

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the January 22, 2002 Meeting**

7:00 – 8:08 Attorney-Client Session w/Labor Attorney

1. **CALL TO ORDER** by Chairman Ann Seabury at 8:15 p.m.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Rhona Charbonneau
3. **ATTENDANCE**

**Selectmen:** Ann Seabury, Rhona Charbonneau, Shawn N. Jasper, Robert E. Clegg, Jr., & Terry Stewart

**Staff/Others:** Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; about 50 people in the audience; Sean T. Sullivan, Director of Community Development; Rob Desmarais, Town Engineer; David Yates, Recreation Director; Curt Laffin; Fidele Bernasconi; Ray Wieczorek; Representative Rudy Lessard; Representative Lars Christiansen; Ed Caban; Fire Lt. Todd Hansen; several Fire Fighters; Steve Haight, Atty. Bill Mason; Ann, TEL; Len, HLN

4. **PUBLIC INPUT**

**Todd Hansen, 11 Greentrees Drive, to address Selectman Stewart's Remarks of January 8<sup>th</sup> BOS Meeting** – Mr. Hansen read a prepared statement, as follows: "I am here to address the comments made by Selectman Stewart regarding the Firefighters Union made at this Board's last meeting. I am not here to debate Union policy, as that is a matter of the International Association of Firefighters and not this Board. I will, however, address the callous attack against the Firefighters Union. Many of the comments made by Selectman Stewart were fictitious, while others were half-truths. I would also point that at no time was I contacted to verify the assertions or accusations that have been made. A question has been asked why this by-law is being enforced. The answer is quite simple. Like all organizations, the IAFF has rules and regulations that it expects its members to abide by. As a Chief Administrative Officer of one of the IAFF subordinate local unions, it is my responsibility to advise members when they are not in compliance with those rules and regulations. I have done just that. I have requested them to relinquish their secondary positions in order to become compliant with the constitution and by-laws of the IAFF, an organization that each member joined of his own free will. The assertion has been made that the loss of four call firefighters will all but wipe out the call force. How the departure of four out of a 20-member force can be construed as all but wiping it out is beyond me. Clearly, this is a fictitious statement. In fact, the Fire Chief has publicly stated that although the loss does have an impact, it is not a major one. The accusation has been made that I put the good of the union before the good of the Town. This is yet another gross misrepresentation of the facts. Let me clarify this statement that has clearly been an easy target. Any member of the IAFF who violates the constitution and by-laws could be subjected to misconduct charges being filed against them. These charges can be brought forward by any of the 250,000 members. No one in the IAFF wants to see one of our own members subjected to any type of charges, as it will undoubtedly cause much animated internal debate. However, rules are rules and until such time that they are amended or repealed, they must be followed. Therefore, abiding by the rules of the union is for the good of the union. To assert that this comment relates in any way to the public is ludicrous. The Hudson Firefighters Union and its members have always remained firm in their conviction to provide exemplary fire and medical services to the citizens of this community. Never have we wavered from this mission. The assertion has been made that this by-law is seldom enforced. As of the closing of IAFF offices in Washington, DC at 4:30 p.m. today, there was no record of Selectman Stewart ever being a member of the IAFF. How she knows the manner in which this association enforces its by-laws remains a mystery. This is yet in another long list of erroneous statements. Recently, the Nashua Firefighters have addressed this matter with its members, as has Merrimack and many others already enforce zero tolerance. The question has been asked, "Does this affect the members of the Hudson Firefighters Union or just these four call members?" Constitution and by-laws of the IAFF affect all members equally. No one has been singled out. In fact, all members have been reminded of the compliant requirement. Despite what has been asserted, no one has been forced to resign nor have any misconduct charges been filed. They have merely been requested to relinquish a position to avoid possible repercussions, repercussions that I have no control over, as I am simply the messenger. I take great personal exception to the comment that I am circulating a petition on behalf of a former Selectman who moved to Florida, although I do understand that it is very easy to slight someone that is several hundred miles away. The petition in question in regards to incompatibility of offices was circulated by many Town residents, many of whom are tired of the unprofessional antics of some members of the Town's various boards and committees. Further, it is my right of a resident and tax payer of this community to author and bring forth any petition that I so choose. Selectman Stewart has clearly cross the line by questioning my right. Further, the call fire fighters have frequently been referred to as volunteers. This is a very misleading, but strategic statement. The Hudson Fire Department has no volunteer firefighters. These people are paid, part-time employees, some of whom have earned several thousand dollars a year, and rightly so. Volunteers are people who perform a function without compensation. Does corporate America refer to their part-time employees as volunteers? Certainly not, and neither should we. Finally, we come to the most disturbing of all comments. Numerous references have been made regarding the events of September 11<sup>th</sup>. These references offend me, as they should every member of this community. Erroneous, unsubstantiated information does not justify turning this nation's worst tragedy into a travesty to satisfy one's own agenda. Accordingly, I believe that every firefighter, police officer and citizen of this community deserve a public apology. I find this entire matter extremely unfortunate. However, as I stated previously, this is a matter of the International Association of Firefighters and not this Board. I would strongly encourage all members of this Board, individually and collectively, to refrain from any further involvement. Thank you for your time."

**Alexa Warren, 22 Greeley Street, re. Public Bus System in Hudson** – Ms. Warren and Ashley Shepard alternated reading a statement requesting bus service from Hudson to Nashua. They outlined the pickup and drop off times and places, as they envisioned them and suggested a cost of 75¢ each way to help cover costs. Selectman Charbonneau said the bus used to come over from Nashua, but it wasn't worth their while, so they stopped. Chairman Seabury thought it would cost more than 75¢, but there might be enough interest for it to happen.

