

HUDSON, NH ANNUAL TOWN MEETING

Deliberative Session

February 9, 2002

1. **CALL TO ORDER BY THE MODERATOR**, the Honorable William Arseneault at 9:10 a.m. in the gymnasium at Hudson Memorial School, Hudson, NH.
2. **POSTING OF THE COLORS** by the Hudson Police Department Color Guard, Master Patrolmen Kevin Sullivan, Dan Dolan, Bill Emmons and Mike Niven, under the direction of Sgt. Mike Smith.
3. **NATIONAL ANTHEM**, sung a cappella by Police Officer Chuck Dyac.
4. **PLEDGE OF ALLEGIANCE**, led by the Moderator.
5. **INVOCATION** by Reverend Jim Harrington
6. **REMARKS BY THE MODERATOR**

Mr. Arseneault reminded everyone that no food or beverages were allowed in the hall and said they would follow the rules of the Moderator, except where provided by law.

7. **INTRODUCTION OF BOARD OF SELECTMEN**

Ann Seabury, Chairman; Shawn N. Jasper, V-Chairman; Rhona Charbonneau; Robert E. Clegg, Jr. & Teresa Stewart

8. **INTRODUCTION OF BUDGET COMMITTEE**

Howard Dilworth, Jr., Chairman; Charlotte Schweiss, Vice-Chairman; John Drabinowicz, Fred Giuffrida, Joyce Goodwin, John Knowles, Ted Luszey, Donna O'Hanian, Lisa Riley, Terry Stewart, Selectmen's Rep; Shawn N. Jasper, Alternate Selectmen's Rep; Lynne Ober, School Board Rep; John Knowles, Alternate School Board Rep

9. **RECOGNITION OF HUDSON LEGISLATIVE DELEGATION**

Senator Gary Francoeur (not present), Representatives David Alukonis, David Bouchard, Lars Christiansen, Robert E. Clegg, Jr., Joan Tate (not present), Rudy Lessard (not present), and Donald White

10. **INTRODUCTION OF STAFF/OTHERS/SEATING OF NON-RESIDENTS**

Residents: Cecile Nichols, Town Clerk/Tax Collector; Paul Sharon, Town Admin; Steve Malizia, Finance Director; Kevin Burns, Road Agent; Shawn Murray, Asst Fire Chief; Gary Rodgers, Deputy Fire Chief; Steve Dube, Fire Prevention Officer; David Yates, Recreation Director; Police Lt. Don McCrady; Lisa Nute, Support Svcs Manager

Non-Residents: Richard Gendron, Chief of Police; Police Capt. Ray Mello; Sean Sullivan, Director of Community Development; Frank Carpentino, Fire Chief; Jim Michaud, Assessor; Rob Desmarais, Town Engineer; Toni Weller, Library Director; Priscilla Boisvert, Executive Assistant/Recorder; Dorothy Carey, Police Executive Secretary; Torrey Demanche, Fire Executive Secretary; Helen Cheyne, Fire Secretary; Attorneys Steve Buckley and David LeFevre from Bossie, Kelly, Hodes, Buckley & Wilson; Bill Wardwell, Labor Relations Consultant; Len Lathrop, HLN; Ann Lundregan, TEL; Kate Hogan, Lowell Sun; John Quattrocchi, Derry News

Motion by Lisa Riley, seconded by Ken Massey, to seat the non-residents in the hall carried.

Motion by Selectman Jasper, seconded by Selectman Dilworth, that the articles be read by title only carried.

11. **DELIBERATIVE SESSION OF TOWN MEETING**

Selectmen's Articles

Article 12 Police Union Contract

Selectman Jasper spoke in favor of the article, providing statistics on comparison with other towns, cost of living increases and a performance component and urged the voters to approve it. Being no further discussion, Mr. Arseneault said Article 12 was forwarded to the ballot.

Article 13 Fire Union Contract

Selectmen Charbonneau spoke in favor of the article, saying 25 of Hudson's well-trained fire fighters have left in the past four years, mainly due to non-competitive wages and benefits, with several more on the hiring list for other communities.

Selectman Seabury agreed. The starting salary of a firefighter is \$12.20/hr. The Town needs to be more competitive.

Karen Susi, 2 Lenny Lane, was thankful for the emergency response team at Central Station. She credits her daughter's life to having an ambulance in Town, staffed with experienced, qualified personnel. Four of the five men who were on that call are on a list to be transferred. If Hudson continues losing personnel, the Town may be forced to contract out ambulance services. The voters need to support the personnel who are protecting lives in Town.

Betsy Cormier, 12 David Drive, asked the Budget Committee why they didn't recommend this article. Howard Dilworth said because the projected cost of the new contract is more money than the Budget Committee felt was prudent. There were no vacancies for full-time staff when the contract was not recommended by the Budget Committee. The contract should be renegotiated to be fair and equitable, to both the employees and the taxpayer. Fred Giuffrida said the Budget Committee goes through every collective bargaining agreement. He asked each group that came before them the percentage increase, but no one had that information. It is up to the Budget Committee to vote on something fiscally responsible. He outlined the percentages that he came up with.

(Start Tape 1, Second Side)

The contract has three components: cost of living, comparability and step increases. In two years, it averages a 25% increase in salary, concentrated mostly on the high end.

Betsy Cormier, 12 David Drive said the increase for a starting firefighter would mean \$1.20 an hour. She asked how old the existing contract is. Mr. Dilworth said it was ratified three years ago; this is a two-year contract.

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Jim Whitney, 17 Winslow Farm Road asked for the reasons, other than money, that firefighters were leaving the community. He wanted to know what benefits were being provided in other communities that were not being provided in Hudson. Selectman Charbonneau said the benefits are and were negotiated in this contract.

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Raymond Rowell, 6 Marshmallow Path, said the Town needs to keep their dedicated, experienced employees.

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Ken Massey, 20 Fairway Drive, said several years ago, they had the same problem with the Police Department. The longer they wait to catch up, the more expensive it becomes. It's important to support this article.

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Selectman Clegg said people are getting a \$240 ambulance bill from Hudson and a \$900 bill from Rockingham Ambulance because Hudson didn't have enough paramedics to comply with the hospital protocols. He will gladly give a 15% increase to keep qualified people in Hudson. They need experienced people on the fire grounds. They can hire someone for as low as they can and not expect great service, or keep their expectations high and pay for it.

Chief Carpentino said nine firefighters have gone to Nashua, three to Concord, one to Milford, one to Manchester, three to Derry, one to East Derry, one to Hampton and one to Belmont. Some Call force people went full time, two left for the private sector, one to nursing school and one employee was fired. Some communities pay an incentive for different skills. He quoted several statistics relative to competitive salaries.

Matt St. Laurent, 14 Wade Road, said the cost to replace and retrain people is high. Positions have to be covered with overtime when people are being trained. He wondered why Mr. Giuffrida had a problem with Dover being used in the pay survey because the population, square mileage and responses are similar to Hudson's. Mr. Giuffrida said his interest is in per capita income. Mr. St. Laurent said having emergency services available doesn't depend on income, but need at the time of the emergency. He asked someone to list the towns included in the pay study.

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William Pease, 5 Madison Drive, asked the Labor Relations Consultant to explain the negotiating process. Bill Wardwell said about three years ago, surveys were conducted with Bedford, Derry, Dover, Goffstown, Londonderry, Merrimack, Milford and Nashua for all classifications of employees. The survey was updated so it would be commensurate to the wages in these communities as of the end of the current contract, July 1. The intent was to bring them up over the life of a contract. Hudson is comparable in the benefits areas and, therefore, no adjustments were made. Hudson Firefighters are a hot commodity to other towns. This is a reasonable, fair and overdue agreement in bringing the firefighters to a competitive pay level.

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Selectman Stewart said it's obscene what Hudson pays their fire and policemen.

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Fidele Bernasconi, 122 Bush Hill Road, said he is retired on a fixed income, but the Town should support this article. These people do a

good job. If this keeps going, they will end up with fires by appointment.

(Start Tape 2, Side A)

Dick Patterson, 2 Madison Drive asked how the average was calculated. Mr. Wardwell said they determined the minimum starting pay and the maximum pay at maturity, per position, and averaged the high and low of the survey towns' totals, added them and divided by eight. Mr. Patterson asked about the hourly rates for the positions, for each town, which Mr. Wardwell supplied. Mr. Patterson didn't think Nashua and possibly Dover were valid towns to compare with. They've already lost 17 people to salary-related issues with talk of 15 more on a list to go to other towns. He wondered how many of them would stay if this passed. Mr. Wardwell said during negotiations the union felt strongly that if Hudson pays these kinds of wages, they will be competitive and will have the basis for retaining employees. Mr. Patterson asked that, in future years, real figures and not percentages be used.

- Bob Tousignant, 12 David Drive said when employees are inadequately compensated, they go to towns that pays them a fair wage. Hudson has been a victim of this for many years. It's time to pay them a fair wage.

- Betsy Cormier, 12 David Drive, asked when the last time a comparability adjustment was made and the tax impact of this article. Mr. Wardwell said not very recently because no one can recall. It is 13¢ per \$1,000.

- Steve Benton, 20B Pelham Road, said since 9/11 his fellow firefighters have received hundreds of cards and letters, praising and thanking them. No matter how this turns out, the Hudson Fire Department will always serve the community. He just wanted to say thank you to the Board of Selectmen and Budget Committee for all of their work.

- Howard Dilworth, Jr., said the employee who went to Milford did so to be Fire Chief. Hudson gives additional money for having a degree or special skill. Contracts are negotiated for the majority of members in the bargaining unit. It isn't necessarily going to raise the starting pay if the money goes to the middle or the top. COLA adjustments were never in contracts before. The cost of living in the area is factored in to what the people ask for and what the Selectmen are willing to negotiate. This is the first year Dover was included in the survey.

- Selectman Charbonneau, 2 Old Derry Road, talked about her husband's stroke and how well the Hudson emergency team handled the situation as compared to the treatment of a friend in Nashua.

- John Drabinowicz, 8 Deerfield Avenue, opposed the article because the amounts are prohibitive, especially in view of the economy and other people aren't getting raises, are losing their jobs and are having to take unpaid leave. Everyone has a story of how paramedics have helped their family, but that isn't in dispute. When the current contract was negotiated, it included an across-the-board raise at 2½%, 3% and 4%. Additionally, they were getting step increases. When it was presented, it was with the idea that would make them comparable with surrounding communities. This year, a different criteria was used with different towns.

- Shawn Murray, 55 Kienia Road, said they are trying to get to an average wage for everyone in the contract.

- Donald McCrady, 36 Bockes Road, a 22-year employee with the Police Department, has worked side by side with the Fire personnel, who are very dedicated and deserving of a raise. This will bring them up to the average.

