

HUDSON, NH BOARD OF SELECTMEN
Minutes of the August 14, 2001 Meeting

1. **CALL TO ORDER** by Chairman E. Lorraine Madison at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE**, led by Selectman Terry Stewart
3. **ATTENDANCE**

Selectmen: E. Lorraine Madison, Rhona Charbonneau, Shawn N. Jasper, Ann Seabury & Terry Stewart

Staff/Others: Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Randy Bell, School Superintendent; Bill Kress, Assistant Superintendent; Attorneys John Ratigan, Phil Pettis & Andrea Sennott from Donahue, Tucker & Ciandella; Attorneys Jay Hodes & Steve Buckley from Bossie, Kelly, Hodes, Buckley & Wilson; Jean Serino; Howard Dilworth, Jr., Terry McLlarky; Fidele Bernasconi; David Bouchard; Ben Nadeau; Ed Caban and Lee Lavoie from the Recreation Department; Brian Mason; Fire Chief Frank Carpentino; Assistant Fire Chief Shawn Murray; Fire Marshal Charlie Chalk; Fire Lt. Todd Hansen; Ann, TEL; Stephanie, SUN; Len, HLN; John, Derry News

4. **PUBLIC INPUT**

Holly Harwood Whittaker, who had signed up for Public Input to speak on behalf of her mother, was not present. She had wanted to talk about the 50' of her property that was taken at the corner of Ridge and Ferry Street during the paving of Ferry Street.

Jean Serino, 118 Robinson Road, said there has been a misunderstanding about a Letter to the Editor she wrote, supporting Shawn, in which she said that everyone in the Town did more than one thing, or had family that did. She never intended for it to be disrespectful. If it weren't for the Seaburys, "Ma and Pa Kettle," this Town would be paved from one end to the other because the developers would have taken over. She has always respected Rhona and thought of her as a friend. She apologized for hurting anyone's feelings. She did not mean to. She just meant that Shawn, like the rest of them, should be respected for what he has done. Not many people will do two, three and four things. It would be nice if other people would volunteer. She didn't want anyone to think she slammed them because she didn't. Some people misread her letter. She praised the Seaburys for their dedicated service to the Town. She didn't mean to hurt anyone's feelings.

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

Interview Session with Attorneys re Legal Bids

Atty. Jay Hodes & Steve Buckley for Bossie, Kelly, Hodes, Buckley & Wilson – Atty. Hodes said, in accordance with the RFP, they submitted a bid for services to renew their legal contract, based on an hourly rate of \$125 that would include litigation and non-litigation services. Paralegal services are \$70/hour. The Town would be responsible for out-of-pocket expenses such as Sheriff's fees, deposition charges, etc. Their hourly rate includes all of the secretarial services, copying charges and internal office expenses. As an alternate bid, they also submitted a proposal for a retainer arrangement. They would be willing to experiment, as they haven't done this with the Town of Hudson before, and would provide 26 hours of service a month for non-litigation services at \$3,000 a month. Their hourly proposal would be good for two years. They have been Town counsel for Hudson for two years and have served other communities for many years. They feel they have developed a good relationship with the Planning and Zoning Boards and are starting to learn the ropes in Town and are comfortable with the working relationship they have with the people.

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Mr. Sharon questioned the word "alternate." In reading the proposal, up to 26 hours in any given month of the 12 would be given for \$3,000 and anything over and above that would be at the hourly rate. Atty. Hodes said if the Town goes with a retainer, it's \$3,000 a month. For that, they would give 26 hours of non-litigation services. Mr. Sharon said they have a base bid of \$125 an hour, but the first 26 hours of any given month of non-litigation work comes out to be \$115 an hour. Atty. Hodes agreed that it did work out to be less than \$125. The \$125 would kick in after, and would be applicable to litigation work.

Attorneys John Ratigan, Phil Pettis & Andrea Sennott for Donahue, Tucker & Ciandella – Atty. Ratigan said he reviewed the Town Reports for the last couple of years. Towns are trying to get legal services within a budget, but find year in and year out, that budget gets exceeded. What they have found in representing 40-60 municipalities in one form or another in any given time, their clients have looked for predictability in budgeting of legal services. In thinking about their response to Hudson's RFP, they led with a retainer arrangement, where they sought to identify what the traditional types of legal services are that the Town has and then they geared that to what was budgeted last year, which was \$150,000.

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In the proposal, they tried to encompass all of the run of the mill legal services that a municipality faces in a given year, including a

certain number of appeals in Superior Court and a guaranteed number of code enforcement cases because that is an important issue in Hudson. This is usually thought of as an extra, but by working it into a proposal, the Town would have the assurance of knowing they would have code enforcement work done within the scope of a budget and not have to worry about having enough money at the end of the year to initiate actions like that. They included two sub-proposals within that.

One was for \$150,000 with exclusions, such as labor relations work, environmental, utility municipalization, telecommunications, litigation in federal district court and jury trials. These are matters that don't generally come up during the course of municipal work. They also set up a proposal where there would be a higher level of services for \$168,000 that gives a greater coverage of appeals of land use cases in Superior Court, two Supreme Court appeals per year and then an additional number of District Court and Superior Court land use enforcement actions.

When a municipality engages a firm on an hourly basis, the risk of inefficiency, which can happen occasionally if there is a new person in the office, or if someone has to come up to speed on a matter, is borne by the municipality. With a fixed fee, they share the risk. In the fixed fee, it is up to the law firm to figure out how to efficiently staff a case and put the people who have the most knowledge on it. If he doesn't do a good job in staffing, they aren't going to make money on the contract. He assured them that whatever else they are involved in, client service, doing a good job day to day, they need to be able to make a profit. They sought to give assurances so the Selectmen can go to the Budget Committee and present a budget and give them some assurance that that budget is going to be met. It gives Paul and the Board the flexibility of knowing that department heads can contact legal counsel without the worry of running up the bill. It encourages early consultation and it fairly splits the risk between the law firm and the Town in contracting for legal services.

They also provided an hourly rate of \$140 an hour for attorneys and \$70 for paralegals and they offer to do a certain amount of consultation with the land use boards for free to advise them on updates and changes in the law during the year. The traditional out of pocket disbursement, filing fees, stenographic charges, expert witness fees would be extra. He encouraged them to really look at the retainer as it provides a good benefit for the taxpayers and gives the Board the flexibility to get the job done. It should remove some of the worry, given the high legal expenses that the Town has run into in recent years.

Selectman Seabury assumed that the six meetings a month incorporates labor negotiations. Atty. Ratigan said that wasn't included because the Town is using Devine Millimet. What it really meant was coming to meetings at Town Hall, including evenings, as required.

Selectman Stewart said the previous attorneys listed cases they had won in favor of Hudson and asked Atty. Ratigan to list his. Atty. Ratigan said the one that involved the most money had to do with a dispute with Nashua over sewer charges. He, the Finance Director and Auditor, as a team, resisted Nashua's insistence to pass on certain charges to Hudson. They appealed to DES, who found in favor of the Town. It required Nashua stop the charges and rebate to Hudson hundreds of thousands of dollars. Had they continued to make those collections, it was a million dollar case. It was good advice from the beginning with a successful conclusion. Chairman Madison said it wasn't a requirement in the RFP to list the cases.

Selectman Charbonneau asked what the attorney's bill was for this year. Mr. Sharon said by the end of the year, it was \$238,000. Selectman Jasper said that figure was for several firms. Mr. Sharon said the principal cost between continuing work that Donahue, Tucker & Ciandella was doing and the work that Bossie, Kelly, Hodes & Buckley is doing is about \$236,000. There is some minor cost to Bill Drescher. Selectman Charbonneau asked if they would save money with a retainer. Mr. Sharon said they would. She asked if the rate would still be \$140 an hour with a retainer. Mr. Sharon said no.

Chairman Madison asked Atty. Ratigan if the \$150,000 is unlimited hours. Atty. Ratigan said there were some exclusions, which would be at the \$140 rate. Chairman Madison asked if the \$168,000 includes the exclusions. Atty. Ratigan said the difference between the \$150,000 and the \$168,000 is that in the \$150,000 proposal, for instance, there are seven District Court and two Superior Court land enforcement cases per year. At the \$168,000 instead of seven and two, it's 10 and three. It's basically a higher level of guaranteed service. In Superior Court litigation, at any one time, they agreed to do five Superior Court land use cases per year under the \$150,000 and with the \$168,000 it's seven and two Supreme Court cases for the higher level of service. He said to think of it as a car. You get the higher options package for a little more money and, frankly, the Town of Hudson does have a couple of Supreme Court cases going every year. They may find they'd like the flexibility of doing a couple more code enforcement cases per year. If their experience has been that they tend to run closer to seven Zoning or Planning Board cases per year than five, they may want the higher service level. For not too much more money, you get more service.

There being no further questions, Chairman Madison said the Board would take this under advisement for discussion during Nonpublic Session. Selectman Jasper asked why this falls under Nonpublic. Chairman Madison said it was recommended by the Town Administrator because of issues that will probably come up. Selectman Jasper said they could discuss it at that time, but he wanted an explanation.

5. CORRESPONDENCE

A. **From:** Nancy Mayville, Project Manager
Re: Benson's Memorandum of Agreement

Refer to: New Business

B. From: Atty. Morgan Hollis, Hollis & Gottesman
Re: Road Improvements, Rt. 3A & Wason Road
Refer to: New Business

C. From: Richard Gendron, Chief of Police
Re: Acceptance of a Donation
Refer to: New Business/Public Hearing

D. From: Mike Gospodarek, Town Engineer
Re: West Road Landfill, Addendums 12 & 13
Refer to: New Business

E. From: Tom Sommers, Sewer Utility Consultant
Re: Sewer Allocation Request
Refer to: New Business

F. From: David Yates, Recreation Director
Re: Acceptance of Donation
Refer to: New Business/Public Hearing

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

6. NOMINATIONS AND APPOINTMENTS

- A. Building Board of Appeals** (Member, Term expiration 12/31/02)
B. Planning Board (Alternate, Term expiration 12/31/02)

Chairman Madison hoped someone in the viewing audience would sign up for these boards.

7. OLD BUSINESS

School Issues (Sewer Acceptance, Request for Waiver of Fees)

Chairman Madison recognized Superintendent Randy Bell and Assistant Superintendent Bill Kress. Mr. Kress said they went before Tom Sommers and the Sewer Utility Committee last Thursday night and the committee approved the system. He hopes the Board of Selectmen will, too.

Motion by Selectman Charbonneau, seconded by Selectman Jasper, to accept the sewer, as recommended by the Sewer Utility and the Consultant, carried unanimously.

Mr. Kress said the second request was for a waiver of the water line and roadway inspection fees because they are building a Town road on Town land, according to Town specs. Selectman Jasper asked how much the Town would incur by waiving the fees. Mr. Sharon said it was only internal costs. Selectman Jasper wanted to ensure the Town won't have to draw from the water budget any fee that is going to be externally paid, such as to Pennichuck. Mr. Bell said if there were any out-of-pocket expenses, they would not expect the Town to waive them.

Motion by Selectman Jasper, seconded by Selectman Stewart, to waive all fees for the water line and roadway inspection which are in-house fees and any out-of-pocket expenses to the Town of Hudson not be waived carried unanimously.

Mr. Kress invited the Board to tour the new facility. There is something new every day.

8. NEW BUSINESS

YMCA

Chairman Madison said she has been approached by the CEO of the YMCA and wanted to know if the Board was interested in inviting the YMCA to the next Selectmen's meeting so they can present their proposal. They are interested in renting the Lions Hall property for \$1 a year for the next 50 years. They would completely renovate the building to provide a first class YMCA; there would be an after-school child care center, a large multi-use space for gym activities, parent-child activities, youth sports,

teen activities and senior activities. There would be a meeting room for both the YMCA and the community groups, a fitness area, an outdoor playground for the child care program and they will provide an on-site summer day camp. They also will be willing to close the gym and any of the meeting rooms so they may be used for voting any time the Town wishes and they will work with the Seniors to provide all of the services and things that they want. Some time in the future, they would like to add a small swimming pool, which won't be deep and wide, like they used to be, but long and shallow. She asked the Board if they wanted to invite the Y to their next meeting, August 28. Selectmen Seabury, Charbonneau and Stewart thought it was a great idea.

