

HUDSON, NH BOARD OF SELECTMEN
Minutes of the December 4, 2001 Special Meeting

5:40 – 6:10 p.m. -- Session with Labor Relations Consultant, pursuant to RSA 91-A: 2 I.

1. **CALL TO ORDER** by Chairman Ann Seabury at 6:10 p.m.

2. **ATTENDANCE**

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

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Steve Malizia, Finance Director; Howard Dilworth, Jr. & Coleman Kelly

3. **Warrant Articles**

Police Contract -- *Motion by Selectman Jasper, seconded by Selectman Stewart, to adopt the contract, as ratified by the Police Union, and submit for ratification by the voters at Town Meeting carried unanimously.*

Motion by Selectman Jasper, seconded by Selectman Clegg, to forward to the warrant carried unanimously.

Firefighters Contract -- *Motion by Selectman Charbonneau, seconded by Selectman Clegg, to approve the tentative Firefighters agreement, as presented, subject to ratification by the Union membership and notification of such ratification not later than 12:00 noon on December 14, 2001 carried 4-0.* Selectman Jasper abstained.

Motion by Selectman Clegg, seconded by Selectman Stewart, to forward the Firefighters contract to the warrant for ratification, if notification of ratification is received from the Union membership by noon on December 14, 2001 carried unanimously.

Supervisors Association Contract -- *Motion by Selectman Clegg, seconded by Selectman Stewart, to approve the Supervisors Association tentative agreement, as presented, subject to ratification by the Association membership and notification of such ratification not later than 12:00 noon on December 14, 2001 carried unanimously.*

Motion by Selectman Clegg, seconded by Selectman Jasper, to forward the Supervisors Association contract to the warrant for ratification, if notification of ratification is received from the Association membership by noon on December 14, 2001 carried unanimously.

Selectman Clegg pointed out to the Budget Committee Chairman that, regarding the two contracts that have not been ratified, they would not receive any information on until they have actually ratified them. Mr. Dilworth said he understood that when he heard the way the motion was structured. (Additional remarks not discernable.)

Library's Request for Surplus Funds -- Selectman Jasper said there are no monies available from current surplus, but often they look forward and say if there are any monies unexpended at the end of the year from FY 2002, they could designate an up-to amount, which would not affect what they currently have in reserve. He favors putting money into reserves. He doesn't want to tap monies put aside for the bond rating. That is an option if they wish to increase that capital reserve. He'd prefer to do it slowly, rather than bond and then pay interest. Selectman Clegg asked if there was an expectation that there would be undesignated reserves. Mr. Malizia hoped so, but it depends on whether revenues comes in higher than projected. The Town has traditionally ended with unexpended money from the departments, but he is hesitant to predict that they will in the future. Last year, it was around \$400,000. Selectman Jasper said that money is what is physically in the bank. What he is speaking to is money that they might have, and that's why these types of warrant articles are written to say "up to." For example, you could say, "up to \$100,000" but might actually put in \$25,000 because that's all there was.

Chairman Seabury said a couple of Selectmen were shaking their heads in opposition (Selectmen Stewart and Charbonneau). Selectman Clegg said he didn't have a problem with doing this, so it would be up to the Chairman to break the tie. Chairman Seabury said she would agree to something like \$50,000 but not any more than that. Selectman Jasper said at the end of this year, they ended up with \$2 million that wasn't expected. Mr. Malizia said it was because it was a very healthy year, and they also sold some sizeable properties. He wasn't anticipating that again next year. Selectman Jasper said in car registrations alone, they have been running \$200,000 over what they had anticipated. Selectman Clegg clarified that the Selectmen could specify what this money would be spent on. Selectman Jasper said they already have a capital reserve fund for a library that can be expended only by approval of the voters.

Motion by Selectman Jasper, seconded by Selectman Clegg, to submit a warrant article to use up to \$50,000 of undesignated fund balance for the Fiscal 2002 budget to go into the Library Expansion Capital Reserve Account carried 3-2. Selectmen Charbonneau and Stewart were opposed.

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Excavator (Highway Department) -- Selectman Jasper feels that the Budget Committee is overstepping their bounds regarding the excavator. He asked if that committee has committed to supporting it if it is warrant article form. Selectman Stewart said her understanding is that they want to see this in warrant article form because it's a major purchase. Some Budget Committee members thought that it should be leased for 15 years instead of purchased. At that meeting, the Finance Director gave them figures that showed that to lease, it would cost \$1 million over 16 years, which is how old the current excavator is. Selectman Jasper said if the Budget Committee is saying they will support this purchase only if it is in warrant article form, he does not believe they have the legal right to say what goes into a warrant article. The only thing they can say is new personnel and nonunion wages, which is an advisory from the townspeople, and he's always supported that. There is no directive from the people to put anything else in warrant article form. The law is specific. It says that the Budget Committee may direct the budget in the time and the form. This is not a matter of form. Form is, for instance, three years of actuals and the manner in which it should be broken down. Dividing things up into warrant article is not form and he suggested that the Town Attorney be consulted on this. Nonetheless, the Selectmen should not acquiesce to this because it sets a terrible precedent in that they now tell people what goes into warrant article form just because that's what they want. The Selectman should fight to put that back into the budget on the floor of Town Meeting. If they are not successful, then they have to live with the consequences. There needs to be some action taken because the Budget Committee is way out of line on this.