- Robert Longo, 10 Stevens Drive, said you can't put a price on dedication, experience and knowledge. When someone comes to your home to fight a fire, you want them to be experienced and know what they are doing.

- Lisa Riley, 10 Chatham Street, said as a member of the Budget Committee, she voted in favor of this article. This article is 13¢ per \$1,000 or \$18.20 for the year or 35¢ a week.

- Charlotte Schweiss, 28 David Drive, said everyone wanted to see the firefighters get a raise and are proud of them. This contract is for two years, which condenses the increases and makes them larger. If it was spread over three years, the Budget Committee may have been more amenable to it. However, the voters have the final say.

- Jason Lavoie, 78 Bush Hill Road, asked for the expiration dates of the contracts of the survey towns. Mr. Wardwell said they vary. Mr. Lavoie supported the contract, saying this would give them a fair raise.

(Start of Tape 2, Second Side)

There being no further speakers, Mr. Arseneault said Article 13 is moved to the ballot. A recess was called at 10:52 a.m. The meeting reconvened at 11:07 a.m.

Article 14 Police, Fire and Town Supervisors Association Contract

Selectman Seabury said if this article passes, it would bring the employees to average pay with the survey communities. It is based on competitiveness, cost of living and performance and would be 11¢ per \$1,000. It is essential to keep these employees.

Howard Dilworth, Jr. opposed the contract and outlined the Budget Committee's objections. The employees include Police and Fire supervisors, Executive Secretaries, professional staff, and others. Past practice has been to survey communities of similar population and form of government, not cities like Dover and Nashua. This contract contains two increases per year for several of the higher paid, longer serving employees. That has not been the practice in industry for 20 years. This contract costs more in the first year than the entire existing contract. The increases are more than the committee feels is prudent. The Selectmen should go back to the bargaining table.

- Ken Massey, 20 Fairway Drive, asked the Budget Committee what the vote was on this article. Mr. Dilworth said three were in favor and seven were opposed. Mr. Massey asked the Selectmen what the rationale was for using different towns in the survey. Selectman Seabury said some of the towns in the previous survey didn't have comparable positions. Mr. Sharon said the selection of towns were selected based on population, demographics and the market area Hudson dealt with. Dover is closer to Hudson demographically than people believe.

- Fred Giuffrida listed what he computed the percentage increases to be.

- William Pease, 5 Madison Drive, president of this Supervisors Association, disputed Mr. Giuffrida's figures. They are dealing with people in public safety that have 15 to 25 years experience, an essential factor. He's worked for HPD for 18½ years and has seen an unbelievable turnover. If this article isn't passed, their subordinates will be making more money than they do. People below them won't have any incentive to advance to an arena of more stress with less pay. The Hudson Police Department is recognized as one of the top three in the State. All they are asking for is to be paid an average wage, and they are willing to take a few years to get there.

- Fred Giuffrida said the figures came from a spread sheet provided to the Budget Committee. He thinks the previous speaker forgot to add in the step increases.

- Selectman Clegg said they used the same communities last year when the contracts were approved for Public Works and Support Staff. If this contract isn't approved, the Lieutenants will make less than the Sergeants. This contract is 11¢ per \$1,000. He is scared when he considers most of the Police officers have only two, three years. You can only learn so much at the Police and Fire Academy and then it's job experience. It will cost the Town more in the long run to hire and train new employees than to retain experienced personnel.

- Lisa Nute, 5 Buswell Street, has worked for the Police Department for 17 years and is a member of this bargaining unit. Charlotte Schweiss couldn't support the firefighters contract because it was condensed into two years. This contract is spread out over three years, yet the Budget Committee still did not recommend it, even though they were provided with the information that the Lieutenants would be making less than the Sergeants.

(Start Tape 3, Side A)

Hudson has a regional response team. If a town in the area needs help for a hostage situation, a shoot-out, etc., the select few Hudson-trained members can get together with other communities and provide the support necessary. At a recent scene, the Hudson Lieutenant was the lead negotiator, working beside a Salem Lieutenant and a Derry Lieutenant, but making \$7,000-\$8,000 less than the ones he was managing. It's a shame Hudson has allowed their management to become that low in average salaries.

Fidele Bernasconi, 122 Bush Hill Road, said Hudson hasn't kept pace in paying their employees an average wage. Town employees should be getting more money than they are getting.

- Jason Sliver, 64C Old Derry Road, said Fire Department subordinates look up to the people that are covered in this bargaining unit for their knowledge and experience. They need to be paid to be kept in the Department.

- Steve Benton, 20B Pelham Road, said there is a lot of experience leaving both the Police and Fire Departments and the Town can't afford that. These people need to be paid a decent wage to keep them here. A lot of experience is walking out the door. They need to keep the key people to lead the new ones coming in.

- Karen Susi, 2A Lenny Lane, said the community needs to provide an incentive for employees to stay. This is the cost of doing business. The experienced people must be maintained to help train the new employees.

Ray Rowell, 6 Marshmallow Path, said these guys are experienced and are there when they are needed. Many police and firefighters have gone elsewhere. They need to keep dedicated, professional emergency service employees.

- Mike Costantini, 9 Madison Drive, supported the article for all of the reasons stated. He asked what the cost was for the negotiations and how much it will cost to re-do it. The Budget Committee has said this is fiscally irresponsible and cost prohibitive and asked what parts of the agreement were unacceptable.

- Moderator Arseneault said discussing differences between boards was getting a little away from the article.

Mr. Dilworth said the Budget Committee looks at the cost and how fair it is to the taxpayers. Mr. Costantini asked for the cost of the

contract negotiations. Selectman Clegg said the negotiator is paid \$90 an hour. Mr. Dilworth said at the end of the last fiscal year, the Town had spent \$8,800 on collective bargaining. It fluctuates depending on how many contracts are being negotiated and how many grievances are being handled.

John Drabinowicz, 8 Deerfield Avenue said the Budget Committee looks at every angle to come up with something fair and equitable. They try to do the best for the community and the employees. The Town is average to other towns in salaries, if Nashua is removed from the mix. He discussed the percentage increases between the current and proposed contracts. Different criteria produces different results. We are in a recession; people are getting laid off and plants are shutting down. These are huge raises, even if it is spread across three years. This was unfair to the Hudson taxpayer. Most of these people do a fantastic job and deserve a raise. The reason they didn't receive pay increases for one or two years is because they were unable to negotiate a contract, or the voters did not approve the article.

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Ken Massey, 20 Fairway Drive, said every day every policeman and fireman, whether a rookie or a veteran, are in harm's way. He wants to make sure that the person who is behind that badge has got the training to understand how to react to any kind of situation. Over the last 20 years, this has become a litigious society. The emergency workers need to know exactly what the law is and they need the wisdom of the older people. They need to be in a position where they instinctively understand how to respond. The Town owes this salary increase to them.

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Mike Trusdell, 3 Watts Circle, asked if the figures were guaranteed and how the Police Chief was going to manage his department if this article doesn't pass. Chief Gendron said the raises are guaranteed, but the steps are based on performance evaluations. If this article doesn't pass, it is going to be very difficult to manage his department. Sergeants will be making more money than Lieutenants, which will create an internal morale problem. Some people could retire and others have applications in other agencies, just waiting to see what happens. Any of the Lieutenants are qualified and experienced enough to be Chief of Police in any community. If they leave, the Town will have a major problem.

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Betsy Cormier, 12 David Drive, is looking at maintaining assets and, therefore, supports the article.

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Dick Patterson, 2 Madison Drive, said they have outstanding employees and should be paid what they are worth. They are looking to bring the Town up to parity with surrounding towns to cut down on turnover. He asked for a comparison of various salaries, which was provided.

(Start of Tape 3, Second Side)

Mr. Patterson asked if the parity issue would cease to exist three years from now, if this article passes. Mr. Wardwell said that is the expectation. Mr. Patterson believes the Town employees are significantly underpaid. He asked if the 11¢ was just for the first year. Mr. Malizia said it would be 7¢ each for the second and third years. Mr. Giuffrida said it was cumulative. Mr. Malizia said yes, but assessed values change.

Jason Lavoie, 78 Bush Hill Road, said if they don't start putting their supervisors in a position to retain them, the overall cost to the Town will be much higher. The Budget Committee is concerned about the tax rate, but losing experienced people will cost more. It cost about \$31,000 to put one person through training. Last year they put on five new officers--times \$30,000 is \$150,000. The first year this contract is less than that, at \$145,000. This contract is fiscally responsible. There isn't any way to put a price tag on experience. Last year, Sgt. Smith was shot at. Two summers ago, a number of officers were shot at. They need experienced officers to take charge at those scenes. The Budget Committee and taxpayers should take all of these things into account. They will end up losing the command staff to outside agencies. A number of them have already been courted by other communities, especially when they see the experience and training of the Hudson officers. In the early 80's, Hudson's Police Department was voted the worst in the State. Now, Director Sweeney, who is in charge of all State police departments, has Hudson in the top three. When someone calls the State for advice on how to handle something, they are often told to call Hudson.

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John Brewer, 14 Ledge Road, a 27-year veteran with the Hudson Fire Department, hoped the townspeople understand that a member of the bargaining unit with 18 years experience has the opportunity to go somewhere else for more money. Every year they are told it's not the year for increases. They will lose experienced people if they don't pay them. They need to keep experienced, trained people. All they are asking for is a fair and equitable wage.

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Charlie O'Donaghue, 15 Jefferson Drive, said there isn't any compromise for public safety. They should retain their professionals. He has worked closely with CHIPS and he doesn't want to see what they have in Hudson leave.

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Bill Pease, 5 Madison Drive, talked about the experience level of people in this unit, particularly in public safety. Many of them rose up through the ranks and have established strong roots in the community and are involved in different programs throughout the Town. The Town means an awful lot to them. He didn't want to go anywhere else, but it's becoming fiscally irresponsible to stay. The quality of the staff is unsurpassed. The Department's Captain is a licensed attorney. In the past, they tried to negotiate reasonable raises and were always told it's not the time. The Selectmen initially rejected the contract, so they went back to the bargaining table. He doesn't care who they compare Hudson to, all of the surrounding towns are paying more than Hudson, who is drastically under the average. Man for man, a

Hudson officer faces as much danger as a Nashua officer. With an 11¢ increase on the tax rate, the Town can keep dedicated, valuable, experienced people.

- Dick Patterson, 2 Madison Drive, questioned Selectman Clegg on something he said earlier, which is that a Sergeant could earn \$300 a week more than a Lieutenant. Selectman Clegg said it was \$3,000 a year, not \$300 a week.

- There being no further speakers, Mr. Arseneault said Article 14 is sent to the ballot.

Article 15 Wage and Benefits Increase for Non Union Personnel

Selectman Clegg said this was for 10 nonunion positions. If spread out evenly, it would be 4½%. Unions take care of their people, but nonunion personnel aren't represented. He encouraged adoption of the article.