**Don Holt, 12 Dolores Avenue, Derry, re. Lions Hall Issues** – Mr. Holt said he runs the antique show at Lions Hall. He hoped the Board would reconsider the new lease that is being proposed. It would be impossible to move things in and out of the building every day. He asked for a meeting to discuss what can be done to rectify the problems at the hall. He uses it 27 weeks a year and for seven years, they never had a problem. He thinks the problems come from parties and people who come in from other towns, not the post card shows, the antique shows or the Seniors. There is one or two small cabinets in the kitchen that he uses. He has his own refrigerator and a 4 x 4 on wheels that carries things for the snack bar. He'd like to be able to keep them there. Regarding the insurance issue, it will cost him \$2,500 a year for \$1 million/\$3 million coverage. For \$1 million/\$2 million coverage, it drops down to \$1,414. He didn't know of any function hall where the renter has to carry an insurance policy. Chairman Seabury said she is a member of several service organizations and when they have their annual auction, they have to provide coverage. However, it's a one-time event, so it's not that expensive. Selectman Jasper said he'd like to see a meeting set up so they can go over things. The Hols have been good renters and having their antique show there is a benefit to the Town. Hopefully, something can be worked out. He asked the Town Administrator and the Chairman to set up a meeting for some late afternoon. They both said ok.

**Dave Morin, 10 Timothy Lane, re. Lions Hall Fees** – Speaking on behalf of Lion's Club President Joe Kasper, who had to leave unexpectedly, Mr. Morin said he wanted to discuss fees for the Lion's Club and other civic groups in Town. When they do things at Lions Hall, it's usually for a fund-raiser that will benefit the Town, such as a scholarship. All the money they make, other than minor operating expenses, goes back to the Town in numerous ways. If the rental fee goes from \$150 to \$400 they may have to seek alternate sites to hold their functions.

Selectman Jasper said if there is going to be a meeting to discuss this, the Lions Club should also be included. Chairman Seabury said this increase isn't because the Town wants to make a lot of money, it's to be able to meet expenses and cover maintenance and repair costs. Selectman Jasper thinks they will be in worse shape if they chase away the civic organizations. Selectman Clegg said charitable organizations are great, but some people don't believe the Town should provide them a building at taxpayer expense to raise funds. It costs approximately \$52,000 a year to operate the building, and that's not fixing anything. If they are going to let civic organizations use the building at a reduced rate, they should put it on the warrant. Selectman Jasper appreciated Selectman Clegg's comments, but they have been giving charitable organizations reduced rates from the outset. Sitting down and talking with them is a good start. Selectman Clegg said he is active in Town, but until he became a Selectman, he did not realize they were losing money on the building. It's not general knowledge that taxpayers have been subsidizing civic organizations.

Selectman Charbonneau said the Town is fortunate that they've been able to get the Department of Corrections to fix up the building, including fixing the cracks in the floor. They will put a lot of wax on the floor so it will stand up for six months, with regular mopping. The bathroom fixtures have to be replaced, and that will be done compliments of her business, Continental Academie. They have to rent to people who will respect the hall when they use it. Right now, it looks beautiful and they want to maintain that. It's great to have dances, but they should be properly chaperoned. She, as a Commissioner, and Selectman Clegg, as a Legislator, worked together to get the prisoners to come down to do the work. She hoped other people would make donations for new chairs and tables.

Mr. Sharon asked if the Lions Club has already made arrangements for another site. Mr. Morin said it was discussed, but nothing was decided. They'd like to be able to stay at Lions Hall. In response to Selectman Clegg's question, Mr. Morin said he was not present as a Lieutenant in the Fire Department but as a member of the Lions Club.

**Ray Wiczorek, Candidate for the Executive Council**. Selectman Charbonneau said the other two candidates should have been invited to speak. Mr. Wiczorek said he wasn't going to make a political speech but to let people know that he is going to be running for the Executive Council seat that is being vacated by Tom Colantuono, who was appointed as U. S. Attorney. Having served as Mayor of Manchester for five terms, he has a very good idea of what is expected of an Executive Councilor. He pledged to work full time, if elected. He will be readily accessible and willing to help with any problems that come up. He hoped for a good turnout on February 5.

(Start Tape 1, Second Side)

**Susan Flaherty, President of Hannah Dustin Quilt Guild**, hoped the Town would continue to store their self-contained storage units, continue the rent at the current rate and honor the contract they signed with Richard for their quilt show in May at \$150 per day. They will look into getting an insurance policy, but had no idea it would cost so much. There are 266 members, many of whom would help with a clean-up effort. If all of the civic organizations that use the building got together, they could give back to the Town. They donated over 1,000 quilts to David's House in Hanover and put quilts on all of the beds at Hospice House. They can give back in ways like that, but not with money. She, too, would like to be included in the meeting with Mr. Sharon.

Selectman Clegg said insurance rates are based on the activity. Mr. Holt's would have more potential liability than the Quilters. Mrs. Flaherty said that the guild would be voting on all of these issues at their meeting on February 3. The Quilters would like to stay at the hall; she thinks they are good tenants. They are a little cranky sometimes, but they don't put holes in the walls. Mr. Sharon said the Town would honor existing contracts.

**Julie Crosslin, Treasurer of Hannah Dustin Quilters**, said they are non-profit and everything they do goes back into the community. They cannot afford the insurance, \$400 for rent. It's not in this year's budget and it's too much to ask them to change everything within 30 days.