Selectman Jasper said he was vastly outnumbered, but one of the most important things in a democracy is the ability to have people cast their ballots. The only place in Town where everyone can assemble in one place is Lions Hall. When the Town was broken into three districts, it was a disaster. They need the entire Lions Hall, in that configuration, to vote. This Board can't enter into that agreement anyhow; they can only lease property for one year. Anything beyond one year would have to go to the voters, but he'll wait to make his pitch at Town Meeting. Chairman Madison believes the people would definitely like to see the Y come to Town, so they can have it go before the voters. Selectman Jasper said the property on Greeley Street that the Y had been considering is still for sale. He thinks it would behoove this Board to try to work around the obstacles that were imposed by the Planning Board. Chairman Madison said there were other issues in addition to the Planning Board stipulations. She'd like to hear exactly what happened from the YMCA people. She mentioned that Selectman Stewart was the Planning Board liaison at that time.

Selectman Stewart said the building on Greeley Street is not sprinkled, so the Y wanted that provision waived. She thinks they should have researched all of that before they went forward. Their engineer should have been more honest on some of the things because they were going to be dealing with children. The developer for Pond View was planning to bring sidewalks all the way past that building. The sidewalk was not an issue and the Fire Department can't waive the sprinklers, and those were two of the main issues. Chairman Madison said her understanding is that the Y didn't have a problem in putting in a sprinkler system, so obviously the conflict was elsewhere. She asked if she should invite them to the Selectmen's next meeting. Selectman Stewart said she'd like to hear what they have to say. Chairman Madison said they'd invite the Y to their next meeting and could bring any proposal that they have.

B. Road Improvements, Rt. 3A & Wason Road

Attorney Morgan Hollis was present, along with Robin Bousa, Senior Project Manager for VHB. Atty. Hollis said he was with Gottesman and Hollis, with offices at 39 East Pearl Street and was present representing the owner of the site, Manny Sousa, which was at the corner of Wason and Lowell Road. He said it is their understanding that the Town has a Maintenance and Encroachment Agreement with the State with regard to, in particular, the roadways on Lowell Road. If there is a site which has a potential impact requiring improvements within the right of way corridor, they need to discuss it and address it with DOT and get their recommendations, in addition to discussing it with the Town. Their request tonight is for the Board's permission to talk with DOT. They can't address anything with DOT unless they have the Board's permission. They don't have a final report or any proposals. Before there is any proposal, it goes to the Planning Board. There has been a rezoning in that area and a lot line change, approved by the Planning Board. The goal was to attempt to reconfigure an original proposed development on that site to something different. When they reach the level of a firm proposal, they will be going to the Planning Board and any traffic study gets presented. One of the first hurdles is to discuss with DOT what they have in mind for that area and what traffic impacts there might be and what improvements there might be. They've begun some traffic studies and came up with some initial results of range from lowest retail to highest retail users of what might go on in the corner. They'd like the Selectmen's permission to talk to DOT, and will report back to the Selectmen and to the Planning Board.

Motion by Selectman Jasper, seconded by Selectman Stewart, to authorize them to speak with DOT relative to this project carried unanimously.

C. Public Hearing on Acceptance Donations

- 1) **\$750 from the Nash Foundation to the Police Department to purchase a Police Special Edition MTB bicycle for the Police Department's Mountain Bike unit**
- 2) **\$1,500 Community Development Grant and \$1,000 matching grant from SAM's Club for the Recreation Department's Skate Board Park**

Chairman Madison opened the Public Hearing at 7:40 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 Stewart, to accept the donations and grants, with thanks.

carried unanimously.

D. Benson's Memorandum of Agreement

Chairman Madison referred everyone to Item #8 and pointed out that the word "educational" appears twice in the same sentence and thought the first one should be changed to "cultural." Selectman Jasper wanted to see the word "historical" added, as well, as that is a good part of what they are doing. A good part of what will happen there is historic and cultural and historic are not interchangeable words. Chairman Madison didn't have a problem with that, she just thought "cultural" covered a broader range. She asked if anyone had a problem with that. No one did.

Selectman Jasper said another concern he has goes back to the original conversations and has been addressed to some degree. Item 8 talks about special commercial uses. If they are to do anything of a permanent historical nature in there, such as a museum, there would be a fee to maintain it and there may be sales of historic items. While everyone might agree now that that wouldn't be a problem, it might later on, so it would be better to modify that now. Curt Laffin did discuss this issue with Nancy Mayville and she talked with the Commissioner, who said she didn't have a problem, as long as the revenue-generating activity provided a civic benefit. He thinks language to that effect should be in there to begin with and not something they have to flesh out later. It should say as long as the revenue generated provided a civic benefit or was used for the maintenance of the park. He anticipated they would have, to some degree, a fixed facility there, such as a museum, which would be generating revenues for the maintenance of that facility or other buildings in the park.

Chairman Madison said this was talked about at the Benson's meeting and she thought they indicated if they wanted to have a store for the museum, or sell things at the museum, they could get a waiver from the state for that purpose. She'd hate to see them loosen up the commercial activities thing because as soon as they do, there will be civic minded organizations lining up to sell things at Benson's. She'd rather see them ask the State for a waiver for a museum store. Selectman Jasper said in that case, there should be language that specifically states that as long as the revenue generated provided money for the maintenance of the property. They shouldn't have to go back in to open this up. They should do it to start with.

(Start Tape 1, Second Side)

Selectman Charbonneau asked what was going to be sold in the museum. Selectman Jasper didn't know specifically, saying he tents to envision something and then work on the details afterwards. They might decide to have an admittance fee, which they couldn't do without a provision. Selectman Charbonneau didn't want to see them starting to sell Mickey Mouse junk. Selectman Jasper said he visited the Dracut Historical Society and they have a nice little store there that sells copies of the book about Dracut, maps from 1776, tri-Centennial T-shirts and things of that nature. He's talking about allowing something like that to happen. They may want to reproduce and sell some of the old Benson's stuff. He thinks they ought to address this now and cannot understand the reluctance to do so.

Chairman Madison said it's way too early for them to be saying this is definitely something they are going to have. If they have a museum, she didn't have a problem with having a store. The museum would probably be a permanent thing and money could be rolled right back into maintaining it. She didn't have a problem with that, but on that one issue, they could ask the State for a waiver. She didn't want to see it opened up to civic activities. Selectman Jasper agreed. All he's saying is to put in the language that says revenue may be generated on a regular basis as long as it is applied to the maintenance of the property. That is anticipating something that is reasonable to assume will be there. There wouldn't be a reason to have to go back in they put the wording in. The Commissioner has already given a broad ok on providing a civic benefit, which probably goes beyond what they want to do. They should narrow it down and get it in now and not have to worry about it later. Chairman Madison asked for the exact phrasing.

Mr. Sharon said they talked about the flat prohibition on all commercial activities that the State originally wanted to impose and they secured some approval for loosening that up with the language they had proposed when they first got the draft agreement many months ago. Getting that done took going through the AG's Office to make sure the language was ok for them and that took six months for the State to respond, which was also at the time they had a change of Commissioner. However, what Selectman Jasper is describing is not a commercial activity and should be allowed without any additional language because a commercial activity is really relating to someone who is coming in to cater a function, or someone who is providing music and being paid for that. Selectman Jasper is talking about a not-for-profit venture that supports the Benson's operation itself and that's why Commissioner Murray was so quick to say that's not a problem. Selectman Jasper agreed that it is not a commercial venture, but he's not sure that there's any other place to put that. Mr. Sharon said they could probably get Commissioner Murray to respond in writing to the concerns about that particular issue. Selectman Jasper said that would be fine, but if he's so concerned about that, why do you think it's not going to take so long to take "educational" to "cultural and historical?" Mr. Sharon said because they are probably going to be embarrassed that they wrote "educational" twice in a row and would not mind a substitute word for that.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to approve the Memorandum of Agreement with a change to the wording of Item 8, deleting the first "educational" and inserting "cultural, historical," carried unanimously.

Motion by Selectman Jasper, seconded by Selectman Stewart, to ask the State for a letter of clarification relative to the ability of revenue-generating activities of a non-profit basis and revenue-generating for the maintenance of the property.

Selectman Charbonneau said it doesn't state who will be involved or who is in charge of the museum. She'd like him to be more specific. Selectman Jasper said he didn't mention the museum in his motion. At this point, he'd like to find out the general ability for raising non-profit revenue, since Paul has pointed out that it's not commercial. If there was non-profit activities, it would obviously have to be permitted by the Board of Selectmen. The answer to that part may be no. It's a two-part question. What about revenue that is to come back to maintain the park? That answer to that may be yes. He broadened his scope just to ask the question. Selectman Charbonneau didn't like the wording "any non-profit organization." Chairman Madison said that would open it to anything, not just something Town-related. Selectman Jasper said that's the question. The property is going to be under the jurisdiction of the Board, so it's an appropriate question to ask. If they have the ability to have it there, they ought to know that. Chairman Madison didn't have a problem with the inquiry. It's something that should be answered for them.

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

E. Sewer Allocation Request (Semikron, Inc., Map 10/Lot 16)

Motion by Selectman Stewart, seconded by Selectman Jasper, to approve, as recommended by staff, carried unanimously.

F. West Road Landfill Groundwater Management, Addendums 12 & 13

Mr. Sharon said this involves additional reporting requirements that NHDES has imposed on all landfill closure monitoring. GZA is the company that has been monitoring that landfill since its closure. The change orders are to provide for that additional work.

Motion by Selectman Seabury, seconded by Selectman Charbonneau, to sign Addendums 12 and 13, as recommended by staff, carried unanimously.

G. Responses to Written Communications

Chairman Madison recognized Selectman Jasper, who asked that this item be put on the agenda. Selectman Jasper said he's not sure this is an all-encompassing title. They are all sick of this situation relative to his supposed conflict on interest and the allegations of his interference and improprieties in his dual role. It has been building for some time. He spoke with the former Assistant Chief and Town Administrator about the fact that the situation was getting worse and coming to a head—and it certainly did. He wrote a letter to the Chief on July 16, that was sent out on the 26th. He hasn't heard from any Selectman relative to it, or the MRI update, which was the catalyst for his response. He feels that he is a victim of character assassination and some of that involves members, or at least one member of this Board, and it's very troubling. He doesn't want it to get worse, but if they do not deal with this, things are going to escalate. He recalled that Selectman Seabury said she only went over to the Fire Department when she was asked to and every time she did, she heard about him, but she, nor any of the other Board members ever questioned him to find out his side of things. This has been allowed to build by everyone. He's had discussions with the Chairman and she brought up issues in general, but there have never been specifics. In his letter to the Chief, he was specific in documenting everything he could think of. Everything that has gone on here about my supposed interference has been non-specific. He said he has never interfered as a call fire fighter on the fire ground. That never happened and will never happen. This is about his questioning policies. The Board of Selectmen has the right to go through every policy in the Town and vote on it before it is put into practice, but as a practical matter, they would never actually do that as it would be too time consuming. In the past, he has always asked his questions behind the scenes, but he's been told it has to do everything in an open forum. He didn't think that really serves everyone's best interest. He didn't like to see the division that was occurring in Town and on the Board, but that is the position he has been placed in because he asks questions.

A lengthy discussion ensued. Chief Carpentino, Assistant Chief Murray, Fire Marshal Chalk and former Chief Brian Mason expressed their opinions that Selectman Jasper cannot separate himself from being a call fire fighter and a Selectman and because of that, there is always conflict and turmoil. Lt. Todd Hansen, President of the Firefighters' Union, objected to a question Selectman Jasper had raised in an e-mail, suggesting a conspiracy between the Union and the Chief. Former Selectman and retired call fire fighter Howard Dilworth, Jr., believed this problem could be resolved by the Board of Selectmen taking action. Selectman Jasper attempted to defend himself and requested that the Chief's four pages of remarks be taken up at another meeting, after he had a change to review them so he could respond. That request was denied, but he was told he would get a

copy so he could respond at a future meeting.