- Selectman Seabury said these employees operate Town government so it runs smoothly; they are the leaders. It has taken about 10 years to build up this staff and they are the crème-de-la-crème. The Recreation Director, Road Agent and Finance Director are way underpaid. She asked that the Selectmen be given the latitude to make the decision on how to divvy up the pool of money. These vital people need to be paid for their expertise.

- Mr. Dilworth said normally this article comes in as a percentage. There is a sheet provided to the Budget Committee that states what each employee makes and what a percentage would come to. The committee realized that the Selectmen do this on a merit basis. Last year at the deliberative session, the Selectmen tried to add in a comparability adjustment that nobody had heard about prior to that. The article isn't recommended by the Budget Committee because there is \$30,170 comparability adjustment and they don't know who it is for. They're not opposed to the pool concept or merit increases, but they'd like to know what the equity adjustments are.

- Amendment by Fidele Bernasconi, seconded by Ken Massey, to replace \$59,385 with \$51,484; replace \$29,215 with \$28,543; and replace \$30,170 with \$22,941 and after the words, "adjustment allowance," insert "Funds to be allocated in accordance with the February 9, 2002 deliberative meeting."

(Start Tape 4, Side A)

Mr. Bernasconi thought the voters should see who was going to get what and hoped the Budget Committee would change their recommendation on this article. Hudson has some outstanding employees and leadership with experience is essential. Some have been promoted through the ranks, but their salaries haven't kept up with the market. Someone along the line didn't do their job and answer the Budget Committee's questions satisfactorily. He has worked with some of these people through the years and they are outstanding. The Police Chief is one of the best in the State and has graduated from the FBI Academy. He hasn't had much experience working with the Fire Chief and Assistant Fire Chief, so he couldn't comment. The Road Agent has saved the Town hundreds of thousands of dollars and is operating with eight less people than he had when he took over the department. The Community Development Director was hired at a competitive salary. The Finance Director, noted as one of the best in the State, is way underpaid, as is the Recreation Director, David Yates, making less 30% than his contemporaries in other towns. He understands the Police Prosecutor is well respected and does a good job. The Executive Assistant is well known and has been around for a long time and deserves everything she gets, but she is at the top of her ranking. Of the \$28,543, he proposed up to 4.5% COLA. Regarding adjustments, he proposed the following: Police Chief, \$3,733; Road Agent, \$3,500; Community Development Director, \$0; Finance Director, \$4,094; Recreation Director, \$5,000; Police Prosecutor, \$4,000; Executive Assistant, \$0.

Mr. Dilworth asked if the comparability adjustments were incorporated into the amendment. Mr. Bernasconi said it is part of the amendment. Mr. Dilworth asked legal counsel if this was an advisory position and if the Selectmen may appropriate how they choose. Atty. Buckley said his opinion is the proposed comparability adjustments would be binding on the Selectmen. Mr. Arseneault asked Mr. Bernasconi if the figures for distribution were part of the amendment. Mr. Bernasconi said no, they were not. Mr. Arseneault said the numbers for distribution are *not* part of the amendment.

John Knowles, 51 Quail Run Drive, proposed an amendment to Mr. Bernasconi's amendment, seconded by Maryann Knowles, to replace the amendment in its entirety with the following: Change the \$59,385 to \$40,019; \$29,215 to \$24,934; \$30,170 to \$15,085; and replace the phrase, "Up to 4 ½% COLA, based on the Consumer Price Index," with "Up to a 4% COLA, not to exceed the Boston Area CPIU year-end average for December 31, 2001."

- John Drabinowicz, 8 Deerfield Avenue, asked if it might not be better to vote on the original amendment first. Mr. Arseneault said it is legitimate to amend an amendment.

- Ken Massey said the amendment to the amendment changes the original numbers on the article. To amend an amendment, you would have to amend the wording of the amendment, which would mean to amend the numbers that Mr. Bernasconi presented, not the numbers in the warrant article. Mr. Arseneault said regardless, the number that the amendment to the amendment refers to is the final number. Mr. Massey said they are deliberating on the amendment to the amendment and that should refer to the language of the amendment, not to the

article. Therefore, any number that Mr. Knowles presents should be amending the numbers to the amendment, the warrant article numbers. Mr. Arseneault said they cannot have an amendment to the amendment using the numbers of the amendment because it hasn't been approved. Mr. Knowles said his amendment to the amendment would completely replace the text of Mr. Bernasconi's amendment, which implies that his proposals are not valid, so they are back to the original number, then they would change the original number. Mr. Knowles withdrew his amendment to the amendment so they could vote on Mr. Bernasconi's amendment. The seconder withdrew her second.

- Selectman Seabury asked Mr. Bernasconi restate his proposed salary increases. Mr. Arseneault said they were not part of the amendment.

- Fred Giuffrida asked Mr. Bernasconi if he realized that the distribution numbers are not part of the amendment and, consequently, they cannot vote on them. Mr. Bernasconi asked how he can make it part of the vote. Mr. Giuffrida said he needs to give it to the Moderator in writing, as part of the amendment. Mr. Bernasconi said that would never be written on the ballot. Mr. Arseneault said in order for the distribution to be included, it has to be part of the amendment, and he did not propose that part of it with the amendment. Mr. Bernasconi thought he had.

- Mr. Knowles proposed an amendment to the amendment, as follows: "The \$20,367 amount in Mr. Bernasconi's amendment for comparability shall be applied as follows: Police Chief, \$3,373; Highway Superintendent, \$3,500; Finance Director, \$4,094; Recreation Director, \$5,000; Police Prosecutor, \$4,000." That would get the breakdown into the amendment. Mr. Arseneault told Mr. Knowles he had withdrawn his amendment. Mr. Knowles said this was a new one.

- Mr. Arseneault proposed taking a break so the amendment makers could work out their differences and come back with an amendment that everyone could understand. Mr. Bernasconi said he was trying to get his chart put in as part of the amendment.

Donna O'Hanian called for a Point of Inquiry and asked if including specific amounts changes the intent. Attorney Buckley said the amendment does not change the subject matter.

- Moderator Arseneault asked for a motion to take a break. Mr. Drabinowicz said the motion has to be tabled first; they can't take a break in the middle of a motion. Mr. Arseneault thanked him and withdrew his request.

Todd Hansen, 11 Greentrees Drive, asked for the basis of exempting the Fire Chief, Assistant Fire Chief and Town Administrator from receiving increases. Mr. Bernasconi said he wasn't familiar enough with their operation or didn't have experience with them. They weren't eliminated from COLA, just parity.

- Motion by John Drabinowicz, seconded by Ken Massey, to table the motion until the makers of the amendment can conference and come up with a written proposal carried.

- Motion by John Drabinowicz, seconded by Ted Luszey, for a one hour lunch break carried.

- A lunch break was called at 1:05 p.m. and the meeting resumed at 2:05 p.m.

(Start of Tape 4, Second Side)

Attorney Buckley said he was asked previously if the Selectmen would be required to give the designated comparability increases. It would only be advisory, not binding. They wouldn't be required to deliver the designated amounts that were proposed; they just couldn't spend more than the total amount in that article.

Mr. Bernasconi removed the motion from the table, seconded by Ken Massey, which carried.

Mr. Bernasconi withdrew his amendment, and Mr. Massey withdrew his second.

Motion by John Knowles, seconded by Fidele Bernasconi, to change \$59,385 to \$47,875; \$29,215 to \$24,934; \$30,170 to \$22,941; and change the phrase, "Up to a 4.5% COLA based on the Consumer Price Index," to "Up to a 4% COLA, not to exceed the Boston Area CPIU year-end average for December 31, 2001," and following the amended number \$22,941, where the original version said \$30,170 has been allocated for comparability adjustment allowance, it now reads, "\$22,941 has been allocated for a comparability adjustment allowance," and add, "to be allocated as follows: Police Chief, \$3,773; Fire Chief, \$1,000; Assistant Fire Chief, \$1,000; Highway Superintendent, \$3,500; Community Development Director, \$0; Finance Director, \$3,094; Recreation Director, \$4,000; Police Prosecutor, \$3,000; Executive Assistant, \$500; Town Administrator, \$500.

- Mr. Knowles said \$20,367 is base pay. The \$22,934 includes benefits. He was allowing a 4% COLA increase. Town Meeting should advise Selectmen on what they should do. People should know what they are voting on.

Ginette Carpentino, 4 Marsh Road, asked how they came up with the four positions where they just added \$500 to the Executive

Secretary and the Administrator and \$1,000 to the Fire Chief and Assistant Fire Chief. Mr. Bernasconi's criteria of giving certain people raises because he was familiar and friendly with them is unfair. These positions should be judged on merit, job performance and decided by the Selectmen.

- Ken Massey, 20 Fairway Drive, said this amendment is not good management and takes the job away from the Selectmen. It's hard to understand how, in an hour, they could suddenly materialize what fair comparability was. With the absence of having the data to study, and a public hearing based on that, they don't really know that the numbers being presented are correct. He opposed legislating on the fly and urged rejection of this amendment.

Selectman Seabury believed the audience was astute enough to see what was going on. How can anybody say five employees do not deserve a raise, but five others do, when they all work hard. They do a job and deserve a raise. She hoped that this amendment gets blown out of the water because it was disgusting.

- Lisa Riley, 10 Chatham Street, listed the salaries and how they compared with the area average. She opposed the amendment and thought the Selectmen should be allowed to do the job they were elected to do.

- Mr. Dilworth said in referring to the salary for the Town Administrator, several of the communities surveyed have Town Managers. There is a noticeable difference in what the job entails. Town Manager is created by statute. They have the ability to hire and fire and they do budgets. Hudson has an Administrator, who works with the Board, but the Board has the final say. That's why Town Managers get paid more money.

- Fidele Bernasconi said sometimes it's better to take a little and get something than try to get a lot and end up with nothing. His numbers came from the Selectmen's Office.

- Selectman Jasper didn't think the department heads should have their raises settled on the floor of Town Meeting. He has a problem comparing Hudson to other communities. It's a leapfrog game. Hudson is the 10th largest community in the State. There are only so many jobs in a community similar to Hudson. If they continue to play the game of averages, they are going to bankrupt the community. It's about getting qualified people, making a decent wage. It should be about what the job is worth, what someone is willing to pay. He is concerned that since there is over \$600,000 of contracts and other salaries for this year alone, they may lose everything. It's not that he thinks people aren't deserving of raises, but he's concerned with the economy. People may end up with nothing.

- J. Bradford Seabury, 4 Meadow Drive, said his understanding of the original amendment was to cut the prices in half and only give that much money to half the people. When the amendment came back, token amounts were given to the other five people. The reason given the first time by the maker of the motion was that he didn't know three of the people. If that is the case, they shouldn't be voting on it. The other two weren't going to get raises because they are already getting good money. God forbid that Hudson should have people who get slightly above average. Hudson doesn't want average people running the Town; they want the best. If you get the best, you have to pay at least average, and maybe a little bit more. He's upset that Mr. Sullivan was bypassed on the basis that he's only been here six months. By the time this budget goes into effect, he will have been here a year and a half.

