the license petitions 925540, 4AAARF, 9AAFHN, 9AABFE, 925861 and 944001 carried unanimously.

E. Sewer Items

1) S-UTL-03-01 and 02 Requests for Sewer Abatements

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to grant the sewer abatement requests, as noted on S-UTL-03-01 and 02, as recommended by the Sewer Utility Committee, carried unanimously.

2) Revised Sewer Policies and Procedures, CLD Reference # 91-0504.0001

Motion by Selectman Jasper, seconded by Selectman Charbonneau, to approve the revised Sewer Policies and Procedures, as recommended by the Sewer Utility Consultant, carried unanimously.

3) Request for Sewer Allocation for Map 31/Lot 104, Windham Road Multi-Family

Motion by Selectman Stewart, seconded by Selectman Jasper, to approve the flow allocation request, as recommended by the Sewer Utility Consultant.

Selectman Jasper said there is some controversy over this piece of land, but it should not affect what they are doing tonight. He wanted the record to reflect that the Board's granting of the allocation for the sewer in no way implies the Board's blessing for the proposed use on that parcel. Selectman Charbonneau agreed that there was some controversy with this. There should be three or more in one unit and this is two duplexes and one single family. She didn't know why they were calling this multi-family.

Selectman Jasper thought it was proper for them to grant the allocation. The use will be determined by other boards and one of the things they have to do is find out if the allocation has been approved. In the past, things have been approved and then they come looking for sewer allocation or plans. He didn't want anyone to say the Selectmen approved this, but based on their regulations, this is an appropriate amount of sewer allocation for that lot, but the issues of what is going to be built there can be determined by other boards.

Selectman Charbonneau said she would be abstaining on this.

Vote: Motion carried 3-0, with Selectman Charbonneau abstaining.

4) Request for Sewer Allocation for Map 50/Lot 35, 29 Webster Street Bed & Breakfast

Motion by Selectman Jasper, seconded by Selectman Stewart, to approve the flow allocation request, as recommended by the Sewer Utility Consultant.

Selectman Charbonneau questioned the request, saying this was once a single-family home. Her concern was that the Town was getting close to the maximum flow to Nashua. Selectman Jasper said the Town has more availability now than they did a year ago as a result of the current draught and that a number of businesses in the industrial park that have closed up shop. The use of this as a Bed and Breakfast is something that the Planning Board will determine the appropriateness of.

Vote: Motion carried unanimously.

F. Authorization to accept Grant on behalf of Friends of Hudson's Natural Resources--Robinson Pond

Motion by Selectman Jasper, seconded by Selectman Stewart, to authorize the Town Administrator to execute the contract on behalf of the Friends of Hudson's Natural Resources.

Mr. Sharon said the Friends have been working with the Conservation Commission about doing a public outreach campaign relative to Robinson Pond to make people aware they have to take good care of that natural resource. NH DES has authorized the grant, but the Friends have no standing to apply for the grant, and the Conservation Commission would have to go through several hoops in order to be able to apply, so the easiest thing is for the Town to sponsor the grant on behalf of that group.

Vote: Motion carried unanimously.

G. Consent Agenda (Includes Assessing and Sewer items; Licenses & Permits; Minutes; Committee Announcements.)

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to approve the Consent Agenda format for Board of Selectmen meetings, effective 28 Aug 2002.

Selectman Jasper opposed this item, saying discussion often comes up on items that don't take up a lot of time, and they are important to be looked at individually. They don't always think about things as they go through their packets. More importantly, they do not know what the process or procedure is. Before adopting this, they need to have established policies for how to remove a consensus item, when to remove it and how it will be recorded in the minutes. All of the items need to show a vote and action by the body. He urged the Board to vote against it or table it until there is a written policy, delineating how it will work.

(Start Tape 1, Second Side)

Selectman Charbonneau asked if there was an item that she wanted to remove for discussion, if should could do so. Chairman Cole said yes, any item that anyone has a concern about, or would like further discussion on, can be taken out and handled individually. He didn't know that that required a written policy, but he would be glad to look at putting that in some written form, if this passes. The ability by a Board member to take any item out and discuss it in isolation is a given.

Selectman Jasper asked how the consent agenda items would be recorded. Chairman Cole said everything would be listed as it appears on the agenda. The agenda will have all of the items listed separately and the backup documentation will be provided in the packet, just as it is right now. Selectman Jasper said the minutes are based on Board action, not on the agenda. Chairman Cole said the Board action would be to accept this item in this format and all of the items would be listed. Selectman Jasper said minutes are normally taken by moving to approve the consent items and that's what would be in the minutes. Otherwise, they would be adding in things that weren't actually discussed. He said this is highly unusual.