Motion by Selectman Charbonneau, seconded by Selectman Seabury, to have the Ethics Committee, working with the Town Attorneys, propose an amendment to the Town's Code of Ethics to prohibit part-time Town of Hudson employees from serving on the Board of Selectmen carried 2-1. Selectmen Jasper and Seabury abstained. Selectman Stewart was opposed, saying she preferred to give Selectman Jasper and the Chief time to work out an agreement, as voted at a previous meeting. (A transcript of this discussion is on file.)

9. OTHER BUSINESS

A. Melendy Road Skate Board Park Site

A letter from Fred Giuffrida questioning whether the Melendy Road old Highway Garage/proposed skate board park site might be contaminated was read into the record, as was Kevin Burns' response. His concern was mainly in regard to the overhead power lines, not soil contamination.

B. Request for a Raffle Permit by Wattannick Grange to be held during Old Home Days, August 17-19

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

C. New Hires in the Police Department

Chairman Madison announced that in Nonpublic Session on July 24, 2001 the Board approved the following Police Department hires: Full-time Dispatchers, John Tastula, at \$13.44 per hour, effective 7/29/01 and Martie Fritz, at \$12.95 per hour, effective 8/5/01 and part-time Dispatchers, Joseph Simone, Jr., Nicole Zelonis, Lynn Zaker, Daniel Collinge, Jr., and Angela Allen, at \$12.95 per hour, effective 8/5/01.

D. BOS/Town Administrator Workshop

The Board scheduled Wednesday, September 19 at 4:00 for the next workshop.

E. Newspaper Advertising

Motion by Selectman Seabury, seconded by Selectman Charbonneau that a newspaper of general circulation be used for advertising that pertains to information that requires dissemination to a wider circulation than to the community of Hudson and a local newspaper be used for items of a local nature carried 4-1. Selectman Jasper voted in opposition.

F. Police Helicopter

Selectman Seabury had a photo that was taken of her, Police Chief Richard Gendron and Capt. Ray Mello in front of a helicopter and jokingly told the Board they have a 'golden opportunity' to get a helicopter for the Town of Hudson with grant money. After a good laugh, she gave the picture to Priscilla for the calendar.

G. Illegally Parked Cars during Snow Storms

Selectman Stewart thinks the fee for illegally parked cars during snow storms is too low. The Town Administrator was directed to look into it. The Board may consider raising them.

10. LICENSES AND PERMITS

A. Raffle Permit by Presentation of Mary Academy to hold raffle on October 13, 2001

B. Raffle Permit by St. John's Women's Guild to hold raffle on November 3, 2001

C. Raffle Permit by Hills Memorial Library to hold raffle at Old Home Days, August 17-19

- *Motion by Selectman Charbonneau, seconded by Selectman Stewart, to approve the permits carried unanimously.*

D. Block Party Permit by Michael Gendreau for September 9, from noon - 9:00 p.m. on Thurston's Drive

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

E. Block Party Permit by Provincial Heights Neighborhood Association for September 23, from noon till 6:00 p.m. on St. Mary Drive.

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

F. License to Purchase Scrap Metals by Granite State Salvage Co.

Motion by Selectman Stewart, seconded Selectman Seabury, to approve carried 4-0. Selectman Charbonneau abstained because she knows the owner.

11. ACCEPTANCE OF MINUTES

Minutes of the Selectmen's Meeting of July 24, 2001

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

12. COMMITTEE ANNOUNCEMENTS

08/17, 18 & 19 Old Home Days
08/20 7:30 pm Conservation Commission in CD Room
08/22 7:00 pm Planning Board in CD Meeting Room
08/23 7:30 pm ZBA in CD Meeting Room
08/23 6:00 pm CIP in BOS Meeting Room
08/25 Fire Department Boot Drive
08/27 6:30 pm School Board in BOS Meeting Room
08/28 7:30 pm BOS in BOS Meeting Room
08/30 6:00 pm CIP in BOS Meeting Room

There were no changes or additions to the listing.

13. REMARKS BY THE SELECTMEN

Selectman Shawn Jasper said he came here tonight to ask how to go about getting answers to his questions. He guesses he got the answer and thanked the Board.

Selectman Rhona Charbonneau said she went the way she did because she believes they have to. This was not personal and she didn't want anyone to think it was. No names were mentioned. She just wanted the opportunity to bring it before the Townspeople. She didn't think anyone was blindsided. She didn't know anything about this until tonight. They had to bring everything to a head. They are accused of letting things lie, and it's wrong. After a couple of hours of conversation, it should have been straightened out. She cannot see how it can be straightened out and doesn't think it will be, but hopes it will because it's important for the Townspeople. She respects both people, but it has to come to a head, or she would have waited the period of time, but it has not. This isn't anything personal because she likes the people that are involved. This bothers her—don't think it doesn't.

Selectman Terry Stewart said in recent days she has been reading in the Telegraph that a Nashua Alderman is going to be hired by the City of Nashua and if that isn't a conflict, she didn't know what is. The paper doesn't seem to think it's a conflict, but they wrote a whole editorial on Selectman Jasper. Chairman Madison said that Alderman has to resign when she takes the position. Selectman Stewart said that hasn't been made clear in any of the articles.

Selectman Ann Seabury said she's not a fighter and she doesn't like confrontations. She admires both people and wished it could be resolved in a different fashion. She just didn't see a resolution.

Chairman E. Lorraine Madison said she was sorry it had to come to this. Like Selectman Jasper, she believes in letting the people decide. If the people at Town Meeting do not want this to occur, they will vote no. She believes that when the people go to the polls, they know exactly what they are voting on. If they want it to pass, it will pass. She said not to forget Old Home Days this week. People have worked hard on it and everyone enjoys it.

14. NONPUBLIC SESSION

Motion by Selectman Stewart, seconded by Selectman Seabury, to enter Nonpublic Session under RSA 91-A:3 II (a) personnel issues; (b) hiring of personnel; and (e) legal matters carried 4-1. Selectman Jasper was opposed.

- Nonpublic Session was entered into at 10:33 p.m. and was terminated at 11:30 p.m.

Motion by Selectman Seabury, seconded by Selectman Stewart, to seal the Minutes carried 4-1. Selectman Jasper was opposed.

- Chairman Madison stated the legal bids would be on the next agenda. Selectman Jasper stated, for the record, that he left the Nonpublic meeting when they began to discuss the legal proposals as he did not believe it was a proper subject for nonpublic.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to hire Helen Cheyne as Secretary II in the Fire Department, effective October 28, 2001 at \$25,521.60 and after successful completion of probationary period, to \$26,187.20 in accordance with the Admin & Support union contract, carried unanimously.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to hire Sean Mamone and Eric Lambert as Fire Fighter/EMT-I's in the Fire Department effective September 2, 2001 at \$25,623.14 and after successful completion of probationary period, to \$26,648.07 in accordance with IAFF Local 3154.

- Selectman Jasper said for some time, he's been speaking with this Board about concerns relative to shifts at Burns Hill Road. Given the budget parameters that they have set, it is unlikely they will fill the next two positions there any time soon, but that remains unknown and unseen. He has talked to the Board about going for a side bar on the union contracts, and he had requested information to attempt to show where the need was. There are few night calls. He's opposed to hiring people to work when there is no need for them and that is why he requested the information he did, but he recognizes that this Board is not interested in looking at that information.

- Vote: Motion carried 4-0. Selectman Jasper abstained.

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to hire Dave Cormier as Fire Fighter/EMT-I in the Fire Department effective August 19, 2001 at \$25,623.14 and after successful completion of probationary period, to \$26,648.07 in accordance with IAFF Local 3154 carried unanimously.

- Motion by Selectman Charbonneau, seconded by Selectman Stewart, to accept the resignations of Mike Gospodarek, Town Engineer, and Glenn Whalen, Code Enforcement Officer, with regrets, carried unanimously.

- Motion by Selectman Charbonneau, seconded by Selectman Stewart, to authorize the Town Administrator and Director of Community Development to interview three engineering consulting firms to use on a temporary, as-needed basis, until a Town Engineer is hired carried unanimously.

- Motion by Selectman Charbonneau, seconded by Selectman Stewart, to increase the salary of Sean T. Sullivan, Director of Community Development, to \$67,162 effective July 22, 2001 carried unanimously.

15. ADJOURNMENT

Motion by Selectman Charbonneau, seconded by Selectman Stewart, to adjourn at 11:35 p.m. carried unanimously.

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

HUDSON BOARD OF SELECTMEN

Chairman E. Lorraine Madison

Rhona Charbonneau

Shawn N. Jasper

Ann Seabury

Terry Stewart

(Transcript of Responses to Written Communication Attached)

August 14, 2001 BOS Meeting

Transcript of Responses to Written Communications (Jasper/Carpentino Ethics Issue)

(Transcript starts at Tape 1-B-10)

(SNJ Shawn Jasper, Selectman; ELM Lorraine Madison, Selectmen Chairman; AS Ann Seabury, Selectman; RC Rhona Charbonneau, Selectman; TS Terry Stewart, Selectman; PDS Paul Sharon, Town Administrator; FC Frank Carpentino, Fire Chief; CC Charles Chalk, Fire Marshal; SM Shawn Murray, Assistant Fire Chief; TH Todd Hansen, Lt., Fire Department; HLD Howard Dilworth, former Selectman and retired call fire fighter; BM Brian Mason, former Fire Chief; PMB Priscilla Boisvert, Executive Assistant/Recorder)

Chairman Madison recognized Selectman Jasper, who asked that this item be put on the agenda.

Selectman Jasper said he's not sure this is an all-encompassing title, but it is where they ended up. They are all sick of this situation relative to his supposed conflict on interest and the allegations of his interference and improprieties in his dual role. It has been building for some time. He's spoken with the former Assistant Chief some time ago about the fact that the situation was getting worse and coming to a head. He spoke with the Town Administrator some months ago, relative to the fact that this was obviously coming to a head and getting worse—and it certainly did. He wrote a letter to the Chief. It was actually written on July 16, but it went to the Chief on the 26th. He hasn't heard from any Selectman relative to it, or the MRI update, which was the catalyst for his response. He feels that it has gotten to the point where he is a victim of character assassination and some of that involves members, or at least a member of this Board, and it's very troubling. He doesn't want it to get worse, but if they do not deal with this, things are going to escalate and get worse.

SNJ: Ann, you had said at the meeting some time ago you really went over to the Fire Department when you were called and every time you went over, you heard about me and what I had done. I got to thinking about that, and other members said the same thing. Not one of you ever called me and said, "Gee, Shawn, I was just over at the Fire Department and heard thus and so. What's your side of the story? What are you doing? What's the problem here?" This has been allowed to build by everyone. The Chairman and I have had discussions and she has brought up issues in general, but the problem has been that they have all been non-specific. Everything that has gone on here about my supposed interference has been non-specific. I, in this report, documented everything that I could think of, and I was specific. They weren't about, as some people have thought out there, "Gee, it's me at the fire grounds going up and saying I'm a Selectman and think this ought to be done this way." Does not happen. Never happened. Never will happen. It's about my questioning policies. As I stated in here and quoted the MRI Report, this is the policy board for the Town of Hudson. In theory, --and I would never ever suggest that we do this because it would take a board that was willing to meet practically every night of the week--we have the ability to go through every policy in the Town of Hudson and vote on it before it's put into effect by the department head. That is our right. Couldn't do it; shouldn't do it. But, that does clearly state that we all have the ability to ask questions about policies which are in place on our behalf. And that has been really what has gone on here. I have asked, behind the scenes, not in an open forum, but I have now been told that we've got to do everything in an open forum, which I don't really think serves everyone's best interest. I don't like to see the division within the Town, within the Board, but that has been the position I've been placed in, is we've got to do this out here, in this form. So that's what I've done, is ask questions. I documented them all here. I didn't ask that this be stamped confidential. Priscilla did that because she was nervous about the document, but as we know, the document here that was stamped confidential wasn't because it was non-specific. I think all members of this Board should be very troubled by language in here that was used against me. Some of the main issues or problems that have been continual regarding this conflict has been the ability to have the department's chain of command violated. Then I should have been

ELM: Excuse me, where are you reading from?