**Dave LeFrance, Independent Karate School**, said they run a program at Lions Hall and carry their own insurance. They don't make a profit. They run the program to give something back to the kids. Other karate schools in Town charge \$70-\$80 per student. This is a hobby that he enjoys and hopes the kids enjoy it. When they get there, they clean the floors and take down the tables. Whenever there is an event, they are flexible about it. He can't afford to pay \$400 every night he is in there. Right now, what he makes pays for the rent and insurance—and an occasional pizza. They have about 30 students, mainly families. He teaches the parents and his son teaches the children. They've been doing this for about 10 years in Hudson.

Glenni Edwards for Hannah Dustin Quilters invited the Selectmen to a meeting of the quilters, saying they wouldn't find 175 more enthusiastic women. She said building disrepair comes with age, but it wasn't one of their women who drove through the side of the wall of the building. She cautioned them to be careful of who they rent to. She chaperoned an 8<sup>th</sup> grade dance and would never rent a hall to 8<sup>th</sup> graders ever again. If the maintenance people see something going in the wrong direction, they could notify the groups that use the hall and post what needs to be done. The groups could sign up to do the work. They'd be glad to help by washing the windows in the front of the building. She worked for the Department of Corrections and it was good to see them at the hall last Monday.

5. **CORRESPONDENCE**

- A. From: Mike Theroux, Troop 20  
Re: Eagle Scout Project  
Refer to: New Business
  
- B. From: Sean Sullivan, Director of Community Development  
Re: Lions Hall Fee Proposal and Maintenance Services  
Refer to: Old Business
  
- C. From: David Yates, Recreation Director  
Re: Proposals from Pepsi & Coke (Skateboard Park)  
Refer to: Old Business
  
- D. From: Rob Desmarais, Town Engineer  
Re: Greeley Street Drainage Issues  
Refer to: Old Business
  
- E. From: Richard Gendron, Chief of Police  
Re: Award of Bid for Five Police Cruisers  
Refer to: New Business
  
- F. From: Curt Laffin, Friends of Hudson's Natural Resources  
Re: Treatment of Invasive Plants in Robinson Pond  
Refer to: New Business
  
- G. From: Jim Michaud, Assessor  
Re: Various Assessing Items  
Refer to: New Business
  
- H. From: Tom Sommers, Sewer Utility Consultant  
Re: Sewer Allocation Request, 56 Derry Road  
Refer to: New Business

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

6. **OLD BUSINESS**

A. **Lions Hall Fee Proposal (discussion) and Maintenance Services**

Community Development Director Sean Sullivan addressed the janitorial and maintenance services for Lions Hall. At the direction of the Board and Town Administrator, he placed an ad in the HLN and Telegraph requesting proposals for such services. Three were received: Bernice Boilard, \$38,000; Clean Start, \$59,775; and John & Tracy Michaud, \$44,064. Mr. Sullivan said the building is used nearly every day. Chairman Seabury said the low bid indicates that it is just one person. She asked what happened if she is sick. Mr. Sullivan said he didn't know, as there wasn't any details provided and Ms. Boilard could not attend tonight due to illness. Chairman Seabury said the contract for Richard Young was \$14,000 annually and didn't think there would be enough money to hire someone for more than that. Mr. Sharon said the decision has already been made and money would have to be transferred in from somewhere else. Selectman Clegg said he'd like to hear from the companies that were present.

Douglas Goldsack, president of Clean Start, answered questions posed to him. He has six people working for him, enough people to cover if someone is ill, and will be able to provide a list of references. He has been in business for 14 years and cleans Kay's, Capri's, and Suburban Auto. He would clean the building regularly and after functions and would be at functions at the time they close--even if it is 2:00 a.m. to check on the bathrooms and the general condition of things. Certain areas of the building needs to be taken care of, such as the ovens, which need to be taken apart to be cleaned. Quick fixes don't work; that's why the building fell apart. The bathrooms will be power washed and scrubbed down. It won't be neglected. If he gets the contract, he will do the job properly. This would be his largest account. He cleaned the Crowne Plaza for four years, seven nights a week, third shift.

John & Tracy Michaud were a husband and wife team. Last year, John started his own construction company. Tracy cleaned the Red

Cross and a couple banks in Manchester, before they moved to Hudson last summer. She didn't think they would have a problem taking care of the building, even with 279 events. John said he would be able to take care of the maintenance of the building, such as holes in the walls or the crack in the floor. The services would include cleaning the kitchen, bathrooms, floors—everything that was on the RFP. This is their first venture into this business, other than Tracy's experience in Manchester.

Chairman Seabury believed the Board wanted to take this under consideration, so they would not be making a decision tonight. Selectman Clegg said he'd like to approve the fee structure, with the exception of the Lions Clubs and the Quilters, to see if there could be services in kind rendered to help lower the rental fee. The Independent Karate Studio is a chain that is in competition with other business people, tax paying companies, in the Town of Hudson. He didn't think the Board should enhance his ability to compete. Mr. Sharon said he met with the Lions Club about a year ago to discuss their fees.

(Start Tape 2, Side A)

Selectman Clegg has no sympathy for profit-making businesses, or businesses in competition with other businesses in the Town of Hudson. The civic organizations give back and would be willing to do services in-kind, rather than pay the higher rent. Chairman Seabury said they can't vote on the new fee structure until after a public hearing is held.