- Betsy Cormier, 12 David Drive, didn't understand the reason for the amendment. Mr. Knowles said they felt that the comparability increases were too high.

- Selectman Clegg is afraid they are going to lose everything, too—they are in great danger of losing the experience they have. That's a great loss to the community. Other communities have realized that Hudson has the best trained personnel and make great pickings. Hudson can end up losing everything, which is the way of life in Hudson.

- John Drabinowicz said the Attorney ruled that the disbursement is advisory only and the Selectmen could distribute the money any way they wanted to. Mr. Knowles said that was his understanding.

- Mr. Arseneault said a secret ballot has been requested, in writing, by six people.

(Start Tape 5, Side A)

Jennifer Richtarek, 7 Parker Drive, wondered why the Budget Committee did not recommend this article. Mr. Drabinowicz said they usually get information on comparability which is used as a tool on which to base their decisions. The majority of the Board felt that this amount was too high and didn't have enough backup information.

Ginette Carpentino, 4 Marsh Road, said if anyone had a problem with one department head, they would vote against the article, which means that no one would get a raise.

- Ken Massey asked the Moderator to be clear on what they were voting on. Mr. Arseneault read the amendment. Selectman Clegg called for a Parliamentary Inquiry and asked, if he was in favor of the amendment which lists all of the raises for each department head, he

would vote yes and if he was opposed to the list of raises, if he would vote no. Mr. Arseneault said that was correct. He stated the vote would be by secret ballot, using #12.

- Vote results on the amendment: No. 54: Yes. 10: 1 voided ballot. Mr. Arseneault announced that the amendment failed and Article 15 was forwarded to the ballot, without amendment.

Article 16 Wage and Benefits Increase for Town Clerk/Tax Collector

Selectman Seabury said this keeps the Town Clerk/Tax Collector up with the others. She has held this position since 1988. This is a five-person office and she is responsible for collecting taxes, motor vehicle registrations and vital records. She has a collection rate of 98% and is very good at her job. This would bring her salary to \$48,474.

- Amendment by John Knowles, 51 Quail Run Drive, seconded by Kevin Riley, 16 Reed Street, to change \$4,398 to \$1,782 and \$48,474 to \$46,322.

- Mr. Knowles said he was proposing a 4% pay increase, which above a normal COLA increase. It is a reasonable pay increase to respond to the fact that the office is working well. She is doing a good job. He didn't think the comparability was necessary.

Ken Massey, 20 Fairway Drive, asked if the Town Clerk can get a salary increase if not voted on at Town Meeting. Selectman Jasper said the only way a Town Clerk can get a raise is through the legislative body. It cannot take place by the action of the Board of Selectmen. Mr. Massey asked when her last salary increase was. Selectman Jasper said last year. An article has been brought forward every year. One year, within the last three or four, it was defeated.

- Betsy Cormier, 12 David Drive, asked if this was for the position or the person. Mr. Arseneault said the office.

- Vote on the amendment failed by voice vote. There being no further discussion, Mr. Arseneault said Article 16 was moved to the ballot.

Article 17 Wage and Benefits Increase for Employees of Hills Memorial Library

Arlene Creeden, Chairman of the Library Trustees, said the request is for \$19,024 for a 4% increase that affects 25 employees. The staff is not represented by a collective bargaining union and rely on the voters to support their increases. The impact would be 1½¢ per \$1,000 on the tax rate. She urged support of this article.

- Selectman Seabury said the Board of Selectmen supported this article, as it was a fair salary increase.

- There being no further discussion, Mr. Arseneault forwarded Article 17 to the ballot.

Article 18 Town Operating Budget

Howard Dilworth, Jr., Chairman of the Budget Committee, said the recommendation was for an operating budget in the amount of \$21,510,860 and is comprised of the General Fund, the Sewer Fund and the Water Fund. Other components include \$640,539 to fund and operate the Hills Memorial Library and \$54,000 to fund and operate Lions Hall. The Sewer Fund operates the sewer system, with a proposed budget of \$1,524,000. This fund also pays for Hudson's share of expenses for the Nashua Waste Water Treatment Plant. Through the intermunicipal agreement, Hudson has a 12.58% ownership in that plant. The most significant activity in the sewer fund is the absence of any bonded debt, the last bond issue being paid off in this current fiscal year. The Water Fund operates the water system. Debt service accounts for approximately half of the nearly \$4 million it costs to run the Water Utility. The Town is investigating infrastructure improvements to the water system. Both the Sewer Fund and the Water Fund are self-sufficient and any appropriations expended are offset by payments by the users of each of the respective systems. The General Fund pays to operate the Town. services such as public safety, trash disposal, recreation and administrative functions. The cost of the proposed General Fund activities for the next year is \$15,342,000. The largest portions go to the operations of the Police Department at \$3,938,000; the Fire Department at \$3,157,000 and the Highway Department at \$2,440,000. The largest non-departmental cost is solid waste removal at \$1,596,000. All of this activity is offset by revenues and the nearly \$4 million raised from the water users for the Water Utility. Also included in projected revenue is the use of \$1,357,000 from surplus to reduce taxes. The proposed operating budget along with the recommended warrant articles has a tax impact of \$7.21 per \$1,000 of assessed value.

(Start Tape 5, Second Side)

- Motion by Selectman Charbonneau, seconded by Selectman Seabury, to amend the budget from \$21,510,860 to \$21,560,860, adding \$50,000 to 5940-299 to provide funding for renovations at the Benson's property.

Selectman Charbonneau said the Budget Committee removed \$50,000 because not enough detail was provided. However, they now have a draft of the Master Plan plan so they can start working on the south field. There is \$150,000 in capital reserve but they have to go to the

Trustees to get it. Without the \$50,000, they won't be able to move forward as fast. This is an important project. The Town has a Memorandum of Agreement with the State. The Town needs to repair the buildings. On March 26, there will be a public hearing, so the citizens can give their input.

Ken Massey, Trustee of the Trust Funds, said last year, the Capital Reserve Fund was modified to make the Selectmen the agents to expend. All the Selectmen need to do is to provide the Trustees with a Bill of Sale and the money is released. Selectman Charbonneau said all they have is the Memorandum of Agreement. They still don't know exactly what the final amount will be. Mr. Massey said the last contribution the Trustees received was in November of 2000. Selectman Jasper said the last \$50,000 was not directed to the Capital Reserve Account. It is within the current operating budget and they would have five years to expend it. That \$50,000 is available now within the budget. Mr. Massey said before June 30, they would have to put it into the Capital Reserve Fund. Selectman Jasper didn't believe it was written that way; it is just like any other warrant article and have five years to expend. Mr. Massey asked if they could spend money on a piece of property that they don't own if for whatever reason, subsequently, they are not able to conclude the agreement with the State to purchase the property. He didn't know how the Town could spend money on a piece of property the Town doesn't own. Selectman Charbonneau said the Memorandum of Agreement states that they are going to go through with it. VHB and DOT have already contributed \$30,000 worth of services, at no cost to the Town. She knows the Town will get the land.

- Mr. Dilworth said there is currently a combination of \$150,000 and \$50,000 that the Selectmen are agents to expend and by vote of Town Meeting last year authorized the withdrawal of the previous \$150,000 that was in there. The money that has been talked about for renovating buildings could come out of the \$200,000. The item about the south field is new and just came out of the Benson's meeting last Thursday. This is not something that has been voted on by the Board of Selectmen. There are some concerns that the Town will not be able to have either work done or a contractual obligation that can be encumbered to have work done by the 30th of June. Based on past projects that the Town has voted for, and have lapsed to surplus because activities were not accomplished on a timely basis., the committee had concerns that this money is being appropriated but will not get spent and they will have raised it through taxation for nothing. There have been bridge projects, culvert projects, a roadway project that were placed in non-lapsing accounts, good for five years. The five years ran out last year and not a dime has been spent.

- Selectman Jasper opposed the amendment, although he is committed to the Benson's project. The plan Selectman Charbonneau talked about hasn't been presented to the Board of Selectmen yet, nor has it been adopted. They don't know what they are going to do with this year's money. The 18 months they heard about back in October is probably the third time he's heard the Town is going to own Benson's in 18 months. They have \$200,000 that they can spend within the next year. Selectman Charbonneau, over the years, has alluded to the fact that she has an idea of what the Town is going to be paying for that property. However, that has never been discussed with the Board. Whether or not the Town is going to own the property will depend on the purchase price. Based on the State's restrictions, they will probably pay in the range of \$1,000 per acre. The Board has had no discussion with the State about price. He can't say what they are going to do with that \$200,000. He knows this project will be years out and will run in the millions of dollars. \$50,000 is a drop in the bucket, but it's not needed today.

- Fred Giuffrida, 15 Pinewood Road, said as a citizen and a member of the Budget Committee, he's asked over and over what the cost is, but no one knows. If they don't know the cost, they don't know whether or not they will purchase it. The voters could vote to not appropriate the money. They are gradually putting money into a fund when they have no idea how much money they are shooting for. He is in favor of purchasing and renovating Benson's, but he is not in favor of putting taxpayer money towards a nebulous number. The \$200,000 is available to put towards renovation, but the Town doesn't own the land, so it might be at risk.

- Selectman Seabury felt that the State was committed to this sale, as evidenced by their participation at the Benson's meetings and the fact that they paid for an expensive study to be done by VHB. She is sure it will be for a good price. The Town is going to have to get someone to look after that property. Everything they want to do should take around \$50,000. Nancy Mayville had said the Town would have access to 167 acres. The State would be using about 30 acres for mitigation purposes and setting up irrigation fields. There will be a road put in around the perimeter of the property for hiking and walking trails. The total cost of the project will be about \$7 million.

- Esther McGraw said she is on the Benson's Committee and has worked on it for many years. Volunteers are waiting to help with the project. She has been in contact with the old lion trainer, elephant trainer, and horse trainer, men in their 90's who are willing to donate stuff, but she needs a place to put it. The whole Town is behind this project.

- James Whitney, 17 Winslow Farm Road, asked how much money was turned back to the operating budget last year. The Finance Director indicated \$300,000. Mr. Whitney asked if the Selectmen have the right to use that money for Benson's, if they want to. Selectman Jasper said yes, if there is money unexpended within the budget, the Selectmen have the right to spend that in an area where there is a purpose.