SNJ: I am reading from Number 22 on the update of May 2001. Been continual.

ELM: 22?

SNJ: Yes. Number 22.

ELM: What page?

SNJ: Pages are not numbered.

ELM: Oh, you're talking about that one. I thought you were talking about your letter.

SNJ: No.

ELM: OK.

SNJ: Alright.

ELM: I got it right here.

SNJ: Then I should have been written up, if I violated the chain of command. I can't find anything in writing that really says how. . . I know how things, if I have a problem on the fire ground are supposed to go about. I haven't been able to find anything in writing that says this, but I also looked at. . . there have been policy issues. They haven't been fire grounds-related issues. They have been policy issues. A gray area? Perhaps. I will grant that, so I've tried to go other ways. But to say that I have violated bringing issues to the Board of Selectmen, I haven't done that. I come in and talk to Paul about things, but I haven't brought things to this forum. In acting on them as a Selectman, wait a minute, excuse me. "By taking information obtained through conversations as a call fire fighter and acting on them as a Selectman." I can only think of one thing that was really non-Fire department related that I actually acted on. But, once again, I am a Selectman seven days a week, 365 days a year. If something comes to my attention, regardless of how it comes to my attention, that I think is a problem for the Town of Hudson, I will follow up on that. I will find out; get to the bottom of it. That is my responsibility. "This employee feels that he is above the department's policies and rules and regulations because of his dual roles." To have someone say that he knows how I feel is just plain wrong. If he feels, or thinks, I should say, that I have acted that way, then he has the responsibility to me and to the Board to be specific as to what I did to show him those actions. You cannot sit here and say, "Well, Shawn feels that way." How do you know he feels that way, because it isn't here. "This employee has continually tried to undermine the department's administration when he does not agree with the decisions that has been made for the organization." How have I done that? What have I done? I have asked questions. That's my job. I haven't tried to undermine anybody. But if I have, the responsibility is there to point to the specifics. "This employee has a long-standing habit on not telling the whole truth or presenting the entire matter." That is a direct attack on my integrity. Now the Chairman and I have had this conversation. This is, essentially, words that I have heard from the Chairman in the past. I have called on the Chairman to call me on it, if this happens. Can't recall specifics. Says she has a feeling. I deserve better than that. I do not do that. I have been in this Town for my whole life. I've been government for 21 years. I have seen people decimated in this Town and destroyed for not telling the whole truth. Are there times when I don't know the whole truth? There certainly are times when I don't know the whole truth. Should that prevent me from bringing my side forward? No. It's then the other side's responsibility to inform me of what I don't know. Have there been times when, in telling a story, which could take hours, that I have left out what I thought were insignificant pieces? Perhaps, I have. But tell me when those times are that I knew about them. But, you know, nobody can tell every single detail, and it is not my responsibility to tell the detail of the opposing side, either. I present my side. The other party presents their side. But it's a long way from having a long-standing habit of not telling the whole truth. There's a big leap there and I demand that the instances where I have not told the whole truth be brought forward, or I demand an apology. You know, it's that thing, where do you go to get your reputation back? Where do I go to get my reputation back? "It has become very timely to present only what he wants and make accusations that support his position." What accusations? This whole document is non-specific. It throws barbs in directions, but isn't specific to any incident or any purpose. . . any person. This is not a valid report. A valid management report has to contain specifics. So, I wrote this response and asked all the specific questions. The Chairman. . . I met with the Chairman first, before I sent it forward because then the Chief was going to be out of Town. I agreed not to send it the day before he was going on vacation. We met when he came back. I still expected a response to this letter. The Chairman told me last week, "Well, you're not getting a response. The meeting was your response." And I said, "I didn't get one single issue in here addressed, specifically." "Well, yes, you did." "Well, what did I get?" "Well, I can't remember. I don't know." This is not the way to run a town. You can't make these kind of accusations and then say, "Well, we had a meeting where we talked about things." Yes, and I will take blame myself for not being able to specifically pull that conversation back in there, but I didn't go in there with the idea that I was going to get my answers there. I went in there with the idea that we were going to clarify the situation so that it could be answered. That still hasn't been done and, apparently, won't be done. But, in terms of communications, I have made requests. The first one was right after or right before this all started and it was a letter dated June 30, went through my Lieutenant in an e-mail, asking specific questions. To this date, I have gotten no type of response at all to my questions. You people tell me to go through the chain of command. A month and a half later, I haven't got so much as, "We got your letter. We're working on a response. We're busy." So, I sent, in re-reading, I realized I had made an error thinking that my original, what my original supposition was based on. So, I sent in a suggested change to the general order, through the chain of command. I did that on the 7th of July. I have gotten no response, but on the 18th of July, it's dated—it went into effect the, August 1st—a general order covering the subject matter that I had written about in both instances. There was a new general order issued. Did not address any of my specific concerns, and I never heard anything on either one of them. Since that time, I have sent two requests for clarification as to whether I was going to get an answer on that. I have heard nothing. On the 17th of July, I requested information as a Selectman, but I went through the chain of command. This is only information I wanted as a Selectman; has to do with an item that is on the agenda for tonight under Nonpublic. I had actually asked the Chairman for this same information back in the last budget cycle about calls and responses and she said I would look, she would look into it and I have spoken with her since, before I wrote this, saying, "Before we get to this point, you really need to look at this information and get this information." She said she would. But I also requested this under RSA 91-A, which is the Right to Know law, which requires a response within five days, telling me something: "We can't give you that information right now.

It will be available such and such.” It requires a response within five days. That did not happen. And, interestingly enough, in the Chief’s general orders, he always, he has in there that ignorance of a policy is no excuse and violation of a policy may result in disciplinary action. Well, the same can be said for laws. Ignorance of the law is no excuse and I put RSA and it’s not hard to look it up. So, what do you want me to do? I’ve done what you’ve asked me to do. I am being, having my character assassinated. I’ve written letters, asking for clarification. I’ve asked everybody to be specific when you come after me. There aren’t any specifics that have come forward. When the Chief sat here a few weeks ago, he had three things. You said you asked him to keep a list. He had three things. One, I can’t recall, but the other two were of a budgetary nature and it’s not reasonable to assume that when I am sitting here as a Selectman and this only a Selectman and the information is coming through as the budget that I then don’t have a right to question and vote on that information, as a Selectman.

AS: Madam Chairman?

RC: Please.

ELM: Everybody wants to speak. OK, who had their hand up first? OK, Selectman Seabury, you go first, and then Selectman Charbonneau.

AS: Trust me, Shawn, my whole life does not revolve around talking about you.

SNJ: I haven’t suggested that it does.

ELM: Wait, let her speak and we’ll have no comments while Selectman Seabury is speaking. Everybody was quiet while you spoke.

AS: I met with the Chief three times last year and one was on budgets and the other two times he just asked me to come over to just touch base with him. At that time, it was just a couple of issues that, not, it didn’t just apply to you, but it was other issues, as well. It did come up that, maybe at that time, there might have been something that you had questioned, or there was something on a volunteer basis that you, that bothered you and so forth, so, at that time, I did say to him, “I cannot do anything, you know. If you really do have a problem with Shawn, you are going to have to itemize it and bring it before the Board.” And that’s what I told him to do. That’s all that was ever discussed about that. So, I’m assuming he did do that. He never came back to me to ask me to push anything before the Board or to bring anything up before the Board and I never went back to him to question if he was still having difficulties, and maybe that’s my problem. Maybe I just should have and didn’t do it. I would like to ask, though, and get some answers back about, ‘cuz I’m not totally familiar with the Fire Department services and how the other fire fighters interact with the Chief or their subordinates and so forth. I agree that was a very good idea that you send letters to your next, rather than go walking into the Chief’s office and making statements. I think that’s a good idea you go to your superior in your volunteer force. And when you sent the letter, I think it was misdirected. I think it shouldn’t have gone where it did. I don’t even know what the letter said, to be honest with you, but so you sent it to your next level of command, and I don’t know all the, whether they are sergeants or whatever, but who was supposed to answer you from the letters? Your superior? Or is it supposed to be someone higher up?

SNJ: He sent it to the Assistant Chief.

AS: And the Assistant Chief... did we have one at the time?

SNJ: Yes, this was June 30.

AS: Because I know they were going through changes at that time, hiring new ones and letting the other one go. Do all the fire fighters do this? If they all have a problem, do they all write letters?

SNJ: I wouldn’t know.

AS: Oh.

SNJ: But, once again, these are policy issues. They’re not issues that I have as a fire fighter. They’re issues that if you. . . and you’re welcome to have copies of it, that I believe are issues that have to do with policy, which affects the Town, which ultimately affects me as a fire fighter, in this particular case. But that was not the thrust of why I wrote it. But I wrote it that way because that’s the way I’ve been directed to send it. Once again, it is impossible for me. I think it’s impossible for anybody to divide themselves into different people. I am who I am. I am Selectman, I am a fire fighter, I’m Chairman of the Board of Directors of the Historical Society, I’m a fraternity advisor, I’m President of Jasper Corporation and I’m a father, and I am those things every waking minute of the day and every one of those has some impact on the other. That’s life. That’s reality. And to try to say I’ve got to divide myself into little compartments and they all interact. So, yeah, one does have something to do with the other, but where was my primary thrust and why did I do it? Because I was concerned about the policy as a Selectman.

AS: Who is your superior over at the Fire Department?

SNJ: Lt. Emmanuelson.

AS: Did he tell you why you didn't get a response back?

SNJ: He e-mailed it on; he has, ah, I e-mailed him again on July 29th and my question on July 29th, "Am I to assume that this policy (and this is just part of it) is my response? If so, what is the next step for me to take my grievance with this policy? If it is not my response, when can I expect one?" That was on July 29th. He forwarded that on to the Assistant Chief because the Assistant Chief is who he answers to directly. If the Assistant Chief sent it on, I do not know. My Lt. would not necessarily know.

AS: OK. That's all I had for questions.

ELM: Selectman Charbonneau.

RC: OK, I think about a month ago, we had this hot discussion before. We put aside going to the Ethics Committee and so forth. I thought that things were working out. I found out that they weren't working out. I would have liked to have sat in on the meeting with Shawn, Selectman Jasper, and Selectman Madison and the Chief, but if I did that, it would have been a quorum, so they had an hour and a half conversation. Again, I thought things were straightened out. There was a piece of paper that was brought up to try and get the Chief and Selectman Jasper to agree to and it wasn't. It has not been signed. There's certain policies that the Chief does have a right to write up because of the department and, from my knowledge, Selectman Jasper wants to change some of those things in the policy. My feeling is this, that I think it's about time that we heard from some of the deputies and the Chief and get this out in the open and let them, let us know what is going on. We've heard from Selectman Jasper on the letters that he's written. I cannot understand why you have to write letters, why you can't just straighten things out in a gentlemanly manner, and I think it is absolutely ridiculous if you think that I would write something back and have it held against me. No, I would not. That I would not do, and I don't blame the Chief for not answering this. I think he could answer them in person and I just feel, I think we should ask these people if they are willing to come up and speak and speak this evening and if they are, fine. If they're not, that's fine, also. But I would like to ask if anyone would like to come up and address this issue and to tell us actually what is going on in the Fire Department and what the problems are.

FC: I'd be more than happy to.

SNJ: Madam Chairman?

FC: Let these two gentlemen go first because I'm sure they're going to be shorter than me.

ELM: One moment.

SNJ: Before we open it up, I'd like to have a response.

ELM: To? Selectman Charbonneau?

SNJ: To some of what Selectman Charbonneau had to say.

RC: Fine, I'm willing to accept it.

