

**HUDSON, NH BOARD OF SELECTMEN**  
**Minutes of the August 28, 2001 Meeting**

Attorney-Client Session with Atty. Buckley from 7:00 – 7:30 p.m.

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:30 p.m.

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2. **PLEDGE OF ALLEGIANCE** was led by Selectman Ann Seabury.

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3. **ATTENDANCE**

**Selectmen:** E. Lorraine Madison, Rhona Charbonneau (arrived 8:00 p.m.), Shawn N. Jasper, Ann Seabury and Terry Stewart

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**Staff/Others:** Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Sean T. Sullivan, Director of Community Development; Richard Gendron, Chief of Police; David Yates, Recreation Director; Frank Carpentino, Fire Chief; Sean Murray, Assistant Fire Chief; Bill Oleksak, Health Officer; Don White; Howard Dilworth, Jr., Terry McLlarky; Richard Maddox; Ann, TEL; Sue, SUN; John, Derry News

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4. **PUBLIC INPUT**

**West Nile Virus** Dr. Jose Montero, Chief of the Bureau of Communicable Disease Control and Louise Hannon, State Health Officer liaison were present to talk about the West Nile Virus in view of finding an infected dead bird in Hudson. People should not be afraid to go outside, but could take precautionary measures by wearing long sleeves, long pants and socks. It was also advised to eliminate standing water and other mosquito breeding locations from one's property. The virus is normally found in bird populations but can be spread to people by certain mosquitoes. The elderly are particularly susceptible to becoming seriously ill from the virus.

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**Howard Dilworth, Jr.**, 36 Old Derry Road, told the Board they did not do their job two weeks ago by giving their dirty laundry to someone else. He hoped it would be given back to the Selectmen. Solving this issue is their problem, no one else's. They need to create a system that can withstand strong opinions. If they don't, they will not fix the problem. They also have to stop creating an appearance of catering to some employees. It's a good thing to be supportive of hard-working people, but too often there is an appearance that some Selectmen are catering to them. When the Board makes a decision, it is a policy statement. He shouldn't read in a newspaper where someone has said something opposite of a decision they had made like last December regarding an article in the Derry News on fire stations. If the Board felt that was necessary, the article should have said that the Selectmen support the Chief for a new station studies. But they made a decision not to go forward with that, and that's where it should have ended. It was wrong for the Selectmen to elevate the union president to an equal in that discussion. It raises serious doubts as to the Selectmen's ability to negotiate a fair collective bargaining agreement for the taxpayers. He has attended many years of school meetings and it has often been said that the School Board, in the past, had not always negotiated for the taxpayers, but for the teachers. The Selectmen left themselves open to the appearance that they are really not working for the Town. Most Town employees, both union and non-union, are covered by the Personnel Plan, which provides rules and regulations for the employees. If anyone is intimidated by Selectman Jasper, they don't know their job. The Selectmen have a responsibility to ensure that the employees are properly trained and have an understanding of the roles of elected officials. If that happens, no one should be intimidated. By the Selectmen giving their responsibility to someone else, it shows that the Town has the wrong people in office.

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Chairman Madison asked if anyone else wished to speak. There was no response.

5. **CORRESPONDENCE**

- A. **From:** Sean T. Sullivan, Director of Community Development  
**Re:**     ▪Thurston's Landing Subdivision  
          ▪Nextel Communications Proposal, Water Tank off Gordon Street  
          ▪Transportation Enhancement Grant Application, between Meghan Drive and Evergreen Drive  
          ▪Transportation Enhancement Project Sidewalk Construction, Birch Street to Central Street  
          ▪Delta Properties  
**Refer to:** New Business
- B. **From:** Engineering  
**Re:**     Street Acceptances, Harvest Circle & Farmington Drive  
          Contract Amendment #9 (Lowell Road Improvement Project)  
**Refer to:** Public Hearing/New Business
- C. **From:** Frank Carpentino, Fire Chief  
**Re:**     Litchfield Ambulance Fees

**Refer to:** New Business

- D. **From:** Sewer Utility Committee  
**Re:**     ▪Sewer Abatement Requests  
          ▪Request to waive Sewer Capital Assessment Fee  
**Refer to:** New Business
- E. **From:** David Yates, Recreation Director  
**Re:** Donations to Recreation Department for Skate Park  
**Refer to:** New Business
- F. **From:** Jim Michaud, Assessor  
**Re:** Various Assessing Items  
**Refer to:** New Business

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

## 6. NOMINATIONS AND APPOINTMENTS

- A. **Building Board of Appeals** (Member, term to expire 12/31/02)
- B. **Planning Board** (Alternate, term to expire 12/31/02)

### **Don White**

Chairman Madison hoped someone in the viewing audience would submit an application to the Building Board of Appeals. She recognized Don White, and asked him to explain why he'd like to be on the Planning Board. Mr. White thinks his experience would make him a beneficial member. He is interested in the Town's present and future development. Proper planning is critical, since the community is growing so rapidly. He is concerned about the quality of life in Town, which is something that can be handled very well by an experienced Planning Board.

*Motion by Selectman Stewart to appoint Don White as a Planning Board Alternate, with a term to expire December 31, 2002, seconded by Selectman Seabury, carried unanimously.*

## 7. OLD BUSINESS

- A. **YMCA**

Chairman Madison said she spoke to the Board about the YMCA at the last meeting and invited them to be present tonight, which they were. She recognized Peter Dolloff, a member of the YMCA Board, who introduced Dave Dougherty, Executive Director, Mike LeChance, Director of Branch Operations, Jim Leary, President of the Y Board of Directors, John Callahan, Vice President of the Board of Directors and Steve Russell, Treasurer. Mr. Dolloff said he was a 30-year resident of Hudson, 26 of which he served as Superintendent of Schools. When he retired, one of the first things he did was join the Y and it's probably one of the best things he had done. The Y is more than just fitness; it's a whole range of programs. They just completed their annual fundraising campaign where they raised over \$100,000 which will serve to provide about 50% of the Y-care programs for families or individuals that couldn't otherwise participate in the Y. The Y is a non-profit organization that does a great deal for the communities that are involved, and it is doing a great deal for the people in the Town of Hudson. There are about 2,000 Hudson residents who are either members or participate in the programs at the Y. Four years ago, during the Annual Member Satisfaction Survey, there was a significant reply in that survey about having a branch of the Y in Hudson. At that time, a committee was appointed by the Board of Directors to study the issue. Mike LeChance has chaired that committee. Mr. Dolloff said he has served on the committee, as has Chief Gendron, Mike Reynolds, Clyde Collishaw, School Board members, Chiefs of Police, and a number of citizens, in order to provide services for the citizens of Hudson. As a result of that survey, the Y appointed a full-time outreach director to try and see what types of programs were desired. They are very interested in attempting to find a way to have a facility through which programs could be provided for the people of Hudson instead of their having to travel to Nashua or Merrimack. Since he has been on the Board, a number of people have approached him at the Y and in Town, asking how the project was coming, relative to having a Y in Hudson, so there is a great deal of interest. He appreciated the Selectmen taking the time to invite them in to speak about this project.

Mike LeChance said they have been working with the School District to see what some of the needs are, as well as talking with some of the citizens in Hudson and Litchfield. They are currently running a Mountain Movers Program, which is for at-risk

students, 13-14 years of age, who are referred into the program by a guidance counselor, a teacher, or someone else in the community that's working with these children. They may have needs that are not being met at home, or are having problems in school. It is a 10-week program where they do mountain biking, canoeing, rock climbing and other adventure-based activities. They also spend time with counselors to work on team-building skills and help improve their grades. For the past six months, they have been running a program in which teens and pre-teens are helped with leadership development skills. The offer vacation camps in which they identify teens in the school system to come in and do some of the same activities as the Mountain Mover kids, such as rock climbing, mountain biking, etc. On several Friday nights, the provided bus transportation from Memorial School to the Nashua Y. One of the biggest needs that they have not been able to meet is after-school child care because of facilities limitations. They would like to, but are unable to at this time. They are also working with kids from Alvirne High School in a Special Needs program. They bring the children over once a week to adapt them to the water. Some kids in wheel chairs who cannot walk get in the water and it's a great exercise for them.