Mr. Sullivan said it is challenging for booking if there are 10 different groups paying 10 different fees, but they will do whatever is necessary to accommodate the Board. In the past month, the building looks much better than it had, with the help of the prisoners and Kevin Burns and Highway Department. They were able to fix the hole in the wall quickly and coordinate that with the painters. The goal is to standardize the fee structure and come up with a lease agreement. He spoke with NHMA insurance people who said if it is a non-Town sponsored event, the Town is not covered. He and Selectman Clegg exchanged numerous e-mails regarding the lease agreement language. Selectman Charbonneau had the Superintendent of the Manchester Prison at the hall on two occasions. It looks like they are going to be able to save the taxpayers some money by improving the floor at a reduced cost. Selectman Clegg said determining the rental fee was based on how many times the hall was rented versus the money needed for daily operational costs.

Selectman Stewart asked if non-Town sponsored events included a high school dance. Mr. Sullivan said about a month ago, the school group that sponsored the dance got their own insurance prior to the event. Mr. Sharon said CHIPS and the Rec would be covered. Mr. Sullivan said all of the groups that use the hall were invited to a meeting last Thursday. Only three groups showed. They wanted to talk about the building in terms of storage, cleanliness of the building, the way the tables are left afterwards and those types of issues that would arise during a function at the facility. However, they would be glad to have another meeting.

**B. Greeley/Highland Street Drainage Issues**

Mr. Sullivan said a proposed subdivision, known as Greenleaf Estates, is uphill from the existing problems that pertain to drainage. SEA has looked at the problem and made their recommendations. The Planning Board had the project proponent's engineer analyze the problem and present some ideas to the Town. He, the Town Engineer, the Road Agent and the Sewer Foreman met about a week ago. He asked Rob to look at the concerns raised in the SEA letter and at the proponent engineer's review, as well as to solicit information from Kevin Burns regarding culvert locations, size of pipes, etc. in the area. Mr. Desmarais, Town Engineer, subsequently prepared a recommendation for the Board. As he understood the issue, the houses in the common drive were subject to flooding from the wetlands behind the houses. The common drive itself acts as a conduit for the water and there was basement and yard flooding problems in the lots themselves. Most of that is due to an existing culvert that runs from the wetlands, across Highland Street, and is functionally obsolete. That causes the wetlands to flood, come across the private drive and cause all kinds of problems for the residents. The common drive hasn't been maintained since it was constructed. There is no crown in the road. There is a vegetated swale along the side of the road that is supposed to take the drainage from the road, but that hasn't been maintained either. When there is a heavy rain storm, it simply stays in the road and flows down, causing icing problems in the winter and general nuisance in the summer. Basement and yard flooding is due to placement of the houses too low to the ground water. Based on the information he got from the two other engineers, he recommended that the developer replace the culvert under Highland Street, which will alleviate most of the flooding in the wetlands. The Town cannot do anything to correct the private drive, but the developer could choose to maintain it. It needs to be reshaped to promote the water shedding off it. The swale has woody vegetation growing up out of it, which prevents flow. The culverts haven't been cleaned, so they don't flow efficiently. Chairman Seabury said the Planning Board has discussed this at length and asked if the Chairman had any input.

George Hall said he is in agreement with this partial solution. In order for this to be done, however, it would require easements on private property. Until it is engineered, there isn't any way to determine how much is needed. He understands there is an existing easement on the upside of the culvert across Highland Street, but not on the downstream side. He thinks the project would require lowering the culvert, which would require digging and channelization on the downstream side, which is private property. Since they will be increasing the rate of flow above Highland Street and on to the property on the downstream side, it should be looked at to see if there are additional easements required for flowage downstream. He didn't know how far that would go, but that would be part of the engineering. If that is the recommendation, the Selectmen will have to be involved in the easement taking process. Any monetary considerations for the easements would be born by the applicant. However, if the abutters are unwilling to grant the easements and settle for some amount of money, and they go through the eminent domain process, it could be lengthy and the amount of money required is unknown. At a Planning Board meeting, the developer said he'd be willing to do the work and the engineering. The Planning Board cannot require that the work be done because it is private property. That's what needs to be resolved.

Chairman Seabury thought the residents would be glad to cooperate to get this partially solved. Mr. Hall said until it is engineered, they don't know how much area is needed. Mr. Desmarais said downstream, they probably just need flowage. He didn't know how much it

would cost, but it was a matter of them being willing to cooperate because they are the ones receiving the water. They get very little direct benefit from the improvements. Mr. Hall said it shouldn't be a huge amount of money and they are already accepting the water. It would be the amount of work and effort to improve the flow. Selectman Clegg asked if they would be receiving substantially more water. Mr. Desmarais said they wouldn't know until it is engineered. Mr. Hall said the rate would be greater because they would be increasing the size of the culvert, so they will get the water faster. Selectman Clegg asked if these people are going to be getting more water which is going to take up more dry land and expand the wetlands. Mr. Desmarais said it could. The area downstream is fairly wet, so he's not sure they would notice a difference, but he can't say.

Chairman Seabury said a former Road Agent did some work in that area, but apparently it wasn't enough. Mr. Sullivan stressed that the Town has no obligation to maintain the private driveway, which is part of the problem, that has deteriorated over the years because it's not built to Town standards. The elevation of the homes is part of the problem, as they sit too low at the bottom of the hill. During the hearing process of the Planning Board, it was made clear that there are problems and whatever the Town can do to mitigate those during the approval process is appreciated. This subdivision is pending before the Planning Board. Selectman Charbonneau felt bad for the people, but no matter what is done, it won't solve their problem.