SNJ: For all these many years, I have not ever put anything in writing. I don't disagree with you, but it became apparent that nothing was working. So, I put my first thing in writing because that's the only way to really go through the chain of command. When you go through the chain of command, you know, there has to be a paper trail.

RC: I think this is more personal now.

SNJ: Rhona, read this.

RC: I have read it.

SNJ: This was written in May, ok? The cover letter says, what does the cover... I'll get to the cover letter, if I can find the first page of it. Oh. No, it wasn't on this part of it. At any rate, wherever the cover letter is, it says that it was written in May, but it was given to some members of the Board the day before the meeting the whole issue was put on the Board. There were copies brought over originally for you.

RC: I'm the liaison, so I imagine that's why I received it.

SNJ: Well, it was a report on the MRI update, which I have been speaking with the Chairman about getting for some time. I've been told that had nothing to do with those conversations, but anyhow, it was a report to the Board and Selectman Seabury was in the office and asked for one. So, I understand that there was no intention to slight Selectman Stewart or I. That's just the way it played out. However, it was written in May and was held until the day before. I understand it just got buried. I don't mind that. But this is very personal. So you say this shouldn't get personal. This was what was put in writing in May. It's very, very personal. This Board should not find it acceptable for any employee of the Town of Hudson to make accusations against any citizen of this Town in this manner without specifics. Generalities should not be acceptable, particularly when you are condemning an individual, and I am condemned in this report. And that, Selectman Charbonneau, you should not find acceptable. When I have written something, everything I have written has been specific and that is my problem. And I think that I am still in, I should still have the courtesy of some sort of a reply, but to write letters, to be told to go through the chain of command, and the only way to do that is through the chain of command, and then not have any type of response, this Board should not find acceptable.

ELM: Before we hear from members of the Fire Department, I believe at that meeting, we talked about the MRI Report and we said that it would be on the agenda for the end of August. That's why it's not on the agenda for this evening and we were going to talk about it as a Board. In your opening remarks, and I don't remember exactly what they were, you said there was a member of this Board, I believe, that was trying to do you in. . .

SNJ: I said. . .

ELM: Or something to that effect.

SNJ: I said that there are mem. . .

ELM: You said there was one member of this Board and I'd like to know who you were referring to.

SNJ: I don't recall exactly what I said. The Minutes will reflect it.

ELM: I'd like to know now.

SNJ: Well, I was referring particularly to you when it comes to saying that I have a long-standing habit of not telling the whole truth. You have said that. That is offensive. There are other things which, if you would like me to go into, they have been conversations, not in writing.

ELM: You don't have to because I am going to say them. Selectman Jasper, a lot of things in this world are based on feelings and I have said to you that, while I have always found you to tell the truth, sometimes there are items that are omitted which would change the situation, if they were spoken at the time and, in all of your years on this earth, you have never violated that, according to you. I have also said to you you are the most self-serving individual I know, and I do feel that way. When there is a situation that involved you personally, it is really amazing how you can turn and twist words around. You have a gift for speaking, there is no doubt about that. I, in turn, if I need to say something, I have to go home and think about it and get my facts in order, so I don't have that gift. Something else that you had mentioned in your letter that we had talked about. We met for 2-1/2 hours to discuss this letter and I do not feel that the Fire Chief has to answer you in writing. The words I said to you were, "You got answers to the questions in your letter but, because you didn't like some of the answers, this is why we are doing this again tonight." Further, you talked about some items that the Chief had mentioned when we were here once before discussing this whole situation and it seems to me that we are always discussing this situation—call fire fighter/fire chief—it seems to me you need your own personal fire chief just so you two can carry on together, or whatever. This goes on and on. It takes a tremendous amount of time. A tremendous amount of time. And I have said you are a good Selectman and you are a good call fire fighter, there is no doubt about it. But you could be really excellent at both if you could separate the two, and I don't believe you can. But speaking of a previous meeting that we had here when this was brought up, you said that there were three items that the Chief came forward and mentioned. Because of the climate of that evening and what had gone on, what you need to know is that the Chief only mentioned three items, but he had four pages full of things that we could have gone down and listed, but some months back, the Fire Chief was asked to keep a record of the number of times that either you were involved as a Selectman or as a call fire fighter and were in contact with someone in the Fire Department and he has quite a long list. I don't know whether this situation can ever be worked out. When I originally brought this before the Board, I tried to do it using your situation as

(Start Tape 2, Side A)

or something to that effect. Having an ordinance added to our Code of Ethics just saying that if you are on the Board of Selectmen, you couldn't hold a part-time position with the Town. That way, it kept it impersonal. We didn't get into all of this. But you know, Selectman Jasper, you have made it personal. You make everything personal. You have made this very personal. And we talked about any number

of things in this letter. Some of these things I don't think were even applicable. Do you want me to go into it?

SNJ: Certainly.

ELM: "Last Fall, when my wife and I hosted a coffee for Congressman Bass, we invited you and your wife to our home. This invitation was sent from our home to yours, but you chose to have your secretary decline this invitation. This slight did not go unnoticed. A short time later, the Chairman made an effort to get us together. The Assistant Chief made the arrangements for a Saturday meeting. A couple of days prior to the appointed time, the Assistant Chief left a message on my machine, canceling the meeting, saying it would be rescheduled." I can't believe we went through the conversation, the telephone calls and a meeting being scheduled because he had his secretary answer your invitation. I mean, I find that unbelievable because I know, in times past, I personally would answer an invitation on my own, but not everybody does. Not everybody does. There are other. . . we have talked about other things in here.

SNJ: May I respond to that? I'll respond to that specifically. Taken out of context, it looks extremely petty.

ELM: Petty, yes.

SNJ: However, Madam Chairman, you totally missed the point, and you have to read the whole letter in context. The context is that I have attempted to rectify the situation. I have attempted to work. We, even though there were very strained relations with the Chief, and there had been a number of problems, we invited the Chief into our home. In that situation, when you are looking at strained relations, and you are looking at an invitation from one home to another, you can see when the response comes from the official office that there is no reciprocation on the other side to mend the fence. Then, when there is an effort to get together and you get a message from the Assistant Chief, for whatever reason, and I don't know, but he'll have to reschedule and then that never happens, I am making the point that I have tried and that that has not been reciprocated and I'm sorry that you are unable to see that point in there, and I was

ELM: But you also invited half of Hudson, and not all of them even responded.

SNJ: Madam Chairman, who responded and who didn't is not really relevant to this because when you are working on strained relations, then there are particular things involved and, yes, there were people that didn't give us the courtesy of the reply and that is unfortunate and I feel badly about that. I feel badly about that for a number of reasons. However, that's. . . the point of this, we need to read in context, but that's fine. That's your perception. I'm sorry that it came across that way. In reading that snippet of it, it certainly looks that way. But, Madam Chairman, you started out when you and I had the meeting after I wrote the letter, and you said, "Shawn, this isn't personal." And I turned to this and I read lines from it and you read it and you said. . .

ELM: But we have not discussed the MRI Report here in a meeting and I told you we would do that.

SNJ: Yes. However, this isn't. . . this. . . what I'm talking about. . . I'm not talking about the rest of the report. I'm not talking about the MRI Report. I'm talking about how it applies to me and the fact that this has moved along in this period. I'm talking about the communication. I'm talking about the fact that I am sick of the whole thing, but I think that I have waited a month and a half for a reply to my first communications. I think that's long enough to wait and I've spoken with you about it. I've spoken with Paul about it and that, obviously, that was when I spoke with Paul about it, is to get it on the agenda. But this is the issue. This is what makes it personal. My asking questions about the Chief's policy is not personal. I ask questions about everybody's policies. I ask questions about everything. That's what I do. That's my opinion about how you become a good and responsible Selectman is you ask questions about things that bother you. They should never be taken. . .

ELM: You asked me if you could respond. I'd like to continue.

SNJ: Alright, I'll let you go on and I'll. . . I do apologize.

ELM: If you will, this letter is a perfect example of how people perceive things. How you perceive things and how other people do are not the same and that's where feelings play into it, when you say that feelings shouldn't matter, but they do matter, and sometimes how you feel about something reflects on how you may speak to someone, how you may vote, so forth and so on, so at this time, if there is no other member of the Board that wishes to say something, I would like to hear from the Fire Department.

SNJ: Madam Chairman.

ELM: Alright, Selectman Jasper, go ahead.

SNJ: You've said that I'm the most self-serving person you know.

ELM: That's a feeling I have.

SNJ: That's right. And I want to tell you that I am sorry that you feel that way. I have. . . as any member of my family can tell you, have dedicated a large portion of my life to public service.

ELM: As have a lot of us here.

SNJ: Well, Madam Chairman, I didn't say any of you were self-serving, did I?

ELM: No, you didn't.

SNJ: You said I was. My summer is taken up, in large part, for the last three years, by Old Home Days. There's no benefit to the Jasper family in that. I'm taking away from my work, as I am with most things I do for the Town. My wife is working unbelievable hours on that, as am I. But self-serving? There's nothing self-serving in my involvement in Old Home Days. There's nothing self-serving. . .

ELM: I didn't say you didn't volunteer your time.

SNJ: You said I am the most self-serving. . .

ELM: The most self-serving person I know, and that is how I feel about you when it comes to an issue that affects you, personally, there is usually something behind it, and it doesn't have to be something that you have volunteered to do.

SNJ: But, once again, I said don't

ELM: This is a feeling that I have.

SNJ: Right, and Madam Chairman, government should not be run by feelings. Government. . .

ELM: I don't run government by feelings.

SNJ: That's what we're doing right now. You're condemning me because of your feelings.

ELM: No, I have not condemned you.

SNJ: Madam Chairman.

ELM: I have not condemned you.

SNJ: Madam Chairman, saying someone is the most self-serving person that they know is clearly a condemnation of that person.

ELM: A lot of people are self-serving and I feel you are the most that I know.

SNJ: And that is a condemnation. At least be honest about it.

ELM: Oh, I'm honest.

SNJ: Well. . .

ELM: At this time, I would like to hear from members. . .

SNJ: I'm not. . .

ELM: I'd like to hear from members of the Fire Department because no matter who says what, you are going to have a big long recitation on. Selectman Stewart, go ahead.

TS: Can we have a five minute break first.

ELM: No, I'd like to hear. . .

AS: She's nervous.

ELM: She IS nervous.

AS: She's got to go out for a minute.

ELM: (Chuckle) You may be excused. Go ahead.

TS: Thanks, Mom.

ELM: Go ahead. We'll take a five-minute break.

Brief recess.

ELM: OK, we're back on the air. The break is over, and if we now can hear from members of the Fire Department. Assistant Chief Murray.

Assistant Chief Shawn Murray distributed a prepared statement.