Mr. Dougherty said some of the needs that have been identified by the committee and others have been programs in preschool, art, dance, sports programs, youth programs, vacation camps, teen nights, teen adventure camps, adult aerobics and cardio programs, senior programs, family nights, certification classes in first aid and CPR and after-school programs. Those are the kinds of programs they would hope to bring to Hudson.

Chairman Madison said they'd like to hear of the Y's interest in Lions Hall. Mr. Dougherty said they've been looking for a location to run programs for about three years. Some places have not been suitable for their needs, some have been too large or extremely expensive to put into shape and/or maintain on a regular basis. They looked at a property on Greeley Street that became too expensive for them to continue with. One of the properties that was brought to their attention that would seem to have the size requirements they would need is Lions Hall. It's about 9,600 square feet that fit their space requirements and they felt there might be an opportunity there. That's why they are present. Chairman Madison said the Town does have their voting at Lions Hall, and that is a concern. She asked what programs they would be doing there and how they were going to handle the issue with the Seniors. Mr. Dougherty said a program center for a Y, there would be no pool or full-sized gymnasium. Hopefully, that could happen down the road if something could be worked out. The plan would be to have about 3,000 square feet of multi-purpose activity area that would be open space for a large group activity. That space, along with about a 600' square foot community meeting room, would be closed down on voting days. There could be other space in the building might be able to be used as an overflow area. The plan would be to have 2,400 square feet of after-school child care space, which would be able to handle about 68 children. There would be a small amount of space for cardio and strength training, some office space and some lockers, storage and bathroom areas. Their plan would be to spend a significant amount of money to upgrade the property. Chairman Madison said the Town's attorney submitted an opinion which stated that the Town Meeting would have to ratify anything that is leased for more than a year. She asked if the Board had any questions.

Selectman Jasper said that in order for voting to be in one place, it absolutely requires the entire space at Lions Hall. If the Town is divided into voting districts, it would be very complicated. The Board has heard conflicting rumors about why the property at Greeley Street wasn't being considered by the Y any more and asked for an explanation of what caused that property to be too expensive. Mr. Dougherty said there were a number of issues that came up with that property, such as septic issues, building code issues, and expansion issues.

Selectman Stewart asked how the Y would interact with the Recreation Department's programs that are already in place. Mr. LeChance said they've met with Dave Yates and the Recreation Committee and believe their programs would compliment and enhance each others. They are not looking to compete with the Town's Recreation Department. A lot of the programs they offer are fundamental, getting kids started. They don't run highly competitive leagues and that sort of thing. They are almost like a feeder system. Selectman Stewart asked if residents would have to become a member of the Y to participate. Mr. LeChance the Y is a membership organization, but they do offer some programs for non-members.

Chairman Madison asked what they would do regarding the Seniors. Mr. Dougherty said they don't know what the full scope of the Senior programs are at Lions Hall, but they would sit down with a couple members of that group to talk about programs, activities and space, which they would want to do before anything is worked out with the Town. Chairman Madison asked the Board if this was something they wished to pursue.

Selectman Seabury said she'd like to think about it. Chairman Madison asked if that meant tabling to another meeting to be discussed again. Selectman Charbonneau asked what the Town did before using the Lions Hall for voting. Selectman Jasper said they've been voting at Lions Hall since the 60's. Prior to that, voting was at Memorial School, but there were issues with that, even back then when there were fewer people. Now, they are dealing with 9,000 voters in Presidential elections and the booths and 12 check-in people take up the whole hall. The three districts during Town Council days never did work out. People were at the wrong places all over Town, which was a confusing mess. If the Board wishes to go ahead with this proposal, they have to adequately address what they will do with the voting situation, which would also involve the Town Moderator, who should be brought into the discussions.

Chairman Madison said she remembers voting at Memorial School. Mr. Dolloff said they held School District elections there through the 70's, into the early 80's, drawing on the same pool of people. Chairman Madison said they do need a large space for voting. However, they have not done a lot with Lions Hall and are openly criticized for that. This would be an opportunity, in that the Y would come in to fix up the place and do something for the community, if they could work out the voting and Seniors situation. The Seniors are hoping to get a building at Benson's which may or may not work out. She'd like to Board to look into this further.

Mr. Dolloff thought the Seniors used the hall once a week. Chairman Madison wasn't sure how many days a week it is used, but it was more than once a week. Selectman Seabury said if the Board wants to go forward and just get additional information, a representative from the Seniors should meet with them and they should also talk with the Moderator. If they used the school, it would be disruptive, but it could be worked out. A lot of questions still have to be answered.

Motion by Selectman Seabury to proceed, to get additional information. Before they vote against this, it should be looked at. The Y would be a definite asset to the community, but they need to meet with the Seniors and the Moderator and they need to find out if there is a facility that will take care of their voting needs. Chairman Madison said maybe a Board member could work with that group, so they can bring the information back to the Selectmen.

Selectman Charbonneau said, regarding voting being disruptive, in Nashua, all of the voting is done in the schools.

Selectman Stewart seconded the motion.

Selectman Jasper said a representative from the school should be included, too, as that's the only other entity that's being discussed for the voting. Chairman Madison said the motion should include the Moderator, a Senior, someone from the School Department, and a volunteer from the Board of Selectmen. Selectman Seabury said ok and she could do it, if they meet on Monday, the only night she has free.

Selectman Jasper said he was very supportive of the Y coming in to Town and wished it had worked out on Greeley Street. He hopes something can be worked out, but is opposed to the motion. While the Town has done a poor job with Lions Hall, he didn't think it was something they should abandon at this time. They should concentrate on doing a better job with the management of the hall. The Town should work with the Y in finding a suitable location.

Vote: Motion carried 4-1. Selectman Jasper was opposed. Chairman Madison said they have their committee and someone would contact the various groups. Selectman Seabury asked when a good time was for them to meet. Mr. Dougherty said whenever; they would be there.

## **B. MRI Report**

Chairman Madison said the wrong information was in the packet. The correct information was distributed separately, which included a listing of the items and the responses from the Fire Department. She said going over the report is something the Board wanted to do. She asked Chief Carpentino to come forward.

(Start of Tape 1, Second Side)

She said a lot of the items were on-going, so the Chief could include more than one as he went along. Chief Carpentino said he wasn't prepared to discuss the report. He was informed last this afternoon that he wouldn't be taking an active part. Chairman Madison reminded him that at the last Selectmen's meeting, she stated the MRI report was going to be on the agenda for discussion. Chief Carpentino said this afternoon he was told it was a Board discussion and he wasn't going to be involved. Chairman Madison asked Mr. Sharon if that was true. Mr. Sharon said he informed Frank it was on the agenda, which Frank didn't even know. Mr. Carpentino said his subsequent question was if he should be prepared to take an active part in the discussion. Chairman Madison said the document came from the Fire Department, so they could go down the list. She said it was marked Confidential and asked if it contained anything that should not be discussed in public. Chief Carpentino said he's sure that once they get into it, there will be items they can't talk about.

Chairman Madison said in 1996, the Town had a report done on the Fire Department by Municipal Resources and it gave a lot of recommendations to improve things in the Fire Department. The Chief, in August, had distributed a list of the items that were addressed. In May, he had also issued some of the answers, so if they could start with that and go down the list. Chief Carpentino said he didn't have that information with him because he was told he wasn't going to be part of the discussion. Mr. Sharon offered the Chief his copy. Chairman Madison said there seems to have been a lack of communication. Selectman Jasper said

that was on-going. The Chairman stated that remark was unnecessary. Selectman Jasper said it was because lack of communication, an on-going problem, is the hallmark of many problems within the organization. Chairman Madison asked the Board if they wanted to defer this until another meeting. Selectman Charbonneau didn't have a problem doing that. Selectman Seabury asked the Chief if he'd feel more comfortable with that. The Chief said yes so he could bring his information with him. Selectman Jasper said he will vote for this, but the Board did not afford the same courtesy to him last week when he was faced with a multitude of information, which he didn't have a copy of in order for him to respond.