Vote: Motion carried 3-1. Selectman Jasper was opposed.

Selectman Jasper said he was putting the Chairman on notice that each and every week he will be taking every item off the consent calendar.

H. Curt Laffin's Consulting Contract (Selectman Jasper)

Selectman Jasper said two weeks ago, he thought the Board committed a great travesty of justice and was extremely short-sighted in not extending the contract for consulting services to Mr. Laffin for the Benson project. In tonight's agenda, there was a packet of information containing all of the work that Mr. Laffin has done. He has laid out a wonderful blueprint for going forward with the Benson's project. It's well thought out and well documented. There is more, of course, because there are maps and other things that he has worked on for 120 hours for \$3,570. They should be extremely grateful for what they got. Selectman Jasper is appalled that the letter telling Mr. Laffin that he isn't wanted says, "The Board of Selectmen appreciates your offer to continue in this capacity, but feels that such services are not warranted, nor would they enhance the project's potential for its success." He can't fathom that's the way the Board feels. The work that has gone on has been tremendous and they are going to be sorely lacking for someone who is as committed to this project. He's heard it said that they don't know if the Town is even going to get the land, but they've been moving forward for some time. If there is some concern this isn't going to move forward, that should be discussed in a different venue. He is deeply saddened that the Board took the action they did and, with that letter, essentially slapped across the face an individual who, for many years has given selflessly of himself to the community and who has done a marvelous job for a limited amount of money. Selectman Jasper wanted to publicly thank him.

I. Discussion of Review Process for Town Administrator's Evaluation (Selectman Jasper)

Selectman Jasper believed the Board is aware that they put the cart before the horse by granting Mr. Sharon's raise prior to his evaluation. When he spoke with the Chairman about this matter, how it was done in the past and what was going to happen, his understanding was that the Chairman was going to look at everything the Board put in and then the Chairman was going to take those items which the Board had comments or opinions on shared by a majority, and put those in. He is a big boy and not afraid to stand on his own two feet, but given the fact that he is one of five evaluating the Administrator, it was improper to leave specific things in his comments, which were really directed to the Chairman, in Mr. Sharon's evaluation so that he would be sure to know that those items were his (Selectman Jasper's) comments. Moreover, Chairman Cole put something in that Selectman Jasper, apparently, was the only person who felt one particular way. Chairman Cole put that in there so that he could then, within Mr. Sharon's review, dispute Selectman Jasper's opinion, calling it foolish and totally unfounded. Selectman Jasper finds that to be highly unprofessional and totally inappropriate. You do not debate an individual's opinion within an evaluation of an employee. That was a cheap shot at him and totally uncalled for.

Chairman Cole wasn't quite sure what Selectman Jasper was talking about. Selectman Jasper said he couldn't go into the specifics without violating Mr. Sharon's confidentiality. Chairman Cole said he discussed the process with all of the Board members. He took all of the ratings of the various characteristics that each of them gave Mr. Sharon in a particular item and noted them with checkmarks. He took the remarks, which were germane in all of the cases to specific paragraphs of the evaluation form, and put them in that particular paragraph, with no designation of where they came from and with no editorial comments. He took all of the information provided and typed it himself into the appropriate section of the evaluation form. No one else saw it. He's at a loss as to what he did to make Selectman Jasper look foolish.

Selectman Jasper said the Chairman didn't make him look foolish; he stated within Mr. Sharon's evaluation that his (Selectman Jasper's) opinion--that the Chairman plucked out and put in verbatim--disputed that opinion and said that the feelings and comments Selectman Jasper had were foolish and totally unwarranted. Given the fact that the Chairman was on the Board only four months at the time the evaluation was done, versus Selectman Jasper being on the Board seven years, it is questionable whether the Chairman was in a position to evaluate Selectman Jasper's opinion. For the Chairman to put the item in there, specifically so the Chairman could call discredit to his opinion within Mr. Sharon's evaluation, was totally inappropriate. When Selectman Jasper drafted a letter to the

Supreme Court, the Chairman found it necessary to change virtually every word, but found it quite acceptable to take things that Selectman Jasper said that were critical and leave them in in such a way that they were specifically attributable to him.