SM: Before I read my statement to you, I'd like to publicly clarify a few issues that have been brought up already. One of those issues has to do with the chain of command that Selectman Jasper talks of and he may or may not recall, but back approximately a month and a half, two months ago, he met me over in the Fire Administration building. The Chief happened to be on a day off and he came in and inquired and told me a little history about himself when I first met him and asked me how he should handle certain issues. Knowing that he was both a Selectman and a call fire fighter, we discussed how he should bring issues to light. I informed him, at that time, that as a call fire fighter, any issues which had to do with whether he was looking to provide input into general orders, standard operating procedures, or even issues with equipment, should follow the normal Fire Department chain of command. And the Fire Department, being a paramilitary type of organization that would start with his next supervisor and he is correct in saying that after his Lieutenant, Lt. Emmanuelson, that comes up to me. That is the chain of command and responsibility that I follow, according to my job description. But we also did have a conversation relative to his responsibilities as a Selectman, also, and that conversation surrounded basically that, as a Selectman, if he is looking for information which has to do with, for instance, questions on responses, one request he's made is for response information on the Burns Hill Fire Station that, as a Selectman, it would be in his best interest to go through the department head. That is, at least, my interpretation of how our conversation went and I wanted to give you my interpretation of that. Give that, and the comments made relative to e-mail messages that were sent on inquiries for information, I will address some of those in my statement, as I go along. *(Tape 2-A-12 through 2-A-17)* Statement to Hudson Board of Selectman Relative to Fire Department Issues. Thank you for the opportunity to address the Board this evening. I would like to begin by stating that my comments made this evening are being made of my own free will. Chief Carpentino extended the opportunity for the Chief Fire Officer's to come here tonight and express our opinion on the issues and problems related to the positions Shawn Jasper holds as a Selectman and Call Firefighter. As you are aware, I have been in the position of Assistant Fire Chief since May 15, 2001. This is a little less than three months. While my time with the department has been limited, I have had the opportunity to observe and direct the areas of responsibility required of my position. My responsibilities include the supervision of personnel, both fulltime and call firefighters. There has been much controversy during the past few months relative to if a conflict of interest exists between the role Shawn Jasper plays as a Selectman and as a Call Firefighter. Some have even suggested that there is a personality conflict between Shawn and the Fire Chief. It is my opinion that it is not a personality conflict, rather it is a difficulty with Shawn's inability to separate what should be an internal fire department issue that needs to be addressed by the administration or an issue which he as a Selectman should address as an authority for the Town of Hudson. This difficulty most often occurs when a decision or issue affects Shawn or the Call Firefighter's. The disadvantage to the Fire Administration has is that often we are unable to fully investigate and take action on issues that arise because the issue is taken outside of the fire department to the Board of Selectman level before we have an opportunity to address them internally. When this occurs, mixed messages are relayed to department members as to the structure and the chain of command of the fire department. The Chain of Command in the fire department organization is vital to the safety and smooth operation of the department as a whole. Try to imagine any organization attempting to accomplish specific goals without some sort of order or guidelines. Freedom for all organizational members to do what ever they want may seem desirable in some situations, but most organizations, however progressive or enlightened would find survival under such conditions extremely difficult. Almost any well-run organization that you work for is likely to have a set of rules, policies, procedures and guidelines. These are not meant to restrict creativity, in fact our policies encourage input from members, but they also assist in the development of organizational goals. Shawn's attempts at providing input towards changes at the department level often result in not only suggestions for improvements, but as in the attached email shows, often comes complete with inflammatory and accusatory comments such as in this case, Shawn suggests that the Fire Chief and the Union are joined in a conspiracy. These types of comments interfere with my ability as an Assistant Fire Chief to properly address the concerns of our employees. The comments of this particular email went through Shawn's Lieutenant who in turn forwarded them to me. The issues between Shawn and the department administration have had residual effects throughout the department. Shawn's Call Company is from the Robinson Road Station. The Officer from that station has expressed concerns that the Company feels isolated from the rest of the department. I have been told from other call company members other than those from Robinson Road Station that they feel the reason for this is that there is always an "issue" with that company and is often related to Shawn's pursuit of "issues." Other department members do not want to be involved in these issues. These are but a few examples of continual problems we have been dealing with. Most recently a request for information from Shawn requesting

response information for the Burns Hill Rd fire apparatus was received via email. In the email, Shawn clearly indicates the information is for his use as a Selectman. He did however go through a Fire Lieutenant. As the attached email relates, the Lieutenant suggests information relating to Selectman's business should go through the Fire Chief and not the normal department chain of command. It is these types of problems that continually occur. The issue is not providing the information to Shawn or any other person who requests the information; the issue is that Shawn cannot separate his roles. These issues with Shawn are continuing to take up more and more of the departments daily routine. This impedes the department's ability to focus on other issues such as budget planning, CIP, and daily operational issues that I am responsible for. There is no question that Shawn Jasper has dedicated many years of service to the Town of Hudson and to the Fire Department. Shawn has a lot to offer. However, Shawn refuses to admit that his dual roles have become burdensome to the Hudson Fire Department and is creating internal discourse. In my opinion, there are but few options: Shawn needs to make a decision as to where his talents can be best utilized. Either it is a Leadership role as Selectman, or serving the Town in his capacity as Call Firefighter. Independently, Shawn has the talents to perform either position. Combined, Shawn struggles in being able to separate the two positions. In choosing one or the other position Shawn will have the ability to provide input to the fire department organization and yet eliminate the conflicting roles. If Shawn insists that this is not an issue related to his positions, and the Fire Administration insists that it is, both sides should agree to send it to the Ethics Committee to investigate and make a decision, and recommend action to alleviate this if a conflict exists. In closing, the short time here with Hudson Fire Department has been educational and provides the challenge I was looking for in my position of Assistant Fire Chief. As stated in my opening statement, I believe the Hudson Fire Department has made significant progress and will continue to do so with the support of the Citizens and Board of Selectman. I would ask Shawn Jasper to seriously evaluate his role as Selectman and Call Firefighter and make a decision to take an active role in one or the other for the betterment of the community and the Hudson Fire Department. Respectfully Submitted, Shawn Murray, Asst. Fire Chief, Hudson Fire Department.

I'd just like to add a few other items. In your package, here, the issue of Shawn requesting an answer to written correspondence, or a change in a general order that he did not get. I take full responsibility for not replying to that letter and my reason is this. If you will look at the e-mail that was sent through his Lieutenant to Lt. Emmanuelson, Shawn begins the e-mail by talking about an issue which came up about a general order of call fire fighters who were responding to the station, yet they weren't being toned out. When we found this was occurring, we started looking into it. We looked at our general policies and procedures and found that there was, in fact, a gray area within the policy itself and that we needed to make corrections on it. As we began to work on it, I received an e-mail from Lt. Jeff Emmanuelson, who is Shawn's supervisor, and attached to it was this e-mail. As I read down through the e-mail, Shawn brought up some valid points and concerns, which needed to be considered as we looked at the change in this general order. However, as I read further down into the document, I found that Shawn began to express his opinion in a way that caused confusion for me, and I'd just like to briefly quote from part of that. "It troubles me that," and this is Shawn quoting an e-mail, "It troubles me that this comes within two weeks of an attempt by some union members to force union members off the call force. This action gives rise to conspiracy theories. How do we debunk the idea that this is a case of if we can't get 'em one way, we'll get them another? I can't believe that the Fire Chief and the union leadership are joined in a conspiracy. Yet, how do we disprove this theory when this policy is now interpreted will no doubt lead to longer response times and thus give rise to the call for more on-duty personnel. Is this not exactly what the union wants? I don't fault them for this desire, but did they re-read the policy and ask that it be strictly interpreted and enforced?" I must ask this Board, how can I, as second in command of the Hudson Fire Department, reply to a letter like this with any sense of trying to address what his concern is? As I stated in my letter, I'm new to this Town and since I've been here, this has been building and become a serious issue, in my eyes. I can tell you, through conversations with Shawn's supervisor, that he, too, and other call members have related to me that they, too, are tired of all these problems and issues and they'd really like to move forward and continue on with the operations of the department. I'm available to answer anyone's questions, if they have any. Thank you for your time.

ELM: Thank you. Go ahead, Selectman Jasper.

SNJ: I don't have a question, although the Chief may want to respond to something I have to say. I stopped into see the Chief, the Assistant Chief, as I told him that I would do. We had a very brief conversation and, unfortunately, this is exactly why things should be in writing because his perception and memory of what was discussed and mine are at diametric odds. My recollection, and what I went in there to find out, so I think that knowing why I went in the ask the questions, my memory is probably a little bit better because it was my question. I went in and said, "I have told the Chairman that I would put everything I had to do, every question I had to do with the Fire Department through the chain of command." That was my conversation with the Chairman, that from now on, everything would go through that. I went to the Assistant Chief and said, "Is that how you would like me to proceed, because there are some issues that, you know, are a little more this way or that way." My recollection, and that's. . . I immediately left that way, feeling that he had told me everything should go through my Lieutenant, and I said to him, "You know, that's fine, because I can't think of anything that can't wait for two weeks," and this all came about because of the issue, and I find it a little bit funny now, I'm being accused that, gee, I'm going up the chain of command with every single question and before, I was being criticized because some questions I was going to Paul with, or Lorraine with. And so I said, alright, I'll take everything through the chain of command. Now, it's being said to me, "Wait a minute. There are some issues that you should take directly to the Board." But that's how we got in half this problem to begin with, so I said, I'll just go this way. So, you know, I can't win. Further on, the Assistant Chief says, talks about "issues taken outside of the Fire Department to the Board of Selectmen level before we have the opportunity to address them internally." That certainly has not happened on anything since the Assistant Chief has been here. It hasn't happened in a long time that I've even gone to Paul with anything that I haven't gone

first through the chain of command. But this lacks specifics. We've got one thing here we're talking about that I sent e-mails that now I am being criticized because I shouldn't have gone that way. As far as the one paragraph that was written in my e-mail, those were sincere questions. Given the timing, and once again, things are taken a little bit out of context, you have to read the whole question. It did trouble me that this came within two weeks of an attempt by some union members to force members off the call force, so I was asking why now, what went on? This action gives rise to conspiracy theories. Not me. I didn't think that. I had two individuals suggest that to me, so I was asking the question. How do we debunk the idea? What caused this process to come into place? Why is this policy here now, given all these other things that are happening that give rise to these theories, why now? What's going on? But you have to read the whole thing and the four of you have it in front of you. They were honest questions that honestly concerned me. They were not meant to enrage. I knew they would probably cause some controversy, but they were honest questions of honest issues that were on the plate from my side. And certainly, does my Lieutenant wish this would call go away? You better believe it. Does everybody else? They wish it would go away, but are they still concerned with the policies that concern me? Absolutely, but nobody but nobody likes this controversy. I don't like it. Nobody likes it.

ELM: OK, ah... go ahead, Selectman Stewart.

TS: I'm confused. Your e-mail, Shawn,

SNJ: Of June 30th?

TS: June 30th. I just read it three or four times. Where does it state in here that you are writing this as a Selectman?

SNJ: I wasn't and because of the fact, you know, this is one of those dual roles. I was writing it as me.

TS: You were writing it as a fire fighter, 'cuz that's how you signed it.

ELM: Would you let him answer? (chuckle) Please.

SNJ: Yeah, you're right. This one started out through the chain of command, strictly as a fire fighter.

TS: So, the e-mail that's dated the 18th of July from Kblinn, is this?

SNJ: No, that was to the other one. This was in response to the one that follows from K Blinn, next page. It says, "As Jeff is out of Town this week, I'm sending this request through you, per C-2, which is the Assistant Chief. All my department items are to go through the chain of command."

TS: OK, my question is, what e-mails states that you're asking this information as a role as Selectman and not fire fighter.

SNJ: This one, because it says "This request for information is not something you will be able to answer and is for my use as a Selectman. I'm also requesting this information in accordance with."

TS: OK, what e-mail did you write that says this is for your info as a Selectman?

SNJ: This is it. That one, Tuesday, July 17th.

TS: July 17th—I don't think I have a copy of that one.

ELM: Yeah, it's on the last one, or the next to the last one.

SNJ: Yeah, next to the last one. Well, it's actually both because the message went onto the last page. It was a very brief one.

SM: Madam Chairman, if I could add a little bit to that, too.

ELM: OK, and then I'd like to hear from the other members of the Fire Department.

SM: This e-mail, here, too is the issue that Selectman Jasper brings up about not getting a response from us and I can tell you that I have had a Dispatch person working approximately four solid hours, trying to extract the information that Selectman Jasper is asking for, but I've also gotta tell you that this Dispatcher is working the day. She is fielding calls, she's dispatching emergency calls, so there is no direct intention at all to withhold this information from him. However, the only way I can get this information is by having her extract piece by piece. It's not simply that she can pull up a dispatch record. She has to go back and research it. And further, to her credit, she has taken

that information and put it in graph forms for Selectman Jasper. As of 3:00 p.m. today when she was going off duty, she was finishing that up. So, I just want to clarify that for the record, that it's not a question of we don't respond to what he's got, but it takes time for these things to come about.

SNJ: But, if I may, all I'm saying is you should have told me that. You should have said, "Here's what we got to do to get it and, you know, it's going to take a long time." I have gotten no response to anything.

ELM: Excuse me, but we are going to have to take a 30-minute break so he can change the tapes... I mean, thirty seconds. I had it written down here and I saw it flashing and I forgot. We're going to extend it to a minute and a half.