Motion by Selectman Stewart to defer until September 11, 2001 seconded by Selectman Charbonneau carried unanimously.

### C. Legal Bids

Selectman Charbonneau asked why the former firm has to finish a case instead of turning it over to the law firm they vote to go with. The Town ends up retaining two law firms, paying one at the going-rate and costs more in the long run than turning everything over to the current firm and bringing them up to speed on it. Mr. Sharon said that decision is up to the Board. When they made the change the last time, it was the feeling that there was one attorney that was far enough along with an issue that the Town would have spent a lot of money bringing the other firm up to speed. For continuity, it was better to let that firm continue, but the Board could have given it to the other firm. He had recommended keeping the attorney working on it because he felt that it would cost less money and be more efficiently prosecuted--but the Board didn't have to have gone along with that.

Selectman Charbonneau asked about the \$168,000 retainer proposed by John Ratigan's firm and, if his firm was awarded the bid, if that amount would cover bring brought up to speed by the current law firm, if their cases were turned over to Atty. Ratigan's firm. Mr. Sharon thought so, if it didn't fall within the exceptions clause. They probably did not envision that happening. Selectman Charbonneau said her main concern was saving money for the taxpayer and asked if it would be more cost effective by going with the Donahue firm. She has not made up her mind yet. They are both good firms, but they have both made mistakes. Mr. Sharon said there may well be instances where, if they gave the work back to Donahue, Tucker & Ciandella that they may have ended up representing another side to an issue, so that they couldn't just jump in and take over something. His recommendation is the same as before. If this Board wanted to appoint Donahue, Tucker & Ciandella, the Selectmen ought to think about letting Bossie, Kelly, Hodes & Buckley continue with some of the cases they have been working on because there is a lot of institutional knowledge that has been developed in them. Selectman Charbonneau said that's where she didn't see where they were saving money. Chairman Madison said that's what happened the last time they changed law firms. There were some cases they couldn't switch over, and the same thing would happen again. Mr. Sharon said plus the firm then is not committed to sticking with the lower rate.

Selectman Charbonneau said that in reviewing the bids, the rate offered by Donahue sounded more reasonable. Selectman Jasper said while it might look like the best deal, they should examine the history. Some time ago, he had Finance go through invoices for a set time period and it showed how much more money the Town spent by keeping Donahue and Tucker on the cases they kept because the Town was being charged the higher rate. Much of the money spent getting the law bills up to \$240,000 had to do with the fact that they had two law firms. The Chairman has stated they couldn't switch, but the Board never investigated that. Burns Hill landfill wasn't really rolling two years ago and they hadn't invested as much money on Route 3A. Those two issues could have been switched. He thinks Attorney Ratigan has developed into a fine attorney, very competent on the Burns Hill landfill issue and with the water company. However, because they changed law firms, he thinks that firm views the Town as a cash cow. They had no obligation to try to save the Town money or settle any of the cases. Things have dragged on, with no reason to bring anything to closure. Several months in the past year the legal bills from the previous firm, who are handling fewer cases, were higher than the current firm. The monthly invoices are almost always within a couple thousand dollars of each other. Donahue & Tucker is handling cases that are more than two years old. Something is amiss. The Board didn't agree with him several months ago when he said they should end this. If they swap back tonight, Bossie, Kelly & Hodes would have every right to view them as a cash cow, and he didn't want to be in that position. In Fiscal 2000, they paid Bossie, Kelly & Hodes \$124,644 and paid Donahue, Tucker & Ciandella \$329,680. Mr. Sharon said that wasn't just legal bills, it was everything paid to that firm. Selectman Jasper said even at \$160,000 they were paying the secondary firm \$40,000 more than they were paying the primary firm and that ought to tell them something is wrong.

Motion by Selectman Jasper, seconded by Selectman Stewart, to award the bid to Bossie, Kelly, Hodes & Buckley, with the retainer of \$3,000 per month, up to 26 hours, and \$125 per hour thereafter.

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Chairman Madison said, strangely enough, she views the whole situation exactly opposite from Selectman Jasper. Selectman Jasper didn't think that was strange at all. Selectman Charbonneau didn't think that remark was called for. Chairman Madison said one of the cases that the Donahue firm worked on was the Fire Department issue that went to court over and over and they've had a lot of legal bills regarding the Lowell Road land takings. That firm also worked on the water utility. Those cases required a lot of work. Both firms have done some really great things—there are good and bad things on both sides. John Ratigan's firm was outstanding regarding the water company. She wants to look at it in the best interest of the tax payer. If they

stay with Bossie, Kelly & Hodes and take all of the items that are with Ratigan, there will be a large increase in the legal bills from Bossie, Kelly & Hodes. If they go the other way, most of that will fall within the \$168,000 cap.

Selectman Jasper said there wasn't anything in the last fiscal year that had to do with the water company. Mr. Sharon said there was \$2,400 worth. Selectman Jasper said that was a minor amount. Chairman Madison said they have the Litchfield issue, too. Selectman Jasper said Lowell Road is going to bid, and should be done shortly. They need to evaluate all of the cases to decide which firm should handle it. They have just about wrapped up the Meadows issue and the Burns Hill landfill. Within a couple of months, nothing of any substance should be left that would cause a great deal of expense. The Litchfield case should be switched over, but that should be an independent discussion.

Mr. Sharon said Donahue, Tucker & Ciandella's billable hours have dropped, and dropped significantly from the previous year to last year. The cases left are the ones Selectman Jasper already mentioned, plus the Radziewicz-Marchand case. There were some hefty issues, at the time they made the change two years ago. He said, to defend Lorraine, he didn't remember her saying they *had* to keep certain cases with the then-legal counsel. Chairman Madison said he didn't have to defend her, that she could defend herself. Selectman Jasper said that was a statement she made earlier tonight.

Selectman Charbonneau asked about the bid from Donahue, covering Supreme Court cases. Chairman Madison said it was a higher level of guaranteed services. They agreed to do five Superior Court land use cases per year under the \$150,000 and with the \$168,000 it was seven and two Supreme Court cases. Selectman Charbonneau asked what the average cost was for a Supreme Court case. Mr. Sharon said they vary so much, he didn't think he could come up with a good estimate.

Selectman Seabury asked what Bossie, Kelly & Hodes charged over and above the 26 hours a month for \$3,000. Mr. Sharon said \$125. The 26 hours works out to be \$115/hour. She asked if it includes their 16-page letters. Mr. Sharon said it includes everything. Selectman Seabury found it hard to compare the two bids because it was not apples to apples. Mr. Sharon said Donahue, Tucker & Ciandella would provide all the services they specify, including so many meetings per month, with the exception of the exclusions. Anything that falls within the exclusion would be billed at \$140. There is an obvious advantage in knowing that they would be able to count on so much per month, but they can't predict what exclusions will come along. Selectman Seabury asked if the six meetings per month could be carried over to the following month, if they weren't all used. Mr. Sharon didn't think so. Selectman Jasper said the Town should not be afraid to pay for the services they require, but they should be afraid of paying for services they may not require. He'd rather go with the hourly rate and pay for what they need. Mr. Sharon said that's clearly a disadvantage of a retainer system. To some degree, it encourages misuse of Town counsel; they are called about every little thing. A concerted effort has been made not to do that.

Selectman Charbonneau asked what it had cost the Town for an in-house attorney. Mr. Sharon said it was more than they were paying for outside counsel up until three years ago, after factoring in salaries and benefits and the law library. Selectman Seabury asked if they would be wise in looking into hiring their own attorney. Mr. Sharon didn't think so because no matter how capable the person is, they would probably end up farming a lot of it out. One person wouldn't have the time or resources to handle everything. More than any other appointment they may, legal counsel needs to be an appointment where the chemistry is right, where they feel comfortable with whomever they appoint. He likes both firms and can work with either of them, but if they are going to retain somebody and continue to have distrust or bad feelings about that firm, then they shouldn't do it. Selectman Seabury said Mr. Sharon's last words changed her mind because she truly likes the Donahue firm. However, there are people on the Board that don't, so she will give on this one. Chairman Madison felt the same way. She can go with either firm, but there are a couple of people on the Board who do not care for the other law firm and, since they have to work with them, she will bow to their wishes.