- Ken Massey, 20 Fairway Drive, said the Benson Capital Reserve Fund was established at the March 1998 Town Meeting. The first contribution was in February of 1999 of \$50,000. The second contribution was in July of 1999 for \$50,000 and the third contribution was in November of 2000 for \$50,000. Four years have passed since the Town was given the indication that the State would sell the land to the

Town. There is no guarantee that the Town will be able to purchase the land. The price may be one that the citizens are not willing to bear. Because the warrant article last year said the money could be used for both purchase and renovations, the \$50,000 that is not in the Capital Reserve Fund right now, but was raised and appropriated for fiscal 2002, could be used for this purpose. They shouldn't put any more money at risk for a project the Town isn't certain of.

- Selectman Charbonneau said NH DOT is going to be working on 35 acres this year. The project has been held up by the circumferential and the engineers, who decide one thing and then decide something else. The Town will have the use of the property, with the exception of the 35 acres. While the State is doing their mitigation and irrigation work, the Town can do their own thing. The State is going to be putting in roads and will leave them for the Town. When the opportunity comes to purchase it, it will be affordable. Last year, they put \$330,000 into the operating budget for a project on Burns Hill for a piece of land they cannot use for anything.

- Selectman Jasper called for a Point of Order, saying the purchase of the Hills property has nothing to do with the amendment on the floor.

- John Knowles said, as a member of the Budget Committee, there is the issue of not knowing the cost of the property. If certain things have to be done right now in order to preserve what they've got, the money is there to do that.

- Karen Susi, 2A Lenny Lane, asked if the recommendations by the Selectmen or Budget Committee would be at risk if this amendment passes. Mr. Dilworth didn't know what the Budget Committee would do, but it was a heated discussion and people feel passionately about this issue. Ms. Susi asked if the \$21 million budget could be at risk. Mr. Dilworth said that is a possibility.

Vote on the Amendment, by a show of cards: Yes, 15; No, 28. Mr. Arseneault declared that the amendment failed.

(Start Tape 6, Side A)

Motion by Selectman Seabury, seconded by Lisa Riley, to increase the budget by \$25,000 for a Grant Writer, making the budget \$21,535,860.

- Selectman Seabury said last year, Town Meeting approved this, but a grant writer wasn't hired until June. The Budget Committee expected him to bring in \$100,000 or four times his salary. He has applied for several grants and is working with NH DOT and with the engineer on the Master Plan. Town employees don't have the time to write and monitor grants. She asked for one more year to see how things go as grants don't realize overnight results.

Betsy Cormier, 12 David Drive, asked why the Budget Committee removed this item. Mr. Dilworth said the original budget proposal for this was two years ago, without a lot of backup information. All agreed it would be a good thing, but there was skepticism. Concerns were raised over who this person would report to and what they would do. The Committee reluctantly decided to leave the money in the budget and was available in July 2000. A year went by and at the last meeting in June, the Administrator proposed the name of a grant writer. If this was so important, then plans should have been in place a month after the election to immediately hire somebody. They were told it was due to the reorganization of Community Development. Several years ago the Town had a grant to buy a nice piece of recreational equipment. That was almost lost because no one moved on it. Even though the Town has a writer who has written a few grants, they are not convinced that anything will come of this. Ms. Cormier asked if this amendment could jeopardize the recommendation of the Budget Committee. Mr. Dilworth said that's a possibility.

- Ken Massey, 20 Fairway Drive, said the Federal government is going to be running deficits, so their chances of getting grant money in the next fiscal year are slim. If this amendment is passed, the Budget Committee may change their recommendation. Spending \$25,000 was not worth the risk.

- John Knowles said they need to give this a year to see if it is going to work. Grants don't come only from the Federal government. The Legislature is not going to stop funding pork barrel projects.

- Vote on the amendment: Yes, 13; No, 23. Mr. Arseneault declared that the amendment failed and Article 18, as proposed, was forwarded to the ballot.

Article 19 Part Time to Full Time Truck Driver/Laborer

Selectman Clegg said the justification for this is based on the fact that there are new developments, which require more plowing and this is the most efficient way to handle the situation.

- There being no discussion, Mr. Arseneault said Article 19 was forwarded to the ballot.

Article 20 Customer Service Representative

Selectman Jasper said the Assessing Office has not increased staffing in years, but there has been tremendous commercial and residential growth. In order to keep up with the assessments, the new buildings, the decks, etc. so everyone will pay their fair share, they need

someone in the office. They tried closing the office a day or two a week, but that didn't work out well. That is a busy office, with people constantly coming in for information. They want someone there to handle the workload.

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There being no discussion, Mr. Arseneault said Article 20 was forwarded to the ballot.

Article 21 Recreation Department Part Time Office Support

Selectman Jasper said since the Town hired a Recreation Director, programs have increased dramatically, servicing more residents with more programs. They are constantly being asked what is being done for the youth and the older people. There are many activities now, including sports and the summer program. The Recreation Director is on the go a substantial amount of time. They need someone to answer the phone to give out basic information, things the Director shouldn't be doing. It's not good use of his time. He should be doing scheduling and developing programs.

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There being no discussion, Mr. Arseneault said Article 21 was forwarded to the ballot.

Motion for a recess was made and seconded, but did not carry when put to a vote.

Article 22 Two (2) Fire Fighter/EMI-I's

Selectman Clegg referred to an overhead that showed how calls are answered at the Burns Hill station. It was originally built to be staffed by Call firefighters, but they are a rare breed. He presented some statistics regarding response to calls. He also talked about a recent fire on Cathedral Lane. The first unit to respond was from Central Station at 16:21, but the first engine from Burns Hill didn't arrive until nine minutes later. The tanker from Robinson Road responded to the fire before the tanker from Burns Hill. The truck from Central had to pick up the equipment at Burns Hill. There are no hydrants or Town water there. Last year, money was appropriated to staff the station part time. This year, they are asking to make it a full time station. He has been assured that this isn't the end of the Call force. There is an ad in the HLN for Call firefighters. If someone had an emergency, they shouldn't have to wait for someone from Central Station or Robinson Road Station. There is also the traffic problem on Lowell Road during commute hours. Added minutes make a big difference.

(Start Tape 6, Second Side)

He was asking for was parity--a fire station on Burns Hill that is staffed 24 hours a day, seven days a week with three people who can respond to emergencies. It might make the difference between life and death for someone at the southern end of Town.

Ted Luszey, 13 Cathedral Lane, said he was the one who had the fire referred to earlier. He had asked the Chief what the difference would have been if the Burns Hill station was manned full time. The Chief's answer was "nothing" due to the lack of infrastructure in the southern part of Town. There's no hydrants, but there are ponds and artesian wells. There is no plan on how they are going to grow Burns Hill. The ambulance will still come out of Central Station. Even though he lives in the southern part of Town, he can't support putting people in the Burns Hill station without equipment and infrastructure to support them.

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Selectman Jasper said it's true that Burns Hill can't respond on a consistent basis with very many people. There are currently only four people there. A few years ago, it was reversed with only Howard and him at Robinson Road and nine people at Burns Hill. There needs to be a consistency in recruitment and retention of Call firefighters.

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Shawn Murray called for a Point of Order (not discernable). Selectman Jasper said the subject of Call firefighters was brought into the debate by a previous speaker. The Moderator allowed him to continue.

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Selectman Jasper said they need to look at why there's only four people at Burns Hill. The Call department has never been at full authorization. There has been little recruitment. There needs to be consideration to what they have done to make sure that that force is maintained. They have heard about retention of firefighters and the fact they could be in a bad situation. He provided statistics on calls and recruitment. He supported the increase in the department of up to seven men per shift and thinks Burns Hill should be staffed during the day, but not 24 hours.

Ginette Carpentino, 4 Marsh Road, said it takes more than one person to operate a tanker. One firefighter can't pull hose and operate the vehicle. Also, the men don't always need ambulances. They are CPR certified; they have equipment on the fire truck to stabilize the patient. The only thing they cannot do is transport someone.

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Ted Luszey said at his house fire, they emptied 1,500 gallons of water on the fire in about 2½ minutes and then had to wait for trucks to arrive from stations other than Burns Hill. There is no plan in place to man the station. They need to get equipment before they add the men. Mrs. Carpentino said the equipment is available. They just need the manpower to run it.

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Steve Gannon, 17 Ledge Road, understands that Mr. Luszey is upset because his house burned down and he feels victimized. The Town has two paramedics, him and one other and he is the only one who lives in Town. If someone is having a medical emergency that requires

a paramedic, and if he or one of the other Lieutenant is not on duty, it is hoped that he or the other paramedic is available to respond to the station to take a vehicle to go to the emergency. If not, they have to wait for mutual aid. When someone has an emergency, they want help fast. This morning, they had a chest pain call on the south end, about a mile from the Burns Hill station. That engine got there several minutes ahead of the ambulance, with three EMT-I's who were able to assess the patient. On the engines, they carry a defibrillator, IV equipment, etc. When they got to the scene, they started to assess the patient and called for a paramedic before the ambulance even got there. They are highly trained and experienced. It is not fair to say they can't help someone except on the days the station is open. That station needs to be staffed around the clock.

- Ken Massey, 20 Fairway Drive, said you can make anything you want of statistics. He lives in the south end of the Town. Central Street south is a parking lot during morning and afternoon commutes. Trucks coming from anywhere but Burns Hill have to come down Central Street or Lowell Road, and that is not a pleasant thought.

Selectman Clegg reiterated that every firefighter is trained and all of the trucks have the basic equipment necessary for first response to medical situations. He is sick and tired of being put in the middle between the Call vs full-time firefighter issue. As a taxpayer, he deserves better.

- John Knowles, 51 Quail Run Drive, wondered what would have happened if the first truck hadn't arrived and had to wait 10 minutes before the next one. Instead of losing part of the house, the whole house could have gone.

- Mr. Arseneault said they should stick to the subject, i.e., hiring of EMT-I's.

Chief Carpentino responded to the earlier statistics that were quoted. He made it clear last year the intent was to put on two more people per shift so they have five at Central Fire Station and three at the south end station. The voters overwhelmingly approved of the program. This year, they asked for two more people. There is a lack of infrastructure on the south end. For five years, they've been fighting to get water down there. For the last two years, they've asked for money to buy 2,500 gallon tankers to put more water down there, but it didn't make the warrant. They need people at the station to run the apparatus. All of the apparatus that responds to calls have EMS equipment. Every full time member of the department is trained. Burns Hill got staffed by the voters. They can't violate the collective bargaining agreement, which outlines the hours of the employees. If there are issues within the Fire Department, if people are concerned and want information, he will be more than happy to provide it.

Howard Dilworth, Jr., moved the question, seconded by Ken Massey, carried.

- There being no further discussion, Article 22 was forwarded to the ballot.

Article 23 Administrative Police Captain

Selectman Clegg said three studies were done on this and every one said the structure in the Police Department needs to be changed. This article will add another Captain so they can properly use the resources they have.

(Start Tape 7, Side A)

It's time to implement the studies. A site assessment was done in October 2000 and the accreditation team noted that the number of subordinates reporting directly to the CEO could be problematic. Another Captain will mean there will always be someone with rank and experience when there is a situation. He hates to think of the time when Dick Gendron will retire, but two captains gives them two options.