Chairman Seabury said, at the Planning Board meeting, a figure of \$20,000 was talked about. If the developer donated that instead of doing the work, the Road Agent could stretch it out. Selectman Charbonneau said \$20,000 wouldn't buy much. They also have to be concerned whether or not something is grandfathered. If this is part of Highland I & II subdivision, the developer has got to take responsibility. Mr. Sharon said the developer is going to step up to the plate and do everything he can do. Atty. Mason faxed a letter today (distributed to the Board earlier). Their concern is what has already been discussed regarding the private property easements. Beyond that, they recognize that everyone who has been involved has done a good job in identifying what can be done to alleviate the problem, but it won't be eliminated.

*Motion by Selectman Clegg, seconded by Selectman Stewart, to go forward and have the developer design and install a cross culvert under Highland Street, apply for the necessary permits, etc. all in accordance with Attorney Mason's letter dated January 22, 2002 and that the Board encourages the private property owners to work with the developer carried unanimously.*

**C. Skateboard Park (Coke/Pepsi Proposals)**

Recreation Director Dave Yates and Rec Committee member Ed Caban were present.

(Start Tape 2, Second Side)

Chairman Seabury said the vandalism clause concerns her, which says the Town agrees to carry insurance against vandalism of the machines and shall reimburse Coke to repair or replace any machines damaged through acts of vandalism. Mr. Caban said they discussed erecting the machines on a concrete slab and enclosing the three machines on three sides with a gate on the front, possibly built by Alvirne students. Selectman Charbonneau said she didn't see that clause on Pepsi's proposal.

Selectman Clegg said that's the problem with Pepsi, and he's not all that happy with Coke because this isn't the contract that they will ask to have signed. Mr. Caban said he asked both to give him something in the form of a contract, and this is what they both gave him. Selectman Clegg said they are playing games. He has had machines in different locations and there is a contract in duplicate with all of the stuff on the reverse side that is written in so you can't read it. Pepsi has a confidentiality clause that the Town just broke because they are on public TV. Another clause states that the Town can't make any statements, press releases, etc., without prior approval of Pepsi. It doesn't say only when they are talking about Pepsi. A real contract would spell out exactly what that statement meant. He thinks the Coke deal is better monetarily, but he'd want to negotiate out the vandalism clause. He also noticed that Coke will service the machines on their own, but he wants to see the actual, final contract, the piece of paper that outlines the terms and conditions that everyone has to abide by that will be signed before they approve this.

Mr. Yates suggested bringing in the two representatives from Coke and Pepsi to meet with the Board. The Selectmen said it could be on a weekday in the late afternoon. Mr. Sharon agreed that eventually a document will be produced that the Board will have to sign. Mr. Caban said the Town would be getting back more from Pepsi than Coke. Selectman Clegg said except Pepsi is requiring a seven-year relationship, while Coke is requiring only five. If they are in an iron-clad contract, the shorter the better. Mr. Sharon said energy costs are not incorporated in either proposal. Mr. Caban said what the Town receives back in money could help offset some of that cost.

Selectman Clegg suggested that the two reps could come in separately to talk with Mr. Sharon and any interested Selectmen. Chairman Seabury directed the Recreation people to arrange for the reps to come in and urged them to make it after 2:30 so she could attend. Mr. Sharon said it would be a good idea if Dave or Ed relays to them the kinds of questions that are being asked so they will be prepared.

**D. Four Call Firefighter Resignations**

Mr. Sharon said during a phone conversation today, Tim Upham expressed his desire to rescind his resignation. Selectman Jasper said Mr. Upham's letter was an offer of resignation, not a resignation itself. He asked that the Board not accept the resignations, as they essentially are forced resignations. The gentlemen involved should be left on the rosters of the department and excused from participation, such as on a leave of absence. Chairman Seabury said that put the Board between a rock and a hard place and asked the Town Administrator what his thoughts were. Mr. Sharon said if the resignations are looked at objectively from the standpoint of a Town employee submitting a resignation, he didn't think the Board has ever taken a position of refusing it. Selectman Jasper didn't think they ever received letters where it is made clear the resignation is not voluntary.

Chairman Seabury didn't know if he was speaking as a Selectman or as a Call Firefighter. Mr. Jasper said he was speaking as a

Selectman. Chairman Seabury said she would feel more comfortable if those people were present as he is putting them in a bad situation. They were not the ones saying they didn't want their resignations accepted. Selectman Jasper said the letters are clear they do not want to resign and that they are in a situation where they have to. Selectman Clegg said he would second that. Selectman Jasper said he wasn't making a motion, he was just expressing his feelings.

Motion by Selectman Clegg, seconded by Selectman Stewart, to not accept the resignations. Selectman Clegg said one or two are looking to come back so by not accepting their resignations, maybe it will be easier for the Chief to accept them back. Chairman Seabury said she had letters from Tim Upham, Mark Rapaglia, David Sassak and Jeff Emmanuelson. She wasn't sure how this should be handled. Mr. Sharon asked if he should check with Attorney Broth tomorrow. Chairman Seabury said yes because they are getting into a sticky wicket. Selectman Charbonneau agreed.

*Motion by Selectman Clegg, seconded by Selectman Stewart, to table this matter pending an opinion from Attorney Mark Broth carried unanimously.*

## 7. **NEW BUSINESS**

### A. **Eagle Scout Project to install a Kiosk at Musquash Pond**

Mike Theroux from Troop 20 said for his Eagle project, he plans to put up a kiosk at Musquash Pond because the one that was there was knocked down by 4-wheelers. Selectman Stewart asked if the Conservation Commission gave him tips on how to build a sturdy one. He said they did and explained the cost involved: lumber, \$150; Plexiglass, \$60; cement, \$30; map blowup, \$75; sign markers, \$20 (he plans to mark and clear the trails, too) for a total of \$340. Selectman Stewart asked if the area was posted for no ATV's. Mike said when he and his father walked the area, they didn't see any postings.