Selectman Charbonneau didn't think personalities should be a factor. If people can't do that, they shouldn't be in public service. They should do what is the best for the Town and the taxpayer. She thinks a couple people have a personal vendetta. They should let bygones be bygones and choose the firm they think will do the best job for the Town. Some people here might make it very difficult for a certain law firm, and that's not right—and they shouldn't be on the Board. It's wrong if someone makes it difficult for either firm. The taxpayers elected her to serve them, and that is what she is going to do.

Selectman Jasper said after what everyone has said, that leaves only Terry and him and it doesn't take a great mathematician to figure out who everyone is talking about. He is puzzled because he likes John Ratigan and works very well with him. He is looking at \$140 per hour versus \$125. They don't have a clear picture of what their legal needs are because they have all been jumbled up. He didn't blame them for thinking the Town was a cash cow. They don't have a fiduciary responsibility to the Town. He is not sure that they actually need \$150,000 a year each and every year. They've used that in the past and will probably do so again, but his real believe is that they should be willing to pay only for that which they use because they have a responsibility to the Town. They shouldn't gamble with the taxpayers' money. They would be betting they are going to need \$150,000 or \$168,000. He thought they should stay with the current law firm and get everything with them so they can see what the actual needs are. If they can get two years of actual history, without things meshed together. That firm is betting that their actual expenses are actually going to be less than the \$150,000. They all heard John Ratigan say that it's their job to make

money for the firm. If this was reversed, he'd be going the other way. He's sorry that Rhona is so angry, but he doesn't have a problem with that firm, even if he thinks they have been milking the Town. They are good, competent attorneys and he likes John Ratigan. He's had issues with him over the years, but has gotten over that. He believes that the fiscally responsible thing to do is stay with Bossie, Kelly & Hodes.

Selectman Charbonneau said she wasn't angry, but she didn't like the idea of someone stating a law firm is milking the Town. There's no way of knowing if someone is doing that and asked where his proof was. Selectman Jasper said that's how he feels. He hasn't acted on those feelings, nor has he accused anyone by suggesting an investigation. He feels the cow has been milked. That's why they spent \$240,000. He's looking at the multitude of cases one firm is handling and the very few cases that another firm is handling and can't figure out why the monthly bills end up being almost identical. Some of it is the difference in the hourly rate. He's not voting on his feelings. That was used as a way of explaining his rationale. If \$240,000 was their real need, then Ratigan's firm was going to give them \$90,000 worth of legal service. He didn't believe they were in the business to lose money. Selectman Charbonneau said the other law firm wasn't either. Selectman Jasper said no, but they are saying they will give the Town 26 hours a month at \$115, and \$3,000 a month is a gamble he can take because that is only \$36,000 a year versus \$150,000 a year. He's not 100% sure they were milking the cow, but that was his perception. He'd like to see what the real needs are. If Bossie, Kelly and Hodes goes over \$150,000 next year they can say he made a mistake. He can live with that because they would be paying for what they actually use.

Chairman Madison asked them to sum up because all they are going back and forth with the same thing. Selectman Stewart said she was highly insulted because she does not have a personal vendetta against John Ratigan; it's not idle gossip—she has a copy. She feels they will get more bang for their buck by staying with the current, competent firm. She is not comfortable with John Ratigan.

Selectman Seabury said Paul was keeping track of the bills at one time and asked what that was on a yearly basis. Mr. Sharon said it ran \$120,000 - \$130,000 for in-house counsel, adjusted for inflation. Chairman Madison said the \$3,000 a month for 26 hours is only \$115 an hour, but recalled that there was information provided about the number of hours because she recalled that their fee would have gone over \$200,000. Mr. Sharon said it would have gone to about \$247,000 if they consolidated all of the billable hours from both law firms, at the same level of litigation the Town is at now. Donahue, Tucker and Ciandella is down to nine or 10 cases. Bossie, Kelly, Hodes & Buckley has around 40. Selectman Jasper said that makes his point. Last month's bill was around \$9,000 for nine cases for Ratigan's firm and \$12,000 for Hodes and Buckley's 40 cases. The \$240,000 is not a real figure and Ratigan's firm knows it or they wouldn't have put in a bid at \$150,000. They are not willing to lose \$90,000 on the Town of Hudson.

Chairman Madison said when they vote, she wanted it understood they weren't shifting all of the cases to one firm. That needs to be done case by case. Selectman Jasper agreed.

*Vote: Motion carried 4-1.* Selectman Charbonneau was opposed.

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Chairman Madison stated the law firm will be Bossie, Kelly, Hodes, Buckley and Wilson for the next year.

(Start of Tape 2, Side A)

## 8. NEW BUSINESS

### A. Street Acceptances, Harvest Circle & Farmington Drive

Chairman Madison opened the Public Hearing at 9:01 p.m. and asked if anyone wished to speak. There was no response so she closed the hearing.

*Motion by Selectman Charbonneau, seconded by Selectman Seabury, to accept Harvest Circle and Farmington Drive as Town streets carried unanimously.*

### B. Thurston's Landing Subdivision

Sean Sullivan, Community Development Director, said he wanted the Board's input regarding about 10 lots in Thurston's Phase II that will have driveway grades that exceed the 10% maximum grade allowed by the regulations. The design engineer has come up with two alternatives: 1) access from one lot to another by easement, or 2) a common driveway that would access more than one lot. They have received a couple of applications for driveway permits on Bush Hill Road that complies with the 10% but it is inevitable that they will receive applications that won't.

Selectman Jasper said there are lots in Town that are simply not buildable. If they cannot meet the driveway requirements, they should not be allowed to build on the lots. If they want to go back to the Planning Board and open the whole thing up, that is their option, but they should stick with the 10% grade. Selectman Charbonneau agreed 100%. Chairman Madison said aside from the 10%, they do not allow shared driveways, even though there are some in Town, such as Lockwood Place. Selectman Stewart said this is the development where, in Phase I, people moved in without CO's and had everything hooked up. Driveways were at various angles. Staff needs to stay on top of this so driveways don't go in in the middle of the night. Selectman Seabury said there was a case where the developer situated a large piece of equipment to block the driveway which prevented the Building Inspector from going in.

Mr. Sullivan said the applicant's representatives use bullying tactics. If the Town doesn't give them what they feel they are entitled to, they will run to court. Selectman Seabury said the Planning Board is very iffy about approving driveways. They had left that in the hands of the Town Engineer, who danced around the issue. If the regulation is 10%, then that is what the developers have to go by, unless they get a waiver, and she didn't know who would give them one. Chairman Madison said the Planning Board feels it should be up to the Community Development Director.

Mr. Sharon said since the debacle with some of the properties at Thurston's there has been more attention paid to that, but the issue of the 10% maximum grade is somewhat tenuous because it is in the subdivision regs as a diagram with accompanying text. Mr. Sullivan said the driveway section of the Sub-Site Regulations talks about the 10% grade and the criteria to be drafted by the Town Engineer. On each application that the Engineer issued was a diagram on the back, showing a maximum grade of 10%. It would be more clear if that language was in there. Selectman Jasper hoped Mr. Sullivan would work with the Planning Board to see that that is changed as soon as possible. They would need to go back to the Planning Board only in the case of a shared driveway. They don't address the specific driveway itself, but whether it would be a shared driveway or go through another lot. He asked if this issue was looked at prior to issuing a building permit because there might be a scenario where someone builds a house and then applies for a building permit and says there is nothing else he can do because the house is already built. Mr. Sullivan said they have a process in place. Gary will determine the percent grade at the driveway and, prior to his signoff on the building permit application, no building permit is issued. Selectman Jasper was glad to hear that and said, if they end up back in court, so be it. Chairman Madison said the 10% will stand.