(Brief pause in the proceedings.)

At this time, could we hear from another member of the Fire Department. Would you come up, please?

CC: For the record, I'm Fire Marshal, Charles Chalk, Fire Marshal for the Town of Hudson, and one of the chief officers in the department. Let me say that the Fire Department is a team and, as a team, I think each of us feel responsible for part of that, the success of the team. I've observed the conditions and some of the things that are going on and some of the things do bother me that are occurring, and the fact that we have a public perception. I think, first of all, we owe it to the community of Hudson and our perception is that the continual raising of questions all the time and putting it out into the media, I believe, is affecting some of the way the community looks at the Fire Department. The second part is, not only is it affecting us, here, but I have a role also at the State level. I am Commissioner for Fire Standards and Training, so I get around the State quite a bit in that role and it's no longer just local any more. It's reached the point now where when you go to other fire departments, or go other places, other people know of some of the issues that are going on here. And so, when those problems become known like that, I think it affects some of the reputation. We have a reputation, obviously. We have a reputation, I think, in the Fire Department of a couple of things that are really very good. We got a quality service for the assets that are available. We provide the best we possibly can. We are also well trained in the department, and that's obvious because we lose many members to other departments. That's to our detriment, but to the fact that we train people well enough that other people want them, that is a good thing. We also have a reputation in our code enforcement, here in Town, that we abide by the rules. People who come here are treated fairly. I think we're losing some of our reputation by some of the in-fighting that is going on right now. It appears that the department may not be under the control of a strong chief officer, but I want to say that I came here three years ago for only two reasons. I left a community where I'd served for 11 years in this capacity and decided I'd come to Hudson. I want to say, first of all, that I was advised not to do that by other people. They said, "Don't go to Hudson. You don't want to go to Hudson." I made the decision because two things brought me here. Number one was, and the most important, was strong leadership in a chief officer, and that's exactly one of the primary reasons why I came here. Our leadership roles are becoming more clouded because of issues of control within the department. We take a lot of time on a daily basis, almost, investing in clarification of matters, such as this issue here, so we are limiting our effective oversight of the department. The daily oversight of the department is being invested in time of issues like this. I, personally, want to say the Chief is doing a very good job. I think he's a very good chief officer. I think he's doing a fine job for the community of Hudson. He's also committed to the community. Many other chief officers probably would have walked away from a situation like this and not put up with it. They're opportunities out there every day for people to move around, but he's committed to the community. He's also, I think, when a customer comes into the department, when they leave, they feel they've been treated fairly and that they've been understood, their problems have been addressed. He also fulfills promises. He meets the requirements of the job. I don't see anyone as classifying him as not meeting, doing his job and wanting to get rid of him for those purposes. He has the courage to say no and he has the courage to face the issues. And I think, from my point of view and my opinion on the issues, and again, these are all free choice, no one is forcing me to say anything, but I think we need to put these issues to bed. We need to get back to the job of running the Fire Department and doing the job the right way. Whatever it takes on behalf of this Board, whatever it takes to accomplish that task, should be done. I won't make any opinions. I won't give any positions as to what I think should be done, but I think the right thing to do is get back to having a decent Fire Department that runs properly and accomplishes the task that they need to do for this community. Any questions?

ELM: I have none. Thank you very much. Selectman Jasper.

SNJ: I don't have a question for you. I agree with the substance of what the Fire Marshal has to say, but I didn't start raising questions in the public forum. I didn't bring this to the public forum. I don't think it should be personal. I don't think, I don't want it to be personal. It's a matter of asking questions and having those questions answered. It's a matter of understanding that if you're not satisfied with the answer to the issue, that everyone has the right to follow that through in a respectful, detailed process. This is all become personal. We haven't talked about any of the issues that I have raised. We've only talked about the response to those issues, or you know, did I go the right way, did I go the wrong way? I go one way, it's the wrong way; I go the other way, it's the wrong way. This would be very simple and this could go away if we could agree that I have the right to ask questions, that I have a right to an answer, and that I have a right to a process, but every time I raise an issue, it becomes a matter of "there goes Shawn again, interfering." How am I interfering by asking questions and wanting answers? That's the process we have in place. It is not a matter of the Fire Chief has the final say in everything. Some things he certainly does. I don't want to get rid of the Fire Chief. I don't have a problem with the Fire Chief. All I want is answers to my questions. I have said before this should never be in this forum and for all these years, it has not been. I have spoken with Paul, I

have spoken with Lorraine, I've spoken with the Chief and of the issue and if communications were good, then that wouldn't be perceived as a problem. But every time I ask a question, it's perceived as a threat and it shouldn't be. They start out as questions. Do I get angry? I get angry when I am met with the resistance to my questions. Why shouldn't I? If you ask a simple question, and you can't get a simple answer, then, of course, you are going to be upset. Things in writing. Things in writing have only started since June 30th and that's pretty much been at the direction of this Board and of the Chief and of everybody that, you know, you're not doing it the right way. Well, alright, here's the process I'm going to use. Now, I'm being criticized I'm putting it in writing. You know, you people tell me. What am I supposed to do? All I want is answers to my questions, and I still haven't brought any of the policy issues forward, have I? We're not talking about the policies.

AS: Madam Chairman.

ELM: Yes.

AS: I'm just looking at this e-mail and apparently most of your issues, now I don't know, I can only go by what I have here, most of your questions being raised are about the call force.

SNJ: Yes.

AS: So that's really the only bone of contention is the call fire fighter force. You don't have a problem with how he runs the operations, the regular operation or bottom, you know, so it's just the call force that you have concerns about.

SNJ: The is correct—policies relative to.

ELM: I would like to comment on something you said. You said that you are entitled to ask questions, which you have said any number of times, and that is true, and you are not always satisfied with the answer and when you are not satisfied with the answer, you then ask more questions and I don't think it's the questions that. . . I think that what some of this boils down to is the fact that you are receiving the answers from superior officers and you are constantly questioning the answers they are giving you and you do have the right to do that. I'm only. . . I wrote down what you said, Selectman Jasper, about the answers and that was the only reason that I did want to comment on that. If you have nothing further. . . if you have something new to add, because we do have other people that we would like to hear from.

SNJ: I understand. All I want to say is that it's incorrect to say that when I don't get an answer I like, I ask a new question and continue it. There are a number of issues that, once I pursued them to their logical conclusion, without coming to the Board, that the issues ended. So that is not true to say I keep it going. I haven't.

ELM: I didn't say you kept it going. I said

SNJ: Well, that was my. . . what I heard.

ELM: Because you said that if you weren't satisfied with the answer you got, then you asked more questions.

SNJ: And most people would do that, I believe.

AS: I have another question.

ELM: Yes, go ahead, Selectman Seabury.

AS: I remember once, and now, I said about the call force policies pertaining to that, but I remember once in just chatting with you, you were concerned about the ambulance going out at the same time with fire trucks. Now, is that under the call fire fighters type thing or is that underneath another area?

SNJ: That doesn't affect me in any way as a call fire fighter and that's not an issue that's even on the table, at this time.

AS: OK.

SNJ: I have concerns relative to that which I've spoken to you about and spoken to Rhona about.

AS: Alright.

SNJ: Those are strictly

AS: Monetary.

SNJ: Budgetary. Those are strictly budgetary in my view. They don't affect me in any way other than through the tax dollars.

AS: Alright.

ELM: Do you have anything further, Fire Marshal Chalk? The President of the Fire Fighters' Union, Todd Hansen.

TH: Thank you, Madam Chairman. My name is Todd Hansen. I'm the President of the Fire Fighters' Union. I would like to inquire from Selectman Jasper as to the alleged conspiracy between the Union and the Fire administration.

SNJ: Todd, I have two people when this all happened, come up to me and say, "Gee, isn't this funny, the timing. Doesn't this seem like the Chief and the Union are on, are working together on this?" As I said in here, I do not believe that. Those were questions posed to me by others and I have passed them along. When you look at the timing and you look at things, it does give rise to that.

TH: What's the alleged conspiracy?

SNJ: To the . . . it gets into a whole different thing, the alleged conspiracy, I think is here. I spell it out. How do we disprove this theory when this policy is now interpreted will no doubt lead to longer response times and thus give rise to the call for more on-duty personnel. Is that not exactly the position wants and I think any reasonable union wants to have more union members and more people in their group, so to speak, and as I say, I don't fault them for this desire, but you know, it did seem, given things that were going on, is it possible that someone reread the policy and said, "Hey, this ought to be strictly interpreted, and you know, these guys shouldn't be coming in."

TH: You, yourself, have said tonight that you have the right to ask a question and I don't think by virtue of the fact that an individual, just because he is a full-time employee, asks a question which may impact the call force, or it may impact the union, I don't see that as being as a conspiracy, certainly, and it doesn't make it a union issue because an individual has asked a question, just as you have said it doesn't make it a Board of Selectmen or a call person issue. You know, you've asserted that you don't mix both hats. Well, just because a member of the union, a full-time member, doesn't mean that he raises a question it's a union issue. Any union issues that are brought up are brought up by the Executive Board, and primarily by me, as the Executive Officer of that organization. And, if there is a conspiracy between myself and the Chief, I know I'm certainly unaware of it.

SNJ: I didn't say you were. I was passing along what I heard. I don't disagree with what you said. That was the question that was posed to me in that context, given the circumstances, and you're right. Just because you may have done that or someone in the union may have done that, no, doesn't make it a conspiracy. But given all of the factors, together, and gee, ok, you know, it's just what people were saying, Chip, and you know how that goes.

TH: I do, and I also know that the union does not dictate policy in the Fire Department. . .

SNJ: I understand that.

TH: And the members certainly have their right to input, and I, personally and professionally, as President of the organization, don't appreciate those allegations being brought forward in this forum. I find them defamatory and, if it takes legal action to stop them, that's an option that we will exercise.

SNJ: I will remind you that this was brought here tonight by the Assistant Chief, not by me.

TH: And I haven't even seen a copy of that so, I can only go by the information that's being presented here tonight.

SNJ: I have only sent this through the chain of command, through my Lieutenant, who sent it along. It was a question that I asked and I didn't bring it into the public forum.

ELM: Excuse me, Selectman Jasper, have. . . if you have anything. . . would you let him finish everything he has to say first

SNJ: Certainly.

ELM: And then you can answer. Do you have anything further to say?

TH: Just that there is no conspiracy. I'm unaware of, there has been no information brought to the union relative to this situation and asked we intervene or act on anyone's behalf. I am aware of the situation, that it was brought forward by an individual and it was an individual exercising his rights as a member of the Fire Department and not as a member of this organization.

(Start Tape 2, Second Side)

ELM: There is also a former chief here. I do not know if either of them wishes to say anything. I mean, it would be up to the Board to allow them, if they do wish to say anything.

AS: I don't care.

ELM: Do you, Selectman Charbonneau? Do you have a problem with that?

RC: If they wish to speak, I think they should speak; if they don't want to, it's up to them.

ELM: Mr. Dilworth, you were a former Fire Department member. Do you wish to say anything?

HLD: Yeah, my name is Howard Dilworth. I'm a former Selectman. Sat on this Board for three years. I'm also a retired member of the Hudson Fire Department, having spent 27 years in that organization. There's a lot of things that I could say here this evening. I suppose that if I really wanted to get things going, we could probably have to have the Police Department down here for a general riot, but I'm not going to go there. I will say that what I have seen tonight is a wonderfully orchestrated dog and pony show. I will say that Fire Marshal Chalk is a true gentleman and a class act. Some of the rest of what I heard, no. I sat here about a month ago and listened to a lot of this go around and around the table and I heard some comments by

ELM: Excuse me, Mr. Dilworth, if you have anything that you can add to the situation here, tonight. I don't know that we are really looking for your opinion as to what other people

HLD: You asked me if I would like to speak, Selectman Madison.

ELM: In regard to adding to the situation.