*Motion by Selectman Clegg, seconded by Selectman Charbonneau, to approve the project carried unanimously.*

### B. **Award of Bid for Five Police Cruisers**

Chief Gendron said he is early this year because Ford is offering 2002's, but the order has to be placed by Friday. Whatever doesn't make the 2002 deadline will go into 2003, and the price is slightly higher. Three dealerships responded. Hillsborough received the State bid this year, but the lowest bid the Town received was from Grappone Ford for \$82,592 which includes trade-ins. It averages out to \$16,543 per cruiser. They are trading in a mixture of 1996, 1999 and 2000's and did good on those. He didn't factor in a price on warranty packages. He'd rather wait until the cruisers are delivered so he can see how much money he has. He hasn't purchased any warranty packages for the last two years because of money. This will be for three years or 75,000 miles, whichever comes first. Selectman Charbonneau said this was a good deal.

*Motion by Selectman Clegg, seconded by Selectman Charbonneau, to award the bid to Grappone Ford carried unanimously.*

Selectman Clegg congratulated the Chief and asked him to come before the Hillsborough County Executive Committee to explain how he can buy cruisers for only \$16,000. They cost the county about \$32,000 a cruiser. Selectman Charbonneau said she has been fighting that for six years.

### C. **Treatment of Invasive Plants in Robinson Pond**

Curt Laffin was recognized and said he works with the Friends of Hudson's Natural Resources and they look for opportunities to protect the Town's natural resources and then try to generate action to seize upon those opportunities. They have been monitoring water quality at Robinson Pond for the last two summers and found that the pond has been infested with two invasive plants, fanwort and milfoil.

(Start Tape 3, Side A)

They are exotic plants, not native to the area and grow out of control because there are no natural means to prevent their extensive growth. It is expected that they attached to boat trailers from other ponds and were brought in that way. Once they get into a pond, they can't be gotten rid of, but there are ways to control them. The Department of Environmental Services spoke at a workshop they held last November to address the situation. DES confirmed that there is a problem with these two plants in Robinson Pond. DES is proposing that a chemical known as SONAR be used, which is fairly specific to these two plants and will knock them back significantly, as has been demonstrated in other ponds. DES has been successfully treating ponds with chemicals since the 60's. They also provided DES with a list of residents around the pond and notified them of this proposed action and the fact that they should not use the pond water for up to 40 days after the application for irrigation. One resident was concerned about her perennial garden and arrangements are being made to find an alternative water source, if she needs it, for that time period. The cost of the first treatment will be \$32,000 that will be paid by DES. The reason it is so high is because the entire pond has to be treated because it has been let go so long. About 30% of the pond is inaccessible in the late summer because the plants clog up the waterway and they also interfere with the ecosystem. They out-compete the native vegetation and prevent sunlight from penetrating the bottom. DES will come to Town before treatment occurs, which will probably happen in May. They will come to Town and hold a public meeting to answer questions. The Town will be formally notified. The Friends would like to get an endorsement from the Selectmen to keep the project moving.

Chairman Seabury asked about future cost, if there were any grants available. Mr. Laffin some of the pond residents offered to pay for part of the treatment. Once they know the first treatment works, the Friends will start looking for sources of funding. They may have to ask the Town for some of the money, but not all of it. They would prefer not to put chemicals at all in the pond, but the alternative is no pond. These two plants have been in the pond long enough to do a lot of damage already and the longer they wait, the worse it is going

to get. There is a 50% match for the second application. Mr. Laffin assumes the second application will cost \$32,000 as well, but he isn't definite.

Selectman Clegg asked if SONAR has any effect on the fish. Mr. Laffin said the growth of the weeds prevents spawning of certain species. He didn't think the application of SONAR did, as it is an herbicide, but they have to wait for DES to definitely answer that.

Selectman Charbonneau thinks it is very important to take care of the pond. Mr. Laffin said the Friends go out once a month for five months during the summer to collect water samples from 11 different sites, which go up to DES to be analyzed. The bacteria counts have been fairly low. The concern they have is phosphorous, which is coming into the pond from watershed runoff, which feeds the plants.

*Motion by Selectman Stewart, seconded by Selectman Clegg, to approve the treatment carried unanimously.*

**D. Assessing Items**

1) **Veteran's Tax Credit Application** (14 Barbara Lane, Map 024/Lot025/Sublot 012; 10 Westchester Court, Map 023/Lot 017/Sublot 04-9)

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

2) **Disabled Tax Deferral Application** (7 Alpha Street, Map 049/Lot 050)

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

3) **Application for Abatement** (57 School Street, Map 051/Lot 135)

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

4) **Application for Disabled Exemption** (19 Oliver Drive, Map 031/Lot 058/Sublot 019)

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

**E. Warrant Articles**

**Designation of Selectman to speak to speak on articles**

Article 12 Police Union Contract—Selectman Jasper

Article 13 Fire Union Contract—Selectman Charbonneau

Article 14 Police, Fire and Town Supervisors Association Contract—Selectman Seabury

Article 15 Wage/Benefits Increase for Non Union Personnel—Selectman Clegg

Article 16 Wage/Benefits Increase for Town Clerk/Tax Collector—Selectman Seabury

Article 17 Wage/Benefits Increase for Employees of Hills Memorial Library—Selectman Seabury

Article 18 Town Operating Budget—Selectmen Seabury & Charbonneau (Selectman Seabury wants to amend article to include \$25,000 for grant writer; Selectman Charbonneau wants to amend article to include \$50,000 for Benson's. Selectman Jasper opposed requesting the Benson's appropriation.)