Chairman Cole said names were not used. (Talking over each other.) Chairman Cole asked how the comments could be attributed to Selectman Jasper. Selectman Jasper said he stated in one of his comments to the Chairman, "in my seven years on the Board." He is the only person who has been on the Board seven years. Chairman Cole said he wasn't under the impression that he was supposed to edit the input from the Selectmen with regard to the evaluation. If there was something Selectmen Jasper didn't want in there, he should have said so. Selectman Jasper said the Chairman told him he was going to put things in the evaluation which had commonality. The Chairman shouldn't be putting things in Mr. Sharon's evaluation which only one Selectman felt. It was an evaluation by the Board and if there were three or more members that felt a certain way, that would be appropriate. He is only one member of the Board and has only one vote. For the Chairman to put him in a position where Mr. Sharon now knows certain things that are attributable to him unnecessarily strains the relationship between Mr. Sharon and him. If he was one person evaluating Mr. Sharon, he wouldn't have a problem with that because then he's obviously in a managerial situation over him. He's not in that situation.

Chairman Cole said he wasn't aware that he had the authorization to edit Selectman Jasper's remarks. Selectman Jasper said Chairman Cole told him he was going to take the comments and put them in such a format that they represented a majority view of the Board. (Talking over each other.) Chairman Cole said he told Selectman Jasper he was going to put the remarks into the evaluation exactly as he received them; he was going to do it himself and would be the only individual that saw the entire document until it was given back to the Selectmen after signed by the Town Administrator. Selectman Jasper said he and the Chairman had a specific conversation and he didn't pass his comments in until he had spoken to the Chairman first. The Chairman never indicated that he was going to include verbatim remarks that Selectman Jasper was writing to Chairman Cole. Selectman Jasper didn't really have a problem with that; he has a problem with the Chairman debating and criticizing Selectman Jasper within the review.

Chairman Cole said he didn't debate; he didn't make a comment. Selectman Jasper said that was not true, that the Chairman called his (Selectman Jasper's) comments foolish and totally without foundation. Chairman Cole said he did not refer to Selectman Jasper. (Talking over each other.) Selectman Jasper said there were specific remarks that were specifically attributable to him. Chairman Cole said a remark might be attributable to other people. Selectman Jasper said he's the only person who has been there seven years.

J. Review of the Right to Know Law, RSA 91 (Selectman Jasper)

Selectman Jasper said they had quite a discussion already on this during the non-meeting with the attorney. He feels very strongly that the Board needs to read what items are eligible for non-public and be very careful and conservative going into nonpublic so as not to risk violating the Right to Know Law and making sure the public gets the information.

K. Board Members all having access to the same Information (Selectman Jasper)

Selectman Jasper said each of them has the same legal authority and same legal rights. Information one Selectman is entitled to, as a Selectman, every Selectman is entitled to. When an item comes before a member of the Board that affects the Town, that information should be shared with the entire Board. It's not information that the Chairman solely is entitled to, regardless whether it comes to the attention of the Chairman. All Selectmen are entitled to the same information at the same time. This has been an issue in the past and they need to make sure they all have the same information. He didn't think anyone could reasonably argue that point.

Chairman Cole said he thought he knew what Selectman Jasper was referring to and asked if Selectman Jasper would stipulate that certain pieces of correspondence, as they come in, don't necessarily have to be made available to the Board if they are still in the process of resolving an issue. He asked if Selectman Jasper was suggesting that every single piece of correspondence that comes to any of the five Selectmen has to be immediately shared with the other Selectmen. Selectman Jasper said he was certainly suggesting that. That's what General Read is for. If it's something confidential, it should be copied. If one Selectman should know, all should know. Chairman Cole said all Selectmen do know; it's just a matter of timing.

8. OTHER BUSINESS

A. 9/11 Observance

Chairman Cole said a copy of the program had been distributed to the Selectmen that was put together by him, on behalf of the Selectmen, the Town Administrator, and various other Town staff. The observance will start at 8:30 a.m. at the Firefighters' Memorial on September 11, 2002 and should take approximately 25 minutes. The schedule will include an invocation by Reverend David Howe, the chaplain for both the Fire Department and Police Department, a wreath-laying at the memorial, *Amazing Grace* played by Firefighter Chris Wyman, (piper), lowering of the colors to half-staff at 8:46 a.m., (the designation of the time the first aircraft hit the World Trade Center on 9/11/01), and simultaneous lowering of flags at all public buildings throughout Hudson, followed by a 21-gun salute by the American Legion firing detail and Taps by the American Legion bugler. The schedule will be in the HLN this week and next.

B. E-Mail Security

Chairman Cole said from time to time, they have to remind themselves of the position they hold and, in this age of technology, they do a lot of communicating by e-mail. On occasion, some of the information, by its nature, is classified as confidential. He wanted to remind everyone that each of them has to make every effort to ensure that their e-mail account that the information is being sent to, either by other Board members or Town staff, is secure—that husbands, wives, children, grandparents, friends and casual acquaintances do not

have access to this information.