**C. Nextel Communications**

Mr. Sullivan said Nextel was interested in locating antennae on the water tank located off Gordon Street. If the Board goes forward with this, they may wish to consider doing an RFP. The proponent would assure that the water quality in the tank would not be affected, nor would there be any degradation to the structural integrity. He understands this is the first time this type of request has come forward. Chairman Madison thought they should write up specs and put it out to bid. Selectman Jasper said the current policy is not to allow antennas on Town property--and this is not their first proposal. One came in a number of years ago for 160' towers at Merrill Park and this building, but this proposal is for four' towers on top of an existing tank. He wouldn't be opposed to a public hearing and listening to area residents, but he didn't want to do anything without their input. The Town has three water towers that could be considered. Chairman Madison asked if the Board was interested in hearing Nextel's proposal, if they wanted to have the public hearing first, or if they wanted all of the people who were bidding at the public hearing. The Board opted for the third suggestion. Selectman Jasper said the RFP needs to be written carefully because the Board hasn't voted to approve this yet and they need to have the right to reject any and all proposals. It was decided to hold the public hearing on October 30 at 7:30 p.m. at Lions Hall.

**D. Transportation Enhancement Grant Application, between Meghan Drive and Evergreen Drive**

Mr. Sullivan said awhile back, the Selectmen asked his department to look at sidewalk development in Town, and they voted to make this area a priority. Working with NRPC and NHDOT, the grant writer came up with a proposal for a transportation enhancement grant. The total cost of the sidewalk on the east side of Route 102 will be \$400,000 with a 30% contribution by the Town, or \$120,000. The State standard is 20%, but NRPC suggested the 30% match to make the grant application more attractive. There is \$426,000 in the 102 account which will cover the 30% share, as well as prior commitments.

*Motion by Selectman Seabury, seconded by Selectman Stewart, to accept the recommendation and go forward with the project for sidewalks between Meghan Drive and Evergreen, with a 30% match.*

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Selectman Charbonneau asked why they weren't going all the way to Phillips Drive. Selectman Jasper said they'd have to talk to a developer about putting something in there. Mr. Sullivan said the \$30,000 off-site commitment by Mr. Sousa is also being used to help offset some of the Town's portion. Selectman Seabury said that will have to be done eventually, but there is a problem with drainage and it will be pricey. Selectman Jasper noticed a discrepancy between the figures on the memo and the draft. Mr. Sullivan said the memo amount was correct.



*Vote: Motion carried unanimously.*

**E. Transportation Enhancement Project Sidewalk Construction, Birch Street to Central Street**

Mr. Sullivan said the total value of the project should be \$147,600 and not \$117,600. This project has been approved by NHDOT, with assistance from NRPC, originally authored by the previous Town Planner. He met with Victoria Chase, an engineer at NHDOT and she convinced him that the Town could manage this project, and he discussed it with the Town Administrator. Ms. Chase offered to provide assistance to the Town and encouraged the hiring of a consultant to help manage the project, all of which would be included in the \$147,600. He requested the Town Administrator sign the contract, which would precipitate a letter from NHDOT with a notice to proceed. The next step would be to put the project out to bid for design purposes, with NHDOT's assistance, and then construction.

*Motion by Selectman Stewart, seconded by Selectman Jasper, to approve the transportation enhancement project sidewalk construction from Birch Street to Central Street for a total dollar value of the project of \$147,600 with a 20% match from the Town of \$29,400 carried unanimously.*

**F. Delta Properties**

Mr. Sullivan said he has been working with the grant writer and they met with DES and with Mr. Taschereau, who has expressed an interest in the property. The grant writer looked into the availability of funds to help get the property back on the tax rolls. He has advised that there aren't any grant monies available. They could continue discussions with Mr. Taschereau to determine if the proposed use would be acceptable, or they could enter into an agreement with the current owner that would allow the Town to seek re-use proposals from qualified bidders to prepare a closure plan and develop a new use for the property. Mr. Taschereau had an environmental analysis done, which talks about \$516,000 cleanup costs.

Selectman Jasper said they are in a unique situation to work a three-way deal. Mr. Rodgers is the property owner and his problem has been that no one is willing to assume all the liability for the sewer fees and back taxes. If someone is willing to buy it, at the time it is agreed to, they could abate a certain amount. Mr. Rodgers wouldn't walk away with any money, but the Town would be able to get it back on the rolls and not be in a position of liability, which has been a concern. The Town would never hold title.

Mr. Sharon said there was an article in ICMA regarding Brownsfield and other cleanup issues all over the country. Part of the current trend is to look at the responsibility of the insurers of the last property owners, who are committed by case law in some instances to pay for remediation. Selectman Jasper said this property has never been used and was probably just dumped on by Johns Manville. Mr. Sharon said the case law pertains to ownership and dumping of materials prior to 1985, which may apply. Selectman Jasper didn't think they should go that route. If they can come up with most of the taxes and sewer charges that are due, they will be in pretty good shape. If they turn this over to the attorneys, they can hopefully get this back on the rolls and get back most of their money. That would be most advantageous. Chairman Madison agreed. Selectman Jasper said the key is for Mr. Rodgers to work with them; he will be glad to get rid of it. Chairman Madison said Mr. Rodgers had said he would come out of this without any money, but it would clear the tax rolls and sewer fees. Selectman Seabury said this was one of the worst sections in the park. Channel 4 did a piece on it. Selectman Jasper said M&L did their homework and are willing to assume it.

*Motion by Selectman Jasper, seconded by Selectman Stewart, to direct the Town attorneys to try to work out an agreement with the owner of the property and the potential buyer of the property to complete a transfer and have part, if not all of the Town's taxes and sewer fees paid with the understanding that the Board would consider a partial waiver of some of those back taxes and sewer fees carried unanimously.*

**G. Litchfield Fire Department Dispatch Fee**

Chief Carpentino said this has been discussed off and on for the last couple of years, but the last time it was discussed, it was after the budget process. They should let Litchfield know if the Town is going to increase the fees so they can plan for it in their budget. The current agreement has been in place since 1992. Since then there are more calls being generated by the Litchfield Fire Department and Hudson is doing more administrative work and monitoring more fire alarm systems. \$2,500 was probably a fair assessment of the service provided in 1992, but the Board needs to look at this and adjust it. Selectman Charbonneau asked if he had a breakdown of actual costs. Chief Carpentino said no, but he could get it. Selectman Charbonneau said they need true figures. Chairman Madison agreed, saying maybe they should look at the entire fee structure because they have talked about increasing others. They could have a public hearing at a later date.

Selectman Jasper said this is an agreement between two towns, so a public hearing isn't necessary. Mr. Sharon said he hadn't thought of it from that aspect. The Chief should come forward with his proposal to the Selectmen and then go forward to Litchfield, and this is the time to be doing it. Selectman Charbonneau emphasized the need for true figures. Mr. Sharon said

everyone should be aware of the fact that if they do this on an actual cost-per-dispatch, or based on a proportionate share of assessed value or population or runs, it is going to be very costly. It may go to \$30,000. Selectman Jasper said they need to see the figures because if it becomes too costly, they will find someone else to do it. None of Hudson's costs will disappear. It's not like they will lay anyone off if they don't have Litchfield. They need to stay within the realm of reason. Mr. Sharon said fair is fair and they are quick to assess Hudson on issues. Selectman Jasper said even if they lose Litchfield, it isn't going to lower their costs substantially. He asked for the Chief's opinion. Chief Carpentino didn't think so and said they are doing around 400 calls a year for Litchfield, but they picked up a lot in the administrative end by monitoring alarms, sending faxes, paging, tracking different things, etc. The \$2,500 fee is probably the best bargain in the State. Selectman Charbonneau said the Sheriff has a better one at 75¢ a call. Chief Carpentino said when they were approached by another municipality, it was going to cost about \$160,000 to \$170,000 for them to take over Hudson's calls. Chairman Madison said he needs to look into the information that Selectman Charbonneau suggested and then, working with the Town Administrator, come back with a proposal.

**H. Sewer Abatement Requests**

(Town of Hudson—Teledyne, 110 Lowell Road, \$16.25; 193 Central Street, \$77.39)

Motion by Selectman Stewart, seconded by Selectman Charbonneau, to grant, as recommended by Sewer Utility carried unanimously.