(Start Tape 3, Second Side)

Article 19 Part Time to Full Time Truck Driver/Laborer—Selectman Clegg

Article 20 Customer Service Representative—All Selectmen

Article 21 Recreation Department Part Time Office Support—Selectman Jasper

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

Article 23 Administrative Police Captain—Selectmen Jasper & Clegg

Article 24 Capital Reserve Fund for Recreation Facilities—Selectman Jasper

Article 25 Capital Reserve for Water Utility Capital Repairs—Selectman Jasper

Article 26 Capital Reserve for Water Utility Capital Improvements—Selectman Jasper

Article 27 Capital Reserve for Consolidated Dispatch—Selectman Stewart

Article 28 Library Expansion Capital Reserve Fund—Selectmen Seabury & Jasper

Article 29 Dance Halls and Entertainment Places of Assembly—Selectman Clegg

Selectman Jasper asked why the language, "This is a special warrant article," was no longer included. Mr. Sharon didn't think it was necessary when it was included. Selectman Jasper asked him to check with the attorney on that. Mr. Sharon said this has already been checked by the attorneys and by DRA. Selectman Jasper said if someone asks the question, he'd like to be able to give an answer. Mr. Sharon said he would check on it. Selectman Jasper said if it was included before and not now, he'd like to know what changed to make it no longer necessary.

Chairman Seabury said she will post the warrant.

**F. Sewer Allocation Request, 56 Derry Road**

*Motion to approve, as recommended by the Sewer Utility Consultant, by Selectman Charbonneau, seconded by Selectman Stewart, carried unanimously.*

**G. Electrical Inspector**

Mr. Sharon said the Building Inspector has requested, both through him and his department head, and around both of them, that the Electrical Inspector should be brought on on a regular basis and assigned more hours. The response has been that they have been trying to curtail personal services where possible, but the Electrical Inspector will be used, as necessary. If there is a week he has to work five days, he will be put on five days. Both he and the department head don't feel there is a 365-day-a-year need. Selectman Charbonneau said that an electrical inspector is very important. The Town is growing rapidly and a lot of homes are going up. A lot of things will slip by if the proper people aren't working for the Town.

Selectman Clegg said the Building Inspector is currently being scheduled only one day a week, and that is not sufficient. He is needed a minimum of two days a week to perform follow-up work. Unfortunately, the Town does not have anyone qualified to be an electrical inspector, except for this one person, whom he regards highly. Mr. Sharon said there is no recommendation from the head of the department to increase his hours, at this point. Selectman Clegg said if that is the way it is now, things have changed since he asked to have this put on the agenda. He was told that they were holding him to one day a week trying to curtail the amount of money spent. He believes it is money well spent to make sure he is available two days a week. He probably should have spoken with Sean Sullivan directly, but has talked to enough people in the department to understand they need an electrical inspector at least two days a week. He went to Paul about this; that's why it's on tonight's agenda. Money should not be an issue when it comes to electrical issues. Mr. Sharon said Sean is working on additional training within the department. Selectman Clegg said if he had known that the Building Inspector they hired wasn't capable of doing electrical inspections, he probably would have taken a second look. Selectman Charbonneau agreed that a good electrical inspector is very important. Selectman Clegg said when it comes to electricity, you have to know what you are doing. Mr. Sharon said he'd talk to Sean.

**8. OTHER BUSINESS**

**A. Signing up for Office**

Chairman Seabury said tomorrow is the first day for candidates to sign up.

**B. Budget Committee's Recommendations**

Chairman Seabury said she was concerned that the Budget Committee did not recommend the salary increases for the union members and non-union employees. She tried to explain to them that the non-union members have increased to 10. These people are on the front lines, the ones that make the Board of Selectmen look good eight hours a day, five days a week. They deal with a lot of issues, and she strongly feels they need raises in order to be competitive with neighboring towns. The Supervisors' Union has a wide spectrum of people. She hoped the people in Town would feel that these raises were warranted. The Firefighters Union is asking for increases so they will be competitive with other towns. Paul calls Hudson the farm team for other communities. She hoped the voters would approve the salary adjustment articles.

**9. LICENSES AND PERMITS**

**A. Outdoor Gathering Permit for an Ice Fishing Tournament by the Hudson Kiwanis**

*Motion by Selectman Clegg to approve, as recommended by staff, seconded by Selectman Stewart, carried unanimously.* Chairman Seabury expressed concerns about the condition/thickness of the ice.

**B. Hawker/Peddler Permit Request by Joseph Kubit for a Mobile Food Catering Unit**

*Motion by Selectman Clegg, seconded by Selectman Jasper, to approve, as recommended by staff, carried 3-1.* Selectman Stewart was opposed; Selectman Charbonneau was out of the room.

**10. ACCEPTANCE OF MINUTES**

*Motion by Selectman Jasper, seconded by Selectman Stewart, to accept, as presented, and refer to file Minutes of the BOS Meeting of January 8, 2002 carried unanimously.*

**11. COMMITTEE ANNOUNCEMENTS**

01/23 First day to file for candidacy



01/23	7:00 Planning Board in CD Meeting Room
01/24	7:30 ZBA in CD Meeting Room
01/28	Last day to post the Warrant
01/28	6:30 School Board in BOS Meeting Room
01/31	7:30 CIP in CD Meeting Room
02/01	Last day to file for candidacy
02/02	School District Meeting at Memorial School
02/09	9:00 Annual Town Meeting at Memorial School

12. **LIAISON REPORTS**

**Selectman Clegg** said the Highway Department did a fantastic job with the snow.

**Chairman Seabury** said she and Selectman Charbonneau went to Concord last weekend to a solid waste committee meeting, which was very interesting. She took a lot of notes and will talk to Kevin about it. Selectman Charbonneau agreed it was very interesting, but it carries a high price tag.