Chairman Seabury said Selectman Charbonneau found something interesting. Selectman Charbonneau said two years ago, the Road Agent's request for replacement trucks went into the budget, so she didn't see that the excavator was any different. She didn't understand that. She agreed that the Budget Committee has gone way beyond what they are allowed to do. Selectman Stewart said Kevin Burns was asked what the men do when the current excavator breaks down. He explained that they stand around for two, three hours waiting for the replacement to be dropped off. He tries to find different jobs for them to do, but at \$19.00 an hour, that is a lot to pay for them to pick up trash. Selectman Jasper said, in answer to Selectman Charbonneau's question, this is a different Budget Committee than two years ago and it's a change in policy, but it's not a policy that they have the legal right to make and it should be challenged. Selectman Charbonneau thought they should challenge it. Chairman Seabury said most of them feel that way. She asked what they think about doing a warrant article to protect themselves. Selectmen Charbonneau and Jasper both said no, they need to try to put it back in the budget on the floor of Town Meeting.

Selectman Stewart said Kevin explained that he has spent over \$50,000 this year already repairing his old machine which is more than a lease payment on a new machine. Selectman Charbonneau said they are also doing more work, putting in more sewer lines, etc. She can't understand the Budget Committee's rationale on this. She was not happy with the way the Budget Committee has been treating the department heads. Mr. Sharon said if the Board was going to even consider considering a warrant article, staff would need time to collect background information and draft it and the Budget Committee has set a deadline December 14 for receiving all warrant articles. All the Selectmen shook their heads. Chairman Seabury asked how many warrant articles he anticipated. Mr. Sharon said about six. Mr. Malizia clarified that Mr. Sharon was talking about six tonight, that there are more than six total.

Selectman Jasper requested that an attorney from Bossie, Kelly & Hodes be present at the Selectmen's meeting on December 11, 2001 to discuss this issue in Nonpublic Session.

Town Clerk/Tax Collector -- *Motion by Selectman Clegg, seconded by Selectman Jasper, to send to the warrant a wage and benefit increase for the Town Clerk/Tax Collector of \$4,398, from \$44,540 to \$48,474.*

Selectman Jasper said it should have the total salary. People should know what they are voting on. It currently is \$44,540. He asked how they went from increasing it last year by \$1,900 to this year over \$4,000. Mr. Sharon said that if other nonunion positions are being brought up to market, her position should be treated the same way. Selectman Clegg asked if it was 4.5% after comp and COLA. Mr. Malizia said yes.

Vote: Motion carried 3-2. Selectmen Charbonneau and Stewart were opposed.

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Nonunion Personnel Wage and Benefit Increase – Motion to send to the warrant an article to raise and appropriate \$59,386 for a wage and benefits increase for the 10 nonunion personnel (by title), which represents equity adjustments for positions which are out of line with comparable communities, cost of living adjustments and is keyed to union adjustments by Selectman Stewart, seconded by Selectman Clegg.

Selectman Clegg asked if they should include in the warrant article what the projected increase for each individual is. Mr. Sharon said the article does not assure that each individual would get the specific amount indicated. After a discussion of how the article should be worded, it was decided to vote on the final wording next Tuesday.

Motion by Selectman Clegg, seconded by Selectman Jasper, to lay on the table until December 11, 2001 carried unanimously.

4. **OTHER BUSINESS**

Selectman Charbonneau asked about the Ethics warrant article. Mr. Sharon said that is on the December 11 agenda.

Chairman Seabury said the Mayor's Round Table is scheduled for Saturday, December 8 at 9:30 in Amherst. Selectman Jasper said he'd be at the School budget meeting on Saturday.

Chairman Seabury said the Chamber of Commerce Silent Auction dinner is at Richard's Catering on Thursday night. Selectman Stewart said she has a Budget Committee meeting.

Selectman Clegg said tomorrow he will be test-driving the new Segway, or "It." He can't wait to try it. Immediately following the adjournment, Selectman Clegg stated that he forgot to bring up that he had talked with the Town Administrator about advertising for a cleaning company for Lions Hall two Fridays in a row in both the HLN and Telegraph because he has been getting calls about this from people who are interested in doing the work.

5. ADJOURNMENT

Motion by Selectman Clegg, seconded by Selectman Charbonneau, to adjourn at 6:40 p.m. carried unanimously.

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

HUDSON BOARD OF SELECTMEN

Chairman Ann Seabury

Rhona Charbonneau

Robert E. Clegg, Jr.

Shawn N. Jasper

Terry Stewart