Selectman Jasper requested that any information of a confidential nature not be sent to his e-mail address. Chairman Cole so noted.

9. **LICENSES AND PERMITS**

A. **Request for a Hawker-Peddler License by Michael Spinelli for Mike's Hot Dogs**

Motion by Selectman Stewart, seconded by Selectman Jasper, to approve carried 3-1. Selectman Charbonneau voted in the negative, saying that people in Town are paying fees and taxes and she was opposed to this type of competition.

B. **Request for an Outdoor Gathering Permit by Shear Class for a Cut-O-Thon on September 8, 2002 that will benefit the Nashua Children's Association**

C. **Request for a Block Party Permit by Michael Gendrean for September 7, 2002 from noon to 9:00 p.m. between 8 and 10 Thurstons Drive**

D. **Request for a Block Party Permit by Provencial Heights Neighborhood Association for September 21, 2002 from 12:30 to 6:00 p.m. at 31 St. Francis Place on the Common Land Field behind 6 St. Mary's Drive**

E. **Request for a Raffle Permit by Presentation of Mary Academy for various prizes at Octoberfest at Presentation of Mary on October 5, 2002 to benefit Student Field Trips and Enrichment Programs.**

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to grant the permits, Items B-E, as listed above, carried unanimously.

10. **ACCEPTANCE OF MINUTES**

BOS Minutes of August 13, 2002

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to accept the Minutes and refer to file, with the following corrections: Meeting date should be August 13 and Mr. Robinson's name should be corrected from Mr. Davidson throughout.

Selectman Jasper referred to Page 5, 4th paragraph and wasn't sure what the sentence meant. Regarding the cow birds, "He acknowledged that he did not know what they had that name..." Chairman Cole said the word *what* should be changed to *why*. Selectman Jasper said it should be corrected in the Minutes.

11. **COMMITTEE ANNOUNCEMENTS**

8/28 7:00 Planning Board in CD Meeting Room
9/29 7:00 CIP in CD Meeting Room
9/2 Labor Day—Town Hall Closed
9/4 7:00 Planning Board Workshop in CD Meeting Room
9/4 7:00 Joint BOS/SAU/Bgt Meeting @ SAU
9/9 7:30 BOS in BOS Meeting Room
9/10 7:00 a.m. – 8:00 p.m. Voting @ Lions Hall
9/11 7:00 Planning Board in CD Meeting Room
9/11 8:30 a.m. 9/11 Observance @ Firefighters' Memorial
9/12 6:30 Recreation Committee @ Rec Center
9/12 7:00 Sewer Utility Committee in BOS Meeting Room
9/12 7:00 CALEA Workshop w/HPD & BOS @ HPD
9/12 7:30 ZBA in CD Meeting Room
9/16 7:30 Library Trustees in Ferry Street Annex
9/16 7:30 Conservation Commission in CD Meeting Room
9/18 6:00 Benson's Committee in BOS Meeting Room
9/19 7:30 Budget Committee in CD Meeting Room
9/23 6:30 School Board in CD Meeting Room
9/24 7:00 Trustees of the Trust Funds
9/24 7:30 BOS in BOS Meeting Room
9/25 7:00 Planning Board in CD Meeting Room
9/26 7:30 ZBA in CD Meeting Room
10/2 7:00 Planning Board Workshop in CD Meeting Room
10/8 7:30 BOS in BOS Meeting Room
10/9 7:00 Planning Board in CD Meeting Room
10/10 6:30 Recreation Committee @ Rec Center
10/10 7:00 Sewer Utility in BOS Meeting Room

10/10 7:30 ZBA in CD Meeting Room
10/12 Harvest Fest @ Hills House on Derry Road
10/14 6:30 School Board in BOS Meeting Room
10/14 Columbus Day—Town Hall Closed
10/16 Law Lecture Series
10/17 7:30 Budget Committee in CD Meeting Room
10/18 7:00 CHIPS Fright Night @ Lions Hall
10/21 7:30 Library Trustees @ Annex
10/21 7:30 Conservation Commission in CD Meeting Room
10/22 7:30 BOS in BOS Meeting Room
10/23 7:00 Law Lecture Series
10/24 7:30 ZBA in CD Meeting Room
10/27 Daylight Savings Ends
10/28 6:30 School Board in BOS Meeting Room
10/30 Law Lecture Series
10/31 6:00 – 8:00 p.m. Trick or Treat

12. **REMARKS BY THE SELECTMEN**

Selectman Charbonneau said the Rowells did an outstanding job at Old Home Days with the parade, etc. It took a lot of work and effort and she wanted to personally thank them.