13. **REMARKS BY THE SELECTMEN**

**Selectman Charbonneau** is pleased with the way Lions Hall is coming along. It looks beautiful. The prisoners will come in and clean the kitchen and the stove, which can be salvaged.

**Selectman Stewart** said she wanted to address the comments Mr. Hansen made to her earlier this evening. She read as follows: "First of all, I never said I was a member of the IAFF and all my facts that I stated in my comments of two weeks ago were either directly quoted from his letter that was sent to the individuals that were involved or from letters of resignations from the various four call fire fighters, with their permission. Last week, it was stated in the Manchester Union Leader from Assistant Fire Chief Roger Hatfield that the department has never taken a stance where someone works a part-time job they do not put restrictions on anybody. Mr. Hatfield is also quoted in the Union Leader it's traditional for full-time fire fighters to serve their home towns and the Nashua Fire and Rescue supports them in that role, as quoted in the Manchester Union Leader. Mr. Hansen is quoted in the same article in the Union Leader that language is currently being drafted by the local union constitution and by-laws to end such service so that seven of our own full-time fire fighters will not be able to serve their own towns. This is a direct quote in the Union Leader. I would hope that the union does not press charges against the four that are employed elsewhere or the seven who are employed by Hudson who serves their own town, for the good of Hudson. I would like to thank the many residents who contacted me. In closing, I would like to agree to disagree with Mr. Hansen on this matter. There is no way we will ever agree on it. I would hope, though, that the union does not enforce this charge because, as the letter stated from the four fire fighters, they do not want to do that."

Selectman Stewart said adult comedy night at the Rec Department was a big success, with over 200 people. The Lions Hall looks great, thanks to Selectmen Charbonneau and Clegg. She also thanked Kevin Burns and the DPW for overseeing the project. She encouraged citizens to sign up for Citizens' Police Academy, which is starting up in the Spring. She took the course and it is very rewarding. Happy Birthday to Len Lathrop and Shawn Jasper.

**Selectman Clegg** said he, too, was upset with some of the language used tonight. He cautioned people that they can disagree without saying that people are lying or there were falsehoods. That is a battle of opinions and he hopes they have ended with the battles. Sean Sullivan has done a wonderful job with Lions Hall. Kevin Burns and his crew have also done a wonderful job. Kevin and his men deserve raises--even the one who hits his mailbox. Since he has been involved with the Lions Hall, he is amazed at the community spirit. The day the truck went through the building, the fire fighters were out there. They were all willing to jump in to see what they could do to get things going. Bill Oleksak came out, as did Benton and Todd Hansen. Ann Seabury got the call first and made sure she passed it on. People just showed up to help and didn't mind doing the dirty work. The employees have shown a willingness to jump in and do above and beyond what they are expected to do, and he wanted to thank everyone.

(Start Tape 4, Side A)

**Selectman Jasper** said he didn't have anything to say when he got there this evening. However, Lt. Hansen spurred him to action. He read the following statement: "Lt. Todd Hansen, President of the Firefighters Union, came before us tonight. His demeanor toward Selectman Stewart was nothing, if not rude. From one who has chosen a career which puts him in a position of being a public servant, I heard nothing from him which I found to be in the public interest. Selectman Stewart did use the term volunteer in her remarks two weeks ago, a term which seemed to cause President Hansen much distress. Selectman Stewart made a common mistake referring to on-call paid fire fighters as volunteers, something that many people consider them, for all practical purposes, to be. I find it somewhat humorous that he should find this misstatement to be such an important one. He, himself, has shown this Board tonight and in the past that he is not troubled by taking liberties with the facts. He claims to be merely enforcing the International Bylaws. Is that really what this is all about? But as Selectman Stewart asked two weeks ago, and which is still unanswered, why now? President Hansen says that we have 20 call fire fighters and he finds that a 20% loss not to be a major factor. There may be 20 on the rolls, but I would suggest that four represents more than 25% of the active call force. Would he find a loss of seven full-time union positions, or about 25%, not to have a major impact? I doubt it. I know I wouldn't. Did President Hansen circulate the so-called Ethics Ordinance on behalf of our former Chairman? I don't know and I don't care, but things rarely happen by coincidence. But what I do know is the petition is made up primarily of union fire fighters and their spouses. There is much to ponder and there are a few clear answers, but what should be clear is that taking away the ability of people to serve their community is not in the public interest."

14. **NONPUBLIC SESSION**

Motion by Selectman Jasper, seconded by Selectman Clegg, to enter Nonpublic Session under RSA 91-A:3 II (e) pending claims or litigation carried 5-0 by roll call vote.

Nonpublic Session was entered into at 11:00 p.m. and was terminated at 11:25 p.m.

**15. ADJOURNMENT**

Motion to adjourn by Selectman Clegg, seconded by Selectman Jasper, at 11:26 p.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert  
Executive Assistant

HUDSON BOARD OF SELECTMEN:

\_\_\_\_\_  
Ann Seabury, Chairman

\_\_\_\_\_  
Rhona Charbonneau

\_\_\_\_\_  
Robert E. Clegg, Jr.

\_\_\_\_\_  
Shawn N. Jasper

\_\_\_\_\_  
Teresa Stewart