William Pease, 5 Madison Drive, asked the Chief the benefits of this position and, if it fails, the difficulties. Chief Gendron said his time is consumed in dealing with four divisions, trying to make sure things are done right. When they went for Level 3 accreditation, it was noted that they are very close for national accreditation. Soon, a team of assessors from around the country will come in and look at the department. The setup of the organization will be targeted. They're not doing this just for the process; they are doing this because it is right. If he's not available, his Captain is in charge of the entire agency. They deal with people's rights and lives, and you have to have the right people when a critical incident goes down. This also grooms the department for more leaders. You need that structure. When the time comes, there will be two people who will be looked at that will be familiar with the administration of the operation.

- Shawn Murray, 55 Kienia Road, said they have rank structure within the Fire Department. He understands the importance of having the proper staff to deal with people. They have a lot of legal and liability issues to deal with.

- William Pease, 5 Madison Drive, said the town of Merrimack has two Captains and a Deputy Chief; Derry has two Captains; Goffstown has two Captains. The list goes on. They are trying to provide the residents the most efficient, effective Police Department possible. They've worked hard throughout the years to get to where they are today. The experts say this is needed. The Town has grown and it's essential that this be carried through.

- Robert Longo, 10 Stevens Drive, said there will be 100 new homes on Kimball Hill by the end of the year and that's just one

development. The Town is growing and all of the emergency services positions should be supported.

- Ted Luszey, 13 Cathedral Lane, said he spent an afternoon with the Police Department to review this request. As a member of the Budget Committee, he voted against this position. After the meeting with the Chief, he asked the Budget Committee to reconsider as he now feels it is important that they have this position. The Chief needs to be able to reorganize his department according to the plan that was presented four years ago.

- There being no further discussion, Mr. Arseneault said Article 23 was forwarded to the ballot.

Article 24 Capital Reserve Fund for Recreation Facilities

Selectman Jasper said the Recreation facilities need to grow to keep up with the Town. They are developing projects but that's not going to be enough. The Town would like to start putting money away for future projects.

- Ken Massey, Trustee of the Trust Funds, said the statutes have changed so that land purchases can be initiated by the Board of Selectmen, and you have to strike while the iron is hot and not wait for a subsequent Town Meeting in order to release funds from the Capital Reserve Funds. He asked if the Selectmen would agree to an amendment to make them the agents to expend, subject to a public hearing prior to the commitment of the funds. Selectman Jasper said that language was not included in order to get the Budget Committee's recommendation.

- Mr. Massey said they are looking at a 15-24 month time lag from the time they know they need the money until the time the Town can vote on it to get it released. These warrant articles are put together in January, but negotiations start long before that. The earliest the money can be released is July 1 of that year. In the case of the Benson's land, the Trustees were the first to realize that it was going to be difficult to transact with the State if they had to first negotiate and then wait for the next Town Meeting to vote. Selectman Jasper said the Budget Committee would have to be convinced. Mr. Massey asked the Budget Committee if they would agree to language that would make the Selectmen the agents to expend, subject to a public hearing prior to release of funds.

Howard Dilworth said the Budget Committee's reluctance in allowing the Selectmen to be agents to expend is due to the lack of plan. There always is the option of a special Town Meeting. Government moves slowly, but deliberately. Mr. Massey was not interested in putting the amendment forward if the Selectmen don't support it.

- Lisa Riley, 10 Chatham Street, said when the Budget Committee received Articles 24 – 27, there was a date in them that it would be taken from the General Fund surplus that existed on June 30, 2001. These article have now been changed to reflect a date of June 30, 2002. Selectman Jasper said a date of 2001 was an obvious mistake. There being no further discussion, Article 24 was forwarded to the ballot.

A motion was made and seconded to take a recess at 5:05 p.m., which carried. The meeting reconvened at 5:15 p.m.

(Start Tape 7, Second Side)

Article 25 Capital Reserve for Water Utility Capital Repairs

Selectman Jasper said this is naming the Selectmen as agents to expend because it is recognized that these repairs would need immediate attention. The money comes out of the water fund, so it has no impact on the tax rate. This will not affect negatively the rates of the water utility.

- Ken Massey, Trustee of the Trust Funds, said the word "large" is so nebulous, it would be hard for him to understand whether to honor a request for monies out of this fund. He asked them to either be specific on what the minimum amount that could be withdrawn is, or remove the word "large."

- Motion by Selectman Jasper, seconded by Ken Massey, to strike the word "large" carried.

- John Drabinowicz said he is on Town water. If they are not going to use the large reserves in the water budget to reduce the rates, they should use them for something useful for the water users. He supports this and the next article.

- There being no further discussion, Article 25 was forwarded to the ballot.

Article 26 Capital Reserve for Water Utility Capital Improvements

Selectman Jasper said a study has identified improvements that should be made over the next 20 years totaling \$6.5 million to the distribution system. They are nearing the capacity of well production on a daily basis. This will allow them to start to take the surplus that is accumulating within that fund, putting it away, beginning to develop those projects, and pay for them, for as much as possible, as they

go.

- Ken Massey, Trustee of the Trust Funds, asked what the difference between expansion and extension was. Selectman Jasper said expansion is additional wells and additional storage capacity—the ability for them to deliver and store more water. Extension is the extension of water mains to different locations throughout the Town.

- There being no further discussion, Article 26 was forwarded to the ballot.

Article 27 Capital Reserve for Consolidated Dispatch

Selectman Stewart said the purpose of this article is to establish a capital reserve fund of \$300,000 to consolidate Police and Fire dispatch. A total of \$700,000 will be needed. Several studies have indicated that by consolidating these services, costs will be reduced and efficiency increased. The Selectmen recommend a three-phase effort. Phase I, which was approved by the voters last year, was the hiring of personnel. Phase II is to establish a capital reserve fund in the amount of \$300,000 for the purpose of consolidating the Police and Fire dispatch centers. Phase III is to implement the actual move of equipment and personnel into one center.

- Motion by John Knowles, seconded by Lisa Riley, to reduce \$300,000 to \$150,000 in two places in the article.

- Mr. Knowles said this project has been approved in theory, but there are no final plans. Putting \$150,000 away is a good way to spread the tax impact. They won't be ready to do this before next year anyway.

Shawn Murray, 55 Kienia Road, was surprised that people say there are no plans. He asked the Fire Chief and Police Chief to talk about this before they vote on the amendment.

- Chief Gendron said both Police and Fire spent a lot of time working with RCC and they presented the plan to the Board of Selectmen, who approved the \$700,000 plan to be done in three phases. Last year, the article for personnel was approved. Now they are asking that money be put aside to move forward to do the construction and buy badly needed radio equipment.

- Chief Carpentino agreed with the Chief of Police. When RCC submitted their report, they submitted a proposal and explained how to go about accomplishing combined dispatch. He volunteered to get Mr. Knowles a copy of the plan.

- Mr. Knowles said of course there is a plan, but they don't have construction documents, an exact bid number, or the date this is going to take place. Chief Gendron said they don't have detailed plans that could be submitted to a contractor because they were told that until they had the money, it was too early for that

Lisa Riley, 10 Chatham Street, said the Budget Committee received very little information about this. She was aware last year that it was a three phase process and she had questioned what the overall cost would be and didn't realize until recently that this would require an addition to the existing police facility. She is not adverse to putting some money aside at this time, but they need to have a clearer view of the overall plan before they continue.

- Chief Carpentino said this information was available last year when they did Phase I. Project costs will keep growing. It was made clear up front that there had to be an addition to the Police Station.

Mr. Knowles said the Budget Committee was told they weren't ready to do this in the next fiscal year.

- Fred Giuffrida said it's not the Budget Committee's job to ask for specific information. Nothing has been done on combined dispatch within the past year. This project is a year behind. They might as well push it ahead a year.

- Ken Massey, 20 Fairway Drive, a Trustee of the Trust Funds, asked the Board of Selectmen if this amendment passes and they get only \$150,000 into a capital reserve fund, they would have to come back with another warrant article next Town Meeting in order to put an additional \$150,000 in. If the amendment passes, and they don't get the warrant article next year to pass, then they would be at risk for not only not being able to do it next year, or maybe not for several years. Selectman Seabury said this was supposed to come before the voters three separate years. Mr. Massey said if the Selectmen were planning to come back before the Town to ask for the money to build the center this year, and there are no plans to build it, then the Budget Committee might be right.

(Start Tape 8, Side A)

Howard Dilworth, Jr. said money that is in surplus can be used to offset the tax rate. \$1.3 million is currently there and can be left there.

- Shawn Murray, 55 Kienia Road, opposed the amendment.

- Vote on the amendment: Yes, 9; No, 16. Mr. Arseneault declared that the amendment failed.

-

Motion by Lisa Riley, seconded by John Knowles, to delete, "to designate the Board of Selectmen as agents to expend and."

- Ms. Riley wasn't comfortable with the Selectmen being named as agents to expend. It is going to cost significantly more than \$300,000, so it should come back to the voters for final approval.

Shawn Murray, 55 Kienia Road, asked who becomes the approving authority if the Selectmen are removed as agents to expend. He was told Town Meeting.

- Vote on the amendment: Yes, 11; No, 18. Mr. Arseneault declared that the amendment failed.

- There being no further discussion, Mr. Arseneault said Article 27 was forwarded to the ballot.

Article 28 Library Expansion Capital Reserve Fund

Selectman Seabury said this is another capital reserve fund. It is for the library for a sum not to exceed \$50,000. She spoke in favor of the article.

- Arlene Creeden, 45 Cottonwood Drive, asked for a clarification from the attorney. After the June 30, 2002 it specifies fund balance, but it doesn't say which fund. Atty. Buckley said it is the General Fund balance.

- Amendment by Selectman Jasper, seconded by John Knowles, to the third line after 2002, insert the word "General"

- Ken Massey, 20 Fairway Drive, asked the Attorney if the wording accomplishes the exact same thing as the wording for the previous capital reserve articles. They've amended the article to add the word General. The warrant article does not read the same as any of the other previous capital reserve fund articles. Selectman Jasper had new wording from the Attorney that was approved by DRA. He withdrew his amendment and Mr. Knowles withdrew his second.

Amendment by Selectman Jasper, seconded by Ken Massey, to strike Article 28 in its entirety and replace with the following: Library Expansion Capital Reserve Fund. To see if the Town will vote to raise and appropriate a sum not to exceed \$50,000 to be placed in the Library Expansion Capital Reserve Fund and to authorize the use/transfer of the 6/30/02 General Fund Balance (surplus) in an amount not to exceed \$50,000 for this purpose. This appropriation is in addition to Article 18, the Operating Budget.

- Vote on the amendment: Yes, 36; No, 0. Mr. Arseneault declared that the amendment carried.