**I. Request to waive Sewer Capital Assessment Fee (13 Park Avenue, Phil Rodgers)**

Chairman Madison said the Sewer Utility Committee stated in their cover memo that there is no basis for waiving this fee.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to deny carried unanimously.

(Start Tape 2, Second Side)

**J. Contract Amendment #9 (Lowell Road Improvement Project, SEA Reference #1998241.01-A)**

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Motion by Selectman Stewart, seconded by Selectman Seabury, to approve carried unanimously.

**K. Acceptance of Monetary Donations to the Recreation Department for the Skate Park**

Motion by Selectman Stewart, seconded by Selectman Seabury, to accept the donations of \$250 from Thompson's Market, \$200 from J. Naples Trucking, \$300 from Green Tea Chinese Restaurant and \$200 from the Digital Federal Credit Union for the Skate Board Park carried 4-0. Charbonneau out of the room.

The following item was donated by Chairman Madison's daughter and son-in-law, so she passed the chairmanship to Vice Chairman Jasper, which she resumed following the vote.

Motion by Selectman Stewart, seconded by Selectman Seabury, to accept the donation of an upright freezer for the Recreation Department from Michael and Susan Trudel, which carries a value of \$200, carried unanimously. Selectman Madison abstained; Selectman Charbonneau was out of the room.

**L. Assessing Items**

**1) Elderly Exemption Applications (9 Windham Road, Map 025/Lot 207; 148B Barretts Hill Road, Map 026/Lot 090/Sublot 07B)**

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Motion by Selectman Stewart, seconded by Selectman Seabury, to grant, as recommended by the Assessor, carried 4-0. Selectman Charbonneau was out of the room.

**2) Disabled Exemption Application (3 Forest Circle, Map 028/Lot020/Sublot 056)**

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Motion by Selectman Seabury, seconded by Selectman Stewart, to grant, as recommended by the Assessor, carried 4-0. Selectman Charbonneau was out of the room.

**3) Veteran's Tax Credit Application (17 Berkeley Drive, Map 023/Lot 017/Sublot 4-37; 4 Berkeley Drive, Map 023/Lot 017, Sublot 4-2; 9 Berkeley Drive, Map 023/Lot 017/Sublot 4-40; 50 Lexington Court, Map 023/Lot 017/Sublot 056)**

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*Motion by Selectman Stewart, seconded by Selectman Jasper, to grant, as recommended by the Assessor, carried 5-0.*

9. **OTHER BUSINESS**

A. **West Road/102 Intersection**

Selectman Seabury said there was a letter from NRPC about the 102-West Road intersection that states they are looking at a construction date of 2010. She had received a call from a woman who has a daughter who is going to be going to school and she was very concerned about that intersection. Mr. Sharon said they met with NH DOT and he understands the Commissioner is willing to move that up on their program to probably 2004, but the circumferential highway has moved out beyond the TIP. Selectman Seabury asked if they should wait for the State to act, or if the Town should put in a temporary signal light like at Executive Drive. Mr. Sharon said the Town does not have the capability to do that by themselves. The State would have to approve it. They are talking about putting in full signalization there, as part of a larger project. Selectman Seabury asked if she should tell the caller to go to the State. Mr. Sharon said yes, and the Town could participate with NRPC to try to get the project accelerated.

B. **Rectifying the Mold Problem in the Lower Level at Town Hall**

Selectman Seabury toured downstairs at Town Hall today to look at the mold problem which occurred due to flooding in the basement caused by heavy rains. The rugs hold the dampness and mold starts growing, so she thought the carpeting could be replaced with tile, but Mr. Sharon didn't think that was a good idea. People might slip and there would be a problem with noise. There are no plans, however, to replace the wallpaper. It will be painted and perhaps some kind of cork board will be put up because the Planning Board uses the walls to display plans during their meetings. She suggested the other Board members tour the downstairs area, saying she can't believe how atrocious it smells. She feels sorry for staff that has to work in that and maybe they should be moved out.

C. **Dirt Bikes on Cutler Road**

Selectman Seabury said there was a gentleman in the audience who had called her about the loud noise from dirt bikes. She had talked with Paul about this before she went to Maine and he had said he was going to talk to someone about making some spot checks. A lot of the noise is on the weekends. She asked Mr. Sharon for an update. Mr. Sharon assumed they were talking about Cutler Road and said they would get it scheduled, but would not divulge when. Selectman Seabury asked if Mr. Dionne could be recognized. Chairman Madison allowed it, saying she also received a call over the weekend.

Mr. Dionne said he's lived at his address for 36 years. They've been subjected to the race track noise for a years. When they complained, they were told the race track was there first, so they accepted it. However the dirt bike noise has happened just over the past few months. As soon as the person bought the house, he made a track behind his house with bulldozers, cleaning out the wetland areas and trees. It's not just one bike, it's several. Cars arrive pulling trailers loaded with two or three bikes, and the very irritating, high-pitch noise is constant, with the bikes going up and down the little hills. They can't sit on their porch and are often driven inside because of the annoying noise. They'd rather stay in the house with the air conditioner on. It's an every day nuisance they feel they shouldn't have to put up with.

Chairman Madison said when she brought this to the Town Administrator's attention, he pointed out that every time they have been out there, they are within the accepted noise levels and it is their property. The woman had said it's impossible to sit outside and enjoy the day because they constantly hear the dirt bikes. Whether they are above the noise level or not, it is a constant noise. She didn't know what they could do about it if they are not breaking the law.

Mr. Sharon said he has a fairly extensive file on this property because when they first moved in, the Town started getting complaints about filling in the wetlands. The Town ultimately found out that they weren't. There were complaints about cutting trees and operating bulldozers and everything else. He, the Building Inspector, Assessor, Road Agent, Planner and Police Department went out there to look at things and found that most of what was being done was within his rights. Mr. Sharon said there's nothing that would prevent him to put a set of bleachers in his yard. People would probably assume he was doing something commercial, but there's nothing to prevent that. His answer was it was for his friends and family and he openly admits that they have friends that come in. The Town tested bike noise before and after they were muffled and will test again. Mr. Dionne asked if the test was done on all the bikes. Mr. Sharon said they weren't all out there. Mr. Dionne said three or four bikes out there at once makes a big difference. Mr. Sharon said they did make them shut down at one point. Selectman Seabury said a woman rode up and down her street on her motorcycle one day for 12 hours, so she knows how annoying the dirt bikes must be.

Selectman Jasper said they could consider amending the ordinance, looking at what's reasonable for this type of thing. He's

more than a mile away and it's irritating. He can only imagine what people living closer are going through. One's property rights end at the edge of their property, and he's going off his property. Selectmen Seabury and Chairman Madison agreed. Selectman Jasper said the people next door cannot possibly enjoy their property because of this. Other communities must have dealt with this type of thing, so they should be able, through the consultants, find out how they handled this. If they have been out there testing his bike with a muffler, that is one thing, but they don't know if everyone who comes in have mufflers. The noise level from different bikes may be different. Every motorcycle that goes by his house has a different sound. Some are very loud and others are almost silent. Chairman Madison said perhaps they can look into amending the ordinance.

Selectman Charbonneau said she, too, got a call about the bikes. She didn't think they would have bleachers if this was just for pleasure. Mr. Sharon said he learned from Mr. Robinson that they do have a group that they belong to and that group comes over and rides on their property. If they are in violation, it will be stopped. Selectman Charbonneau said that type of activity should be in an industrial area and they should change the ordinance. People's quality of life is being affected. People should be able to enjoy being outdoors at their homes in the summer. It is disturbing when you can't even enjoy a cookout because your quality of life is spoiled. This person should put in a sound barrier around his land. It's terrible and not considerate. They have to put something into effect to deal with this type of situation.

**D. Subcontracting Engineering Work in the absence of a Town Engineer**

Selectman Stewart asked for an update on subcontracting the Town's engineering work because she didn't want that department to get backlogged. Mr. Sharon said interviews have been scheduled with three firms for Thursday morning. In the interim, they will use people, as necessary.