Selectman Jasper thanked everyone who worked at Old Home Days. They will be recognizing everyone very soon. It was successful, in spite of the heat that put a damper on things. There was some criticism or questioning of why the permit came in so late for Old Home Days. It did, perhaps, get in later than it should have but, in looking at everything else tonight, it came in in the exact time frame that the other permits came in—over a month in advance. He has spoken to the Board many times about the fact that they should not be going three weeks between meetings, and that was the problem this time. It came up to the last minute because of the fact they meet so infrequently when there is a fifth Tuesday in a month. He apologized for not getting it in sooner, but his time frame was the same as virtually everything else on this agenda. Chairman Cole assured Selectman Jasper that although they had a good-natured chuckle over it, there was no criticism.

Selectman Jasper echoed the Chairman's well said earlier comments about Stanley Searles. He had the pleasure of knowing him for many years and once lost a School Board race to him by 18 votes. They had a lot of good-natured joking about that. He was a wonderful person and his sympathy goes out to Stanley's family.

Selectman Stewart extended her sympathy to Maria Searles and her family.

13. **NONPUBLIC SESSION**

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to enter Nonpublic Session under RSA 91-A:3 II (a) personnel issues and (b) hiring of personnel.

Selectman Jasper said within their packet, there was a recommendation to terminate a Town employee. He asked if that Town employee had been advised of his rights, in accordance with Town policy and laws. Chairman Cole said that was a question to ask in nonpublic. Selectman Jasper wanted to ask it in open session. Chairman Cole said he had no idea and wanted to know why he was asking. Selectman Jasper said the employee has the right to have that meeting held in public. Chairman Cole asked if that applied to termination. Selectman Jasper said absolutely and read the following: "91-A III Nonpublic Session (a) the dismissal, promotion, compensation of any public employee, or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests the meeting be open, in which case the request shall be granted."

Chairman Cole asked if Chief Carpentino had anything to add with regard to this issue. Chief Carpentino said no. Chairman Cole asked if Selectman Jasper had anything else.

(Start of Tape 2, Side A)

Selectman Jasper speaking: "With the exception of verbal warnings, written notice of any disciplinary action imposed will be served on the affected employee, setting forth the reasons for such action, the effective date, and the employee's right to be heard. A copy of such notice shall be forwarded to the Town Administrator for review and inclusion in the employee's personnel file. The employee shall acknowledge that he or she has received and understands the notice."

Chairman Cole said this was not a disciplinary action. Selectman Jasper said defined within the progressive discipline, is dismissal. Chairman Cole said it's not a dismissal under the heading of discipline. Selectman Jasper said the following types of disciplinary action, #2 says, "written notice of any disciplinary action," and #3 says, "The following types of disciplinary action may be imposed." Chairman Cole said this wasn't a disciplinary action. Selectman Jasper said it was under the Personnel Policies, that a termination is a dismissal.

The Chair asked the Recorder to call the roll.

Vote: Motion carried 3-1 by roll call vote. Selectman Jasper voted in opposition.

- Nonpublic Session was entered into at 9:15 p.m. and was terminated at 9:45 p.m.

Votes taken in Open Session:

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to hire Michael D. Delancey as Truck Driver-Laborer in the Highway Department effective September 8, 2002, at \$13/53/hr., Labor Grade VIII, Step minimum, in accordance with the Highway Department's collective bargaining agreement, carried unanimously.

- Motion by Selectman Charbonneau, seconded by Selectman Stewart, to terminate Jeff Emanuelson from the Hudson Fire Department Call Force, as recommended by the Fire Chief.

- Selectman Jasper said this is an awful thing the Board is about to do. They have an employee that has worked very hard and wants to continue working for the Town and has been done in by union politics, and the Board and Fire Chief have played right into that, knowingly or unknowingly. Selectman Charbonneau said she didn't like the insinuation. Chairman Cole agreed, saying the second part of his remarks was uncalled for.

Vote: Motion carried 3-1. Selectman Jasper was opposed.

- Selectman Jasper said given enough rope, he thinks the Chairman hung himself this time. Under the law, "Johnson v. Nash, 1992. Termination of Employee. Governmental body may not move to go into Executive Session for the purpose of considering termination of a public employee unless it has been previously put to that employee on notice that such a motion would be made." The Board failed to do that, in spite of his pointing out the law.

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to authorize the hiring of Rachael Nault, Joe Keller, Ted Trost, Dennis Haerink, Bob Longo, and Bob Haggerty to fill current vacancies within the Hudson Fire Department's Call Force, upon successful completion of the minimum training requirements and passing of a physical examination carried 3-0. Selectman Jasper abstained.

14. **ADJOURNMENT**

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to adjourn at 9:58 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