- John Knowles, 51 Quail Run Drive, supported the article. \$50,000 is a small amount compared to what the library expansion will eventually cost, but it helps spread the pain out over several years. They don't know what the project will cost, but it will be more than \$50,000 so they aren't throwing money away.

- Len Lathrop, 31 Winslow Farm Road, asked Selectman Jasper why he included the term "to raise" if this is coming out of surplus. Selectman Jasper said, under the statutes, any time you are authorizing the expenditure of money, you have to raise it and appropriate it in order to spend it, regardless of where it comes from. Mr. Lathrop asked if, at the end, the General Fund does not have the money for this expenditure, it cannot be included in any taxable situation. Selectman Jasper said that was correct. If at the end of the year, if there is not enough surplus left, he believes DRA determined that it is funded in the order it appears on the ballot. However, when the Selectmen look at these articles, they look at the surplus they have available and designated an amount of money they didn't have an issue with designated in a future year, so the money is in the bank, unless there is a catastrophe between now and June 30.

- There being no further discussion, Mr. Arseneault declared that Article 28 was forwarded to the ballot, as amended.

Article 29 Dance Halls and Entertainment Places of Assembly

Selectman Clegg said Nashua passed an ordinance banning RAVEs from 2 to 7. He didn't want them coming over into Hudson. RAVEs are a big problem and they don't want them in Hudson. The attorneys drafted an ordinance similar to what Nashua, Manchester and Concord are using. This article would ban anyone from holding those types of parties between 2:00 a.m. and 7:00 a.m.

Ken Massey, 20 Fairway Drive, had a concern with using generalities. Massachusetts passed a law saying Bingo was not a lawful activity, so every town had a game called Beano.

Selectman Clegg said the attorneys made it as generic as possible.

David Alukonis, 121 Central Street, applauded the concept of trying to shut down RAVEs, but the proposed ordinance ensnares

other organizations, businesses and individuals. It's like trying to kill a fly with a Mack truck. People would need a permit to get together and dance in private homes. Entertainment Place of Assembly doesn't say what entertainment is. His interpretation would include anything outside the home that might be fun. No person under 17 could enter a place of entertainment without their parent or guardian. Kids could not go into Town restaurants that have an occupancy of 100 or more, or a theater, even if it were a Disney film, without a parent or guardian. This also would include any places where dancing may occur. Dances occur in church halls. This would include the American Legion, the VFW. If he wanted to rent the American Legion Hall, he would have to get a permit if he wanted to have dancing there. This license would include approval from the Building Department, Zoning Department, the Police Chief, the Fire Department.

(Start Tape 8, Second Side)

Amendment by Selectman Clegg, seconded by Selectman Jasper, to add "private residences, charitable and non-profit organizations and religious organizations under Definitions of Dance Halls to the last line that says, "Expressly excluded from this definition are public or private schools."

Dave Alukonis said the amendment covered only part of his concerns and doesn't fix all of the problems.

Ted Luszey, 13 Cathedral Lane, said Section 185-8 Restrictions, Paragraph C is troublesome. He couldn't send his 17 year old son with his 14 year old daughter to McDonald's because that is a place of entertainment.

Selectman Clegg, seconded by Selectman Jasper, amended the amendment by deleting Paragraph C of Section 185-8 Restrictions, "No person licensed to operate a dance hall or entertainment place of assembly shall allow any minor under the age of 17 to be admitted to the dance shall or entertainment place of assembly unless accompanied by a parent or legal guardian," carried by a vote of 27 to 1.

The Moderator asked if there was further discussion. There was a question on what was voted on. The Moderator said it was considered as one.

Ken Massey, 20 Fairway Drive, wasn't aware of any public vetting of this incredibly important ordinance. Many places in the ordinance have unbelievable ramifications. They are trying to amend an incredibly important piece of legislation on the fly. The way it is written would restrict a parent from taking a child of the opposite sex in the bathroom of a dance hall or place of entertainment with him or her. Without thoughtful consideration of the implications of the ordinance, they might rue the day this is adopted.

Lars Christiansen, 1 Stoned Lane, said the whole ordinance is full of problems. It would be better if it was specifically directed to RAVEs.

Selectman Clegg said they cannot constitutionally target RAVEs, but they still have the ability to restrict the use, based on moral grounds.

Motion by Fred Giuffrida, seconded by John Drabinowicz, to move the question on the amendment, carried.

Mr. Arseneault called for a vote on the amendment. As he was counting, he was interrupted by someone asking him to read the amendment. There was some confusion as to whether or not there was an amendment on the floor, or if they were voting on the main question, as amended. Mr. Drabinowicz said there are no motions on the floor right now, they were in the middle of discussion on the warrant article.

Fred Giuffrida asked the Board of Selectmen to withdraw this warrant article and redraft the ordinance as there are obviously great problems with it. Selectman Clegg said the attorneys advised that it would be illegal for the Selectmen to withdraw the article at this time. Mr. Giuffrida asked the attorney if there was a method by which this body can amend the warrant article to negate it from having any effect. Attorney Buckley said there are ways to make it meaningless, but didn't know if it was his place to do so.

John Drabinowicz, 8 Deerfield Avenue, asked if there was a way to change the article to send it back to a study committee, since it is flawed. Attorney Buckley didn't think so because SB2 requires that all warrant articles considered at the deliberative session must go on the warrant. It wouldn't be fair to change the article that way. It wouldn't be the same article put forth by the Selectmen.

Ken Massey, 20 Fairway Drive, said they could amend this article to say the Town will effectively vote to have the article redrafted. It is still germane to the subject matter. They are simply saying that, as written, it needs more work.

Selectman Jasper said they probably could, but urged the body not to. They have had a serious problem with these types of issues in Town. There are very few perfect ordinances. There is a law on the books that says you can't smoke within 100' of the school, but the police aren't knocking on doors of people to see if they are smoking. He understands the concerns, but the amendments have taken care of the most serious ones. They can all sit and play lawyer, or they can worry about the problem that exists that will lead to trouble. They have to look at what is in the best interest of the whole Town and not worry about police enforcing little infractions. Every detail is not always enforced in every case. He wishes people were at the public hearing on this and brought these issues forward sooner. The police

aren't going to become the Gestapo on people who are having birthday parties or taking their small children to the bathroom.

Lars Christiansen wanted to change Definitions, Dance Halls, to public dance halls. There was no second.

David Alukonis offered an amendment: "Article 29, Dance Halls and Entertainment Places of Assembly," "to see if the Town will require the Hudson Board of Selectmen to propose a new chapter to the Hudson Town Code regarding dance halls and entertainment places of assembly for the 2003 Annual Town Meeting." It was seconded by more than one person, but they were not identified.

Attorney Buckley said that that would be a substantive change to the proposal and would not be permitted. He recommended that the Moderator not accept the amendment. Mr. Arseneault concurred with the Attorney.

A challenge to the Moderator was made by John Drabinowicz, seconded by John Knowles. Mr. Arseneault called for a vote on upholding the ruling of the Moderator. Vote: In favor, 21; Opposed, 5. Mr. Arseneault declared that the challenge failed.

John Drabinowicz, 8 Deerfield Avenue said this was an example of lobbying against one group of people. It was not well thought out. It should be redrafted because they are treading on people's rights. The ordinance could be used by unscrupulous people against the ordinary citizen. The amendment that failed was perfectly legal because they have negated warrant articles in the past.

John Knowles, 51 Quail Run, thought the legal opinion was wrong, based on past precedent. The purpose is excellent, but this ordinance is appallingly drafted; it's a first draft. He asked the Selectmen to rethink this and change their designation to Not Recommended so it can come back next year, done right.

Teresa Stewart, 22 Tamarack Street, said two years ago, there was an establishment in Town operating on Derry Road, attracting out of state people. The Fire Department was taking kids out of there for drug overdoses. They need to have something in place to put a stop to this kind of activity.

Fred Giuffrida urged the Board of Selectmen to change their recommendation. If not, then he will make the public aware of how the article has been crafted. Any law that requires four or five amendments on the floor of the deliberative session to make it remotely palatable is a bad law and not justified, no matter how much the law is needed. If the Board of Selectmen pass a bad law, then it's their responsibility.

Amendment by Ken Massey, 20 Fairway Drive, seconded by Brad Seabury, to add a section which would become "185—11 Separability. If any part of this ordinance shall be found to be unenforceable or unconstitutional, all other parts shall remain in full force."

Mr. Massey said he was persuaded by a previous speaker who indicated that the police are not going to be unreasonable on this.

(Start Tape 9, Side A)

If someone challenges a piece of the ordinance, the entire thing ends up getting challenged. This language would preserve the rest of the ordinance and cause only the section of the ordinance found to be unenforceable or unconstitutional to be stricken. Attorney Buckley said it's called a separability clause.

David Alukonis said the warrant article itself reads to see if the Town will vote to adopt a new chapter in the Hudson Town Code, if in fact they are amending the underlying document, which is not specifically part of the warrant article, except by notation. Atty. Buckley said Hudson follows the practice that when it adopts definitive ordinances and by-laws, instead of placing all of that wording on the warrant, they make reference to them. That has been the common practice and that is what is being done here. They have before them a proposed ordinance, adopted by reference, which is available for everyone to read. That is an appropriate procedure.

Vote on the Separability Clause amendment: Yes, 14; No, 9. The Moderator stated that the amendment passed.

Donna O'Hanian, asked for a legal opinion on whether the proposed ordinance could just say "to be determined." Attorney Buckley said it's not advisable or appropriate for Town Meeting to delegate the power to adopt this regulation to the Board of Selectmen. The most appropriate way to make clear that this is an enforceable regulation is to have the Town Meeting adopt the language of the ordinance. Ms. O'Hanian asked if it could be done at a public hearing. Atty. Buckley said a public hearing is always a good idea, which is, in part, what the deliberative session is all about, but a public hearing is only airing a discussion on the content. The actual adoption of the ordinance is by Town Meeting and at the ballot session.

Dave Alukonis admitted there was good reason to have an ordinance which accomplishes the goals set forth. He tried to work earlier with the attorneys to adjust the language, but they could not. It needs a rewrite as it does not take care of all of the issues brought forward. The law needs to be precise and law enforcement needs to enforce that law. Anything less borders on unconstitutionality and is morally wrong. This goes too far too quickly. The Town already has a noise ordinance and laws against public nuisances. The State has liquor and drug laws. They have a whole quiver of laws which helped to shut down, or at least change the Rave's that were occurring. The ordinance should say there will be no public dancing from 2 – 7 in any commercial or industrial establishment in this Town.

Selectman Jasper didn't see a problem with the amended ordinance. People are reading things into this that are not intended and will not be enforced. They can pick this apart or take care of the problem with a potential to explode. They can have more hearings and they can amend it. When this problem rears its ugly head, it is a Mack truck. It is an ugly problem and he didn't think it was a bad idea to license dance halls and places of entertainment.