**E. Prime Times Risk Management Exchange**

Chairman Madison said there is a wonderful article in there about the Town entitled *Timing is Everything*. All of the department heads have been interviewed. She understands some type of presentation will be made to the Town.

**F. Condolences offered to Lenny Smith**

Chairman Madison offered deepest sympathy to Lenny Smith in the passing of his wife, a long time resident of Hudson. She will be missed.

**10. LICENSES AND PERMITS**

**A. Request for Permit by Michael Girouard, 31 Richman Road, to hold a Block Party at 21-25 Richman Road, from 10 am to 9 pm on September 29, 2001**

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

**B. License to Purchase Scrap Metals by Bargains Unlimited**

*Motion by Selectman Charbonneau, seconded by Selectman Seabury, to deny, as recommended by the Chief of Police, carried unanimously.*

**11. ACCEPTANCE OF MINUTES**

**A. August 7, 2001 BOS Workshop re Budget Parameter Setting**

**B. August 14, 2001 BOS Meeting**

*Motion by Selectman Stewart, seconded by Selectman Charbonneau, to accept the Minutes, as presented, and refer to file carried unanimously.*

**12. COMMITTEE ANNOUNCEMENTS**

8/29 9-10 a.m. Deb Bradley from Sen. Smith's Office will be at Town Hall in BOS Meeting Room

8/30 6:00 p.m. CIP in BOS Mtg. Rm.

9/03 Labor Day—Town Hall closed

9/05 7:00 p.m. Planning Board Workshop in CD Mtg. Rm.

9/06 4:00 p.m. Benson's Committee in BOS Mtg. Rm.

9/10 6:30 p.m. School Board in BOS Mtg. Rm.

9/11 7:30 p.m. BOS in BOS Mtg. Rm.

9/12 7:00 p.m. Planning Board in BOS Mtg. Rm.

9/13 7:30 p.m. ZBA in CD Mtg. Rm.  
9/13 7:00 p.m. SUC in Small Conf. Rm.  
9/13 6:30 p.m. Recreation Committee at Rec. Ctr.  
9/17 7:00 p.m. Conservation Commission in CD Mtg. Rm.  
9/19 4:00 p.m. BOS Workshop w/TA  
9/20 7:30 p.m. Budget Committee in CD Mtg. Rm.  
9/24 6:30 p.m. School Board in BOS Mtg. Rm.  
9/25 7:30 p.m. BOS in BOS Mtg. Rm.  
9/26 7:00 p.m. Planning Board in CD Mtg. Rm.  
9/27 7:30 p.m. ZBA in CD Mtg. Rm.  
9/29 9:30 a.m. Regional Roundtable @ Nashua City Hall

13. **LIAISON REPORTS**

**Selectman Seabury** said she, Lorraine and Terry had a pizza at the Rec Center with the kids and had a good time.

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**Chairman Madison** said she is still going to the Planning Board meetings and enjoying it.

14. **REMARKS BY THE SELECTMEN**

**Selectman Shawn Jasper** read a statement, saying he was going to spread his remarks over several meetings.

At the risk of blowing my own horn, I will ask you to consider how often this Board turns to me, how often you have trusted my judgement and my ability to get the job done. Yet, when it comes to the Fire Department, it is not even my judgement that's in question. It seems to be my very ability to ask rational questions. Am I passionate about the call force? Yes, I am. I am passionate about the tax rate, too, and I'm passionate about nearly everything I believe in. You should also recall how passionate I was about hiring Frank Carpentino, yet you have allowed my integrity to be questioned and not one of you has put up so much as one word of defense. I believe it's because you're all tired of this and, as I have said, I'm tired of it, too. The easy way out of this is to put the issue off to the Ethics Committee. It would take some serious effort to try to figure it all out, but the simple fact is you are still going to have to have to deal with this and what you're going to find out may not make you happy. I ask that you put aside your anger with me and do your jobs. Find out what the truth is and decide. Unfortunately, because of the show I was put through at the last meeting, the issue has now become me. I *have* to answer the charges that have been leveled at me. I know you don't want to sit through this again, but in my book, a man has nothing but his word and his integrity. Rhona was upset that the Chief and I could not reach an agreement. Perhaps we could have if there had ever been a meeting to talk about it. I was literally shell-shocked at the last meeting. I've read the Minutes and I wonder why I didn't make the point then, but truly my head was spinning. I couldn't think straight. The meeting that I had with Lorraine and the Chief was to talk about my letter in response to the charges against me that were in the MRI Report update. In hindsight, the meeting shouldn't have taken place, but I thought it was the proper thing to do. The purpose has been twisted and used against me and, Lorraine, if you will be forthcoming, you will tell the Board that at that meeting the issue did come up, but that's not what the meeting was about. When the Chief asked when that meeting was supposed to take place, and who was supposed to set it up, I echoed his thoughts. Lorraine stated that Rhona was going to set it up. The Chief had stated that no one had asked him, but he had drafted an agreement and asked me if I wanted a copy. I took a copy, but we did not discuss the contents of it. Madam Chairman, is that accurate? (Chairman Madison replied that was true, they didn't.) Rhona, did you know you were in charge of this meeting? (Selectman Charbonneau said no, not of that meeting.) Do I feel sandbagged? Absolutely. (Selectman Charbonneau said she didn't agree with that.) Well, that's how I feel. I feel I was sandbagged two weeks ago and I feel that someone should have spoken up, and it should have been me, but there are a couple other people that could have spoken up and said that's not what that meeting was about.

Assistant Chief Murray has been with us since May 15<sup>th</sup>. He states that part of my problem has been my inability to separate those issues which should go through the chain of command and which should be addressed as an authority for the Town. Each of you know that has been stated to be part of the problem before. I was separating them and was still accused of not following the chain of command. I brought things forward to Paul and to Lorraine which I felt were strictly issues of policy. Isn't that correct? (Chairman Madison said he has brought issues to her.) Then, I said to you, and I said to Paul, and I said to others, "Should I bring everything through the chain of command?" And now the new Assistant Chief is saying that I should be separating them. That's not fair to me. The Assistant Chief states that the administration is often unable to fully investigate an issue before it comes to the Board. It's in his statement; it's in the Minutes. Please think about that statement. He says he's been here less than 3½ months. The first question I posed was on June 29<sup>th</sup> in the e-mail you have. That went through the chain of command. Everything else, and there have been few, and most of them follow-ups about what about an answer to my e-mail of the 29<sup>th</sup>, went through the chain of command. It should trouble you that the AC was not specific about what these other things were. He said I haven't been doing this. Well, I have, but he wasn't specific. Because I have been very careful how I handled issues since he's been