- Chief Gendron said circa 1998 a lot of businesses that started off as a sub shop were distributing beer, but quickly became sports bars, unbeknown to the Police Department. Then they turned into dance halls. He has three officers that work late night. If there is a call for a bar fight, all three will have to go. A particular club on Route 102 Plaza changed from a sports bar into an all-night dance party, like a RAVE. They could not handle the amount of calls that came in who felt that their quality of life was diminished because of the loud bass. They were transporting people constantly from overdoses. There was drug activity going on inside and there were women in the men's bathrooms involved in sexual activity. They talked to Police Departments in other states and got suggestions on how to regulate these businesses. At the same time, the Selectmen were getting complaints from people about the noise. He was instructed to place officers inside the building and the club would have to pay for them. However, they quickly learned that the club did not have to pay for that police detail and it came out of the Police Department's budget. This ordinance allows the Town to know what is going on. If someone opens up a sports bar, that's what it's going to be. If it changes into a dance hall, the Police Department will have to know about it so they are aware of it. If a business becomes a nuisance where there are fights at night and there is drug activity, it allows the Police Chief to put somebody in the building and the establishment will pay for it, not the taxpayer. They aren't trying to regulate dancing at someone's house. They want to know what is going on at these establishments and that they are operating in the manner they are supposed to be, not something else.

- Fred Giuffrida amended the article to strike the second paragraph and add, "This proposed ordinance is incomplete and poorly crafted and inadequately studied." The amendment was seconded by John Knowles.

- Mr. Giuffrida said replacing one description of the warrant article with another description is legal. Attorney Buckley said the proposed amendment was a complete misrepresentation, an inappropriate way to assemble a warrant. The purpose of all articles is to warn people about what they are going to vote on, to give them a description of what they are going to vote on. It's not meant to be a platform for people to editorialize. Mr. Giuffrida said this Town has a history of doing things exactly this way. Attorney Buckley said it was his opinion that what Mr. Girffrida was doing was not what the article intended. Mr. Giuffrida asked if that was his legal opinion or his own opinion. Attorney Buckley said he answered that question. Mr. Giuffrida said he wanted a yes or no. Attorney Buckley said he answered that question. Mr. Giuffrida said he wanted a yes or no. Attorney Buckley said he already answered the question. Mr. Giuffrida asked if it was a yes answer or a no. There was no response. Mr. Giuffrida said his motion should be voted on. Mr. Arseneault asked for it in writing. Mr. Giuffrida asked to replace the second paragraph with, "This proposed ordinance is incomplete, poorly crafted and inadequately studied."

Ken Massey, 20 Fairway Drive, asked for a ruling from the Moderator if the proposed language constituted a change in the intent of the article. Mr. Arseneault said that it did.

- John Drabinowicz said the amendment does not change the intent of the article, it only changes the description. Mr. Arseneault ruled that the amendment was out of order.

- Fred Giuffrida challenged the ruling, seconded by John Drabinowicz. Mr. Arseneault said the question on the floor was if the ruling of the Moderator stands. Vote: Yes, 22; No, 8. Mr. Arseneault said that the ruling of the Moderator stands, adding that they were beating this to death.

Karen Susi, 2A Lenny Lane, asked if there was an amendment on the floor. Mr. Arseneault said the amended article was on the floor, not an amendment. Ms. Susi asked if Nashua has been able to successfully enforce their ordinance. Selectman Clegg wasn't aware of any court challenge.

- Betsy Cormier, 12 David Drive, said part of this session is to learn about the articles that will be presented to the voters. It has been discussed, now it is up to the voters to either vote for it or against it.

- Amendment by David Alukonis, seconded by Fred Giuffrida, to strike all of the language after 185-1, Purpose, Statutory Authority, of the proposed ordinance. Mr. Alukonis said it's absurd, but they can enact an ordinance in title only. This tramples upon individual and business rights so they have to resort to this sort of action.

Selectman Clegg said to put out an ordinance that says nothing is a waste of time and paper.

- Selectman Seabury said this Board has a responsibility to protect their Police and Fire Departments that are putting themselves in serious jeopardy. Those opposed to this should be ashamed of themselves and should respect what the Chief of Police is trying to do.

(Start Tape 9, Second Side)

Shawn Murray, 55 Kienia Road, moved the question, seconded by Selectman Jasper.

Mr. Arseneault read the proposed amendment.

Vote on the motion to limit debate: Yes, 24; No, 8.

Vote on the amendment to strike the ordinance: Yes, 13; No, 23. Mr. Arseneault declared that the amendment failed.

Ted Luszey, 13 Cathedral Lane, asked if there was an estimated revenue number based on the square footage on anything defined in the ordinance as entertainment/dance halls as a projection for next year. There was no response.

Ken Massey moved the question, seconded by Selectman Jasper, carried 27 to 8.

There being no further discussion, the Moderator stated that amended Article 29 is forwarded to the ballot.

Petitioned Articles

Article 30 Request for Sidewalks/Street Widening on Musquash Road, Burns Hill Road, Wason Road, Sanders Road and Dracut Road

Patty Regan, 7 Little Hales Lane, said she came with the intent to add money to the article, but she was told that that's not possible. She spoke at length on the health and safety benefits of putting in sidewalks.

There being nothing further, Mr. Arseneault stated that Article 30 was forwarded to the ballot.

Article 31 Comparability Adjustments in Wages and Benefits for Professional Employees of Hills Memorial Library

Lisa Riley said she was representing the Library as a Trustee since the Chairman had to leave. They've requested \$15,977 which includes wages and benefits and will provide a comparability adjustment for the five professional employees of the Library. All of their professional employees are below the area average, a couple significantly so. They did not use the same pool of communities that was used for all of the others, but a narrower pool--Bedford, Keene, Londonderry, Merrimack and Salem--for their size and what is considered a competitive area. They did not use Nashua or Dover. The financial impact is 1.2 cents per \$1,000 assessment. She asked the Selectmen and Budget Committee to change their recommendations.

Maryann Knowles, 51 Quail Run Drive, said the Library is much more than a book repository, but a Town institution that enriches the community. The Library staff doesn't work on commission or get incentive bonuses and are not a part of collective bargaining.

There being nothing further, Mr. Arseneault said Article 31 was forwarded to the ballot.

Article 32 Incompatibility of Offices (Ethics Issue)

Motion by Fred Giuffrida, seconded by Ted Luszey, to amend first paragraph, last sentence, by changing "dual roles as an employee of" to "dual roles as someone paid for goods and services by," and the next paragraph that follows the word Follows, to read: "No individual who has received or whose spouse, child or stepchild has received payment for goods or services in excess of \$100 from the Town or School District should hold any elected or appointed positions that may be a direct conflict of interest to the operation of any Town department within one year of acceptance of such payment. The acceptance of payment for goods or services in excess of \$100 from the Town or School District shall require the immediate resignation from the elected or appointed position by the individual. In the event that the individual does not immediately resign the elected or appointed position, the Board of Selectmen shall terminate the individual's employment with the Town to insure compliance with this article." And in the second sentence of the next paragraph, "The Board of Selectmen" is replaced with "The Code of Ethics Committee." In the last paragraph, the phrase, "that holds a dual role position" is replaced with, "having the conflict of interest."

Ken Massey wondered if the School District can be included in a Town article. Mr. Arseneault said it should refer only to the Town as the Town has no jurisdiction over the School.

Mr. Girffrida asked that all references to the School be removed from his amendment. Mr. Arseneault allowed it, as there were no objections. Mr. Giuffrida said the proposed amendment targets one class of person receiving payment in the Town. There are any number of conflicts of interest in Town where people are paid for goods or services. The original ordinance targets one individual who is a call firefighter and Selectmen. It doesn't take into account a Selectman who has a business doing minute-taking for the Town, or a Selectman who would be the travel agent for the Town or a Selectman whose son receives payment for paving in Town. He's sure there are other

conflicts of interest. Instead of targeting one class or people who get paid, it now targets anyone who gets paid.

- Shawn Murray, 55 Kienia Road, said he'd like to see the amendment in writing so he could understand it.

- John Drabinowicz, 8 Deerfield Avenue, said the original article targeted one person. Any law crafted against one individual or group of individuals is bad law. The amendment makes it a little more fair, but it is bad law-making.

- Shawn Murray opposed the amendment, especially the part that changes "Board of Selectmen" to "Ethics Committee," since the Ethics Committee didn't want to deal with this situation.

- Ken Massey didn't think the Ethics Committee was the appropriate body to enforce this law. If this amendment stands, it would be very hard to get people to run for office or to work for the Town Also, \$100 is not reasonable.

- Charlotte Schweiss, 28 David Drive, said the original article is ludicrous and doesn't belong here. They are loaded with conflicts of interest and every one of them should be taken care of.

- John Drabinowicz, 8 Deerfield Avenue, said the Ethics Committee was the body to preside over Ethics issues.

(Start Tape 10, Side A)

Ken Massey did not think the Ethics Committee should have the power to remove somebody. Mr. Giuffrida said the amended ordinance has the power to determine who is covered; it used to reside with the Board of Selectmen, now it resides with the Ethics Committee. The actual termination of someone still resides with the Board of Selectmen.

Ted Luszey, 13 Cathedral Lane, supported the amendment.

- Lars Christiansen, 1 Stonewood Lane, said the responsibility of the Ethics Committee is to apply the ordinance if it is a financial conflict of interest.

- Vote on the amendment: Yes, 19; No, 11. Mr. Arseneault declared that the amendment passed.

- Fred Giuffrida said this article is totally ridiculous. It will eliminate virtually all of the Selectmen and most of the Budget Committee. In small towns, there are conflicts of interest. The majority of elected offices goes unopposed most years. If they are going to start looking at every single conflict of interest as a reason why you cannot run for elected office, everyone will be eliminated. The rule has always been you don't vote on anything that affects you personally monetarily or your household. You still have information; you still have free speech; you still have the right to run for elected office in Town. Otherwise, there won't be a functioning Town government.

- Charlotte Schweiss, 28 David Drive, agreed, saying warrant articles shouldn't be used to solve personality conflicts. Hudson isn't volunteer-rich. This article goes to show why. Who in their right mind is going to run for an office and take the chance of stepping on the wrong person's toes, taking the chance of saying the wrong thing to the wrong person and get your name splashed all over the papers, get slandered, get ridiculed and shamed in front of the entire Town. If this passes, it is going to have far-reaching consequences that will be detrimental to the Town.

- Motion by Selectman Jasper, seconded by Shawn Murray, to move the question carried.

- Mr. Arseneault said Article 32 is forwarded to the ballot.

12. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Seabury, to adjourn at 7:55 p.m. carried.

Recorded and Transcribed by Priscilla Boisvert
Executive Assistant

Cecile Y. Nichols
Town Clerk/Tax Collector