on board. Paul, Lorraine, can you think of any issues since the AC, the Assistant Chief, has been here that I have not first put through the chain of command. (Chairman Madison said she wasn't knowledgeable as to all of the things that go through the Fire Department.) What I'm saying is, what he's saying is that I have still been going outside of the chain of command since he's been here. He said that specifically. Can you think of anything since May 15<sup>th</sup> that I have brought to you that hasn't been about the things that I have put through the chain of command and couldn't get an answer to? No, I'm sure you can't, because there hasn't been, but the AC accused me of that. Does it trouble you that that issue is not factual? The Assistant Chief states that my e-mail was in part inflammatory and accusatory. Perhaps they were, but while I was passing along those comments, were they accurate? It would appear that the basic facts are correct. The president of the union sat here and told you that the union member that did what my e-mail suggested someone did wasn't acting as a union member, he was acting as an individual fire fighter. Maybe not a conspiracy. Collusion? Perhaps. I asked for an explanation if the theory was wrong. Two months later, I still don't have one. This seems to be a situation where methinks the administration doth protest too much. What do my fellow Board members think? The Assistant Chief says I'm continuing to take up more and more of the department's daily routine. I have only asked for one thing that took time. It's sitting there. It says right on it that it took 12 hours during the course of the month. (Chairman Madison said it was *quite* a document, that information.) Madam Chairman, that is, but most of those pages are ¾'s blank and some of them are duplicates. I haven't had the chance to go through it and I'm going to have to spend a lot of time to extrapolate what is in there to get the information I need, but it's there. I asked it in accordance with the law, which is anyone's right, but I still don't have it in my hands. I asked for that on July 7<sup>th</sup>. So it took 12 hours during the course of a month or so. The 12 hours did not involve research by members of the administration. We're told it was a Lieutenant, I was told, and a Dispatcher. OK? Yet, I am accused of taking away from budgeting, planning, capital improvement process and daily operations. It appears to me the time spent away from those issues was spent writing false accusations against me, not on that report. Any questions? The Assistant Chief asks how he could respond to my questions. I say very easily, if the theories that I relayed were not accurate. Tell me the reasons for the dramatic change in policy, and we haven't even talked about the policy. We've only been talking about my asking the questions. We've never even got to the meat of the problem. This policy, along with two others, are what this problem is all about. It's about the continuation of a viable call department, but that really is a discussion for another time. It is unfortunate that former Chief Mason came forward. Opening old wounds never is productive. In the case of Chief Mason, I was the messenger, and I showed the Board where to go for the information. I recused myself from the disciplinary action against the former Chief. He was suspended for his actions by the Board of Selectmen without my input. Did I have strong feelings? Certainly, but I was not part of the official body that took action against him. (Selectman Charbonneau said they asked him to recuse himself.) I nonetheless recused myself. (Selectman Charbonneau said again it was because they asked him to; he wasn't going to.) The fact of the matter is, no one can make me recuse myself. I recused so voluntarily. No one is above supervision. Do any of you disagree with that statement? (Selectman Seabury told Selectman Jasper that he was doing the same thing, catching them off guard by throwing these things at him. She asked if he understood what she was saying.) Same thing you did to me two weeks ago. (Selectman Charbonneau said that he asked to be on the agenda.) (Chairman Madison gavelled the members back in order, saying Selectman Jasper was reading his remarks. This was not a quiz or question and answer segment, it was Remarks. She asked Selectmen Jasper to please finish, and then she would make her remarks. Selectman Charbonneau said this was not called for.) This is a Board of Selectmen meeting, and the Board can talk about whatever it wants to. I posed some questions to you, and I understand, Ann, you know, you don't have all the answers here, but I have been attacked like I have never been attacked before, and I can prove to you that some of the statements that have been made to me about me are out and out untrue. The problem with what has happened here is that most of the accusations against me are two party conversations and so everyone can have a different interpretation of what went on, so none of you can really say what is the truth or not. But I've asked and I've pleaded. I've said show me where any of you can document that I have said anything that is not true, that I have done something that is not right. Show me that. I can do that. . . and I've done some of that with what the people are saying about me. You've got to put aside your anger. You've got to do your job and say is what Shawn saying here true? Are these statements true? And the more damning ones will come at another meeting because I don't want to go on and on forever. I have not done much of what I have been accused of doing. You're got to understand how that feels. Have I been a pain in the neck? You better believe it because I have come to the conclusion, based on three policies that the Fire Chief has put into place, and other actions that he has taken, that he would like nothing better than to see the call force done away with. Now, I hadn't come out and said that. I wasn't going to come out and say that because that is a feeling and I don't like to act on that. I was trying to deal with the third policy, the third in the series, the one that broke the camel's back, and I was trying to do that through the chain of command, asking the questions, trying to get the answers, trying to get to the point where, if I didn't have any luck, I would be able to come to the Board. What's happened is, because we can't focus on the issue, because if we focus on the issue, and we focus on what the policy does, ultimately this Board would end up having to agree with me. So, instead, it has all been turned around about me, about how I have behaved, about what I have done. Private conversations have been dredged up, words have been changed, things have been said so that I lose my credibility with the Board. You get angry with me. Look what you've done, Shawn. What happened with Chief Mason wasn't my doing, and each of you three who sat there know that I didn't do that. You may not have liked the way I handled it, but

you know that ultimately that was not my doing. And Ann, you've said it before, I feel sorriest of all, I think, for you in this whole thing. Not quite, but. (Selectman Seabury said she like the first sentence better.) In some respects but, you know, we don't want to go through that again, but it wasn't the same thing at all. I have never made, to this Board, to the public, I haven't made statements to the public about the chief. I haven't said the things, I mean, he made statements saying that I said things about him I didn't say. This was about policy. We are a policy board. I was trying to get to the policy. I was told that I had to go through the chain of command and then it got all twisted up there. Here I am, still, two months later, I haven't got an answer to the first question I put in. (Selectman Seabury asked what that was.) Which was how did this policy come about because it happened right after there was an effort to get two members of the call force, who are union elsewhere, there was a concerted effort, and it was very complicated, trying to get them off the call force. It involved a lot, which I really don't want to go into on t.v. I'll talk to you about it if you'd like, but that happened. That's provable. I can give you people to talk to who will tell you exactly what happened better than I can. Two weeks later, someone goes to the administration. This is admitted to by Lt. Hansen. Someone went to administration and said, 'Look, these call men are coming back to cover the stations too much.' Does that even make sense to you, that we could be covering too much? Our whole budget is \$65,000 for salaries, and then they tell us now, don't come in and cover any more. We are told that there's not enough people coming in and covering and of those of us who are coming in and covering when there's another call, we're told we can't. What does it look like to us? It obviously looks like to us like something is going on because of the one action that just happened two weeks before because suddenly out of the blue this comes out, so I write an e-mail saying, 'What's going on? Is it budgetary? Is somebody abusing the system?' Here's what it looks like to people because, quite honestly, two different people at two different times, came up to me with the same theory. I didn't think of it and I said you know, I'm going to pass that along in a private e-mail, which I didn't make public, and I don't get an answer. All I get is that's accusatory. That was insulting. As we find out, bottom line is, most of it was true. He wasn't acting as a union member. Well, here we go about what hat you're wearing. But he did look up the policy. He did go to the administration and the administration did agree with him, so if it's factually correct to those points, why be so upset? Say, well, I could see why we'd look at it that way, give what happened, but Shawn, here's the real story. Here's what really happened. Two months later, nobody's done that. Is that reasonable? Can this Board sit here and say that's reasonable. Not if you're honest, you can't.

(Start of Tape 3, Side A)

**Chairman E. Lorraine Madison** finds it amazing everyone but Selectman Jasper twists words around. There was a meeting with the Chief, Selectman Jasper and her, but they did not say that Rhona was in charge of setting up a meeting; they said there would be a meeting. They discussed whether or not she (Chairman Madison) would be there and she said no, Rhona is the Fire Department liaison, so she would get in touch with Frank and the meeting was to be between Frank, Rhona and Shawn. Selectman Jasper keeps referring to the *show* at the last meeting, but he is the one who put that *show* on the agenda. That was his item, no one else's. It was titled by Paul, but it was Selectman Jasper's item. As soon as she saw it, fireworks went off and she said this is going to be a *show*. Selectman Jasper is upset because he didn't catch the other Selectmen off guard. Selectman Jasper said that's not what's so upsetting. He had wanted direction from the Board because he's been asking questions, but can't get any answers. Chairman Madison said he said a lot more than that. She is sure Selectman Jasper will respond to what she has said in Chapter Two at the next meeting. Hopefully, they will be able to settle some of these things between now and then. Selectman Jasper asked if she was interested in the truth or just wanted to get at him. Chairman Madison said she wasn't trying to get at him, but it strikes her as strange that everyone else twists words and he does not. Selectman Jasper said she was twisting his words. He never said everyone twists the words. Chairman Madison said he said that he was speaking the truth and other people twist words and turn things around. Selectman Jasper said that's a long way from saying everyone does. Chairman Madison told everyone goodnight because she said everything she wished to say at this time.

## 15. **ADJOURNMENT**

*Motion by Selectman Madison, seconded by Selectman Seabury, to adjourn at 10:33 p.m. carried unanimously.*

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

**HUDSON BOARD OF SELECTMEN**

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**Chairman E. Lorraine Madison**

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**Rhona Charbonneau**

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**Shawn N. Jasper**

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**Ann Seabury**

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**Terry Stewart**