HLD: Yes, I'm about to do that. If you would not interrupt, you might get to hear. When I sat here a month ago and I listened, I heard some of the comments from some of the members of this Board and I couldn't help but remember the, some of the comments that were made like, "Well, I hate to do this," "Oh, this is terrible," but I seem to remember a number of individuals on this Board that went to a retirement party and had a wonderful time and engaged in a certain amount of character assassination at that time. I also seem to remember that there was a big bru-ha over the disposal of Town property, which happened to be a coat that belonged to a former member of the department. Now, I didn't particularly care about the property. I felt it was the Selectmen's responsibility to dispose of Town property in a properly voted on public meeting. But, we didn't want to go down that road. We would rather engage in character assassination. I have to say that I think a great deal of the problem here rests right here with this Board. Now, I will tell you this is not the easiest individual, Mr. Jasper, to get along with. Lord knows, he's not the brightest thing on two feet, but neither is anybody else here. I think the problem here is because this Board doesn't have the guts to come right out and make a decision. And the reason you cannot make a decision is because each and every other individual sitting here is as guilty of this as he is. It was mentioned tonight that a lot of us wear a lot of hats in this Town. Some of us are even changing shirts. I just think that you need look no farther than the nearest mirror to realize where the true problem lies here. You can put this aside and move on any time you want to. And, yeah, it would take a couple of adults, and I haven't seen an awful lot of that, it would take a couple of adults for this gentleman over here, and the individual he is having problems with, to sit down and come to an agreement. And I think this Board has a responsibility to insure that that happens, one way or another. And, in response to an individual who brought forward about sending this to the Ethics Committee, I would have to wonder if that individual has filled out a Financial Disclosure Form, as a new employee of the Town, because obviously, he hasn't read the Ethics Ordinance and has not a clue as to what it's about. Like I said, there is a lot of things I could say. I've probably said enough that could be said in polite company and kept it civil and I'll leave it at that. But I think the problem is right here in front of me, the five of you.

ELM: Thank you. Does anyone have any questions? OK, would the former Chief like to say something?

BM: Hi, Brian Mason, former Chief. It feels a little uncomfortable sitting here tonight. This is five years too late for me. I just want to say that I was in a position five years ago that the current administration is in tonight. I found constantly struggling with Fireman Jasper and Selectman Jasper. Shawn was a good fireman then; he's a good fireman today. He's a good Selectman today. However, I frequently found, and I think the root of Shawn's problem, Shawn, is you totally disregard the intimidation factor that you have by the words you say. You can put on your fireman's hat and say you're a fireman, and try to express your opinions as a fireman, but deep down inside everyone around you, including yourself, still know you're a Selectman and anything you say will be brought to bear later on down the road when you try and discuss issues or set policy. So, you know, I was a good Fire Chief, I was a good fireman, but I was a lousy politician. I chose, at the time, not to deal with this issue. I should have then. I should have stayed and fought like what's going on tonight. I think the Board's doing the right thing. The only thing I agree with the previous speaker with, and I mean the only thing I agree with, is that the Board has the power to take care of this problem and they need to step up to the plate and take care of it for the goodness

of the Town. And it's not about Shawn's performance in either role. It's just time to divide the roles and make it clear. And if it means in every other department where other issues are a problem then do those to, but do it for the sake of the Town before any other careers are ruined, too, like mine was. Thank you.

ELM: Thank you very much. Is there anyone else? OK, if we could hear from the Chief.

FC: Good evening. I'd just like to address one thing that was said by Mr. Dilworth, and I'm actually insulted by it. This wasn't orchestrated, OK? These people are here at their own free will, just as you are, OK?

HLD: (In background) Yeah, right.

FC: Selectman Jasper feels, he's said a number of times to me, he feels victimized. Well, I tell you this. A lot of people in the Fire Department are victimized, but I've yet to hear that come out, that other people have been victimized, other than poor Shawn Jasper. You keep on referring to a, my MRI Report. Can you tell me what the question is that I responded to in that MRI Report? There was a reason for that response. There is a question that is on the MRI Report that I am responding to. Do you know what that question is?

SNJ: Not off the top of my head, no.

FC: I think the question is something to the fact of the Selectmen's dual role in the Fire Department, so is that an appropriate response to the question that's asked? I know there is people here looking at the question right now, OK? So, would that have been the first thing to do, to look at the question that the response was provided to?

ELM: I thought you were talking about the whole report. Certainly, every item here has a response, and that is your response.

FC: But the question that the response is provided to, did you look at that?

SNJ: Yes, I did.

FC: OK, would that be an appropriate response to the question?

SNJ: I don't believe it is.

FC: OK. I believe it was and I signed it, OK? The other thing I find interesting is that when the Assistant Chief was up here, he made mention that other members, to include members of the call force, would like this to go away. Are you aware of that?

SNJ: Of course.

FC: Are you aware of all the reasons why they'd like to see it go away?

SNJ: Well, I don't know.

FC: OK. But as Fire Chief, that's my role to find those things out, is that correct?

SNJ: I suppose it could be. I know most of them haven't had conversations with you, so.

FC: And, I think we'd all agree you don't spend every day in the Fire Department and that I do, with the staff, and we handle a multitude of issues—personnel, apparatus, operational, equipment, whatever, OK, that you may not be privileged to all the information that we have, that we make decisions every day.

SNJ: Certainly.

FC: OK. You know, I'm going to go on record saying right now that yeah, there was a request made for information under 91-A:4 and I would request that the Board take it into nonpublic and do with me as Fire Chief as they may. I take responsibility for what happens in the Fire Department. I appreciate the fact that the Assistant Chief came up and took responsibility, but as the old statement goes, the buck stops with me. The issue with the Fire Department will start with me and will end with me, so the Board can do as they may, as far as the 91-A:4 goes. Selectman Jasper, I'd like to refresh your memory and maybe we can have a little bit of dialogue, if the Chairman would allow it. Why don't you tell us how that whole issue came to play?

ELM: As long as you both keep it civil.

FC: Is this not a direct result of the fact of a policy came out that you disagreed with and you did not like the way it went and you continued until you got into the Selectman role, OK?

SNJ: Are you referring to the 91-A issue?

FC: I'm referring to the issue on the responses, OK?

SNJ: That had absolutely. . . what was your question again?

FC: The question has to do with how this whole, the issue of responses started and where it is at right now.

SNJ: This came as a result of my belief, going back to the budget process last fall, that the Town would best be served by having the new fire fighters serve during the day hours instead of at night, and this. I have asked the Chairman, on several occasions, if she would look at that information. She has told me she would and it eventually became apparent to me that that information was not going to be coming forthcoming through the Chairman through the request.

FC: I can remember sitting in this room, last contract and also this contract, and I think we had this discussion at Town Meeting, that that's an item for collective bargaining, which the Town has even failed to bring to the table the last two sessions we've negotiated. We just can't arbitrarily trade people's hours when we have a current agreement in place.

SNJ: I understand that and that's why we had discussions about that and I never heard back on the questions that I asked. The only time that I've sat in when we were setting parameters and the question came up and there's been nothing come back to me since then.

FC: I also think it's interesting that, to the best of my recollection, that at no time did we hide the fact from anybody, whether it was the Board of Selectmen, the Budget Committee, Town Meeting, or Town vote, or anything you saw in the paper, that the Fire Department wasn't requesting these two people to staff that fire station. It's always been out there that the intent is to staff that fire station.

SNJ: Most certainly, and that's the intent. But that I want information, for whatever reason I want it, shouldn't offend you. That's information I want and it's information I'm entitled to, as anybody is under the Right to Know law.

FC: Did I ever say I was offended that you asked for information?

SNJ: Well, certainly, by your actions here and your focusing on that. I would say that a reasonable person would take that you were upset by the fact that I asked for that information.

FC: Oh, I'm not upset about the fact that you asked for information. I'm upset that this has gone on for the last four years and you make it sound like this is new to you. I can remember, I bet you we've probably had discussions two to three dozen times with me, the Chairman Selectman, the Town Administrator and the ex-Assistant Chief, OK, on a multitude of Fire Department issues. It's not just a new issue. This has not just happened since June of this year, OK? And it's foolish if people think it has. This has been a long-standing issue within the Fire Department, prior to my arrival, OK? Not just with the beginning of Frank Carpentino coming in January of 1997, OK? This has been a long-standing problem of issues with dual role in the Fire Department.

SNJ: What has been a long standing problem? I don't understand what you're referring to.

FC: OK, of the inability of management of the Fire Chief's office in your dual position to reach an agreement on a number of things. We can talk about. . . some of. . . a lot of discussions we've had with the Town Administrator and the Chairman of the Selectmen, whether it be protective clothing, how many sets get issued to people, whether it be mutual aid, who goes to mutual aid in response and who doesn't, whether it's who goes on apparatus and how apparatus is responded to calls. Hey, this list goes on and on. You want specifics, I'll give you specifics, but don't make it sit like. . . don't make it sound like no one's ever told you.

SNJ: All I'm saying is those are questions.

FC: And you've been provided with answers. I spent two hours, two and a half hours with you and the Selectmen Chairman awhile ago, answered your questions. At no time, to my recollection, did you ever stop us and say, "We're not getting anywhere." We had discussion. As a matter of fact, when you left, I actually got up and you were apprehensive about shaking my hand at the end of the meeting.

SNJ: That may be your perception.

FC: Be my perception. There was three people in the room. Shall we ask the third person?

ELM: Let's move on.

SNJ: I shook your hand. I didn't go into that meeting thinking we were going in there to answer the specifics. I thought we were going in there to clarify, so I think that my perception of why we were going in there to begin with was different than, perhaps, yours and, again, perhaps lack of communications. I always expected that regardless of whether we had a meeting or not, I would have a response to my questions because I don't think there were any specifics answered in that meeting. We talked about things, but nothing was answered.

FC: As I recall, I didn't call the meeting; I was invited to attend.

SNJ: That's correct.

FC: So, I was a participant in the meeting, OK? And when I left there, I remember talking to the Town Administrator and also to my liaison that I thought the meeting went very well. I thought the meeting was productive. Did you find that meeting to be productive?

SNJ: No, I did not.

FC: See, now we have a difference, OK? I felt the meeting was very productive. You felt the meeting wasn't productive, OK? We can't even agree on that, OK? You mentioned several times tonight that I only brought three items forward. Well, I have four pages. Would the Chairman like me to read every single item that is on here?

ELM: Go ahead.

SNJ: Then we will be here a long time. I think. . .

ELM: Well, I think. . .

SNJ: I think it would be. . .

ELM: Excuse me. This has been going on for years. The reason it's in the public forum is because it involves an elected official and that's why it has to be done. The people out there, believe it or not, people take sides. Feelings play into it, regardless. I don't care what anyone says and he needs to read these items.

SNJ: Madam Chairman, what I was going to say was if we are going to do that, then I need to have a copy of those in front. . . I would like. . . he's had time to prepare them. I would like to have time to respond to them, but I would certainly like a copy in front of me.

ELM: You certainly may have a copy.

SNJ: And I think it might be appropriate to do that at another meeting, when everyone has had time to look at the issues and to think about them.

ELM: These were going to be brought up at a previous meeting, and. . .

SNJ: Not by my request.

ELM: Because of the temperament. No, because we had asked the Fire Chief here and we had asked him to. . . as far as I am concerned, you have had your say on anything you wanted to say. I would like to hear what he has to say.

SNJ: Madam Chairman, I have had copies of all of the things have gone to the Chief in advance of everything that I had and I think if I am going to have things are going to be brought out in writing, I need to have the ability to respond to those. We can do it at another meeting. If you want to have him read them all off here, give me a copy of them, and we will go through this all again at another meeting. I thought it might be best if we do both parts of it at once, rather than in two separate segments.

ELM: First of all, this is on the agenda tonight because of your request. This is the reason we are doing this tonight. No one here tonight. . . you were the one who asked to put on the agenda.

SNJ: Relative to communications and lack of responses to my questions.

ELM: Somehow, it got off into other channels.

SNJ: You invited other people to come up here and talk about me, Madam Chairman. That's how it got off into other channels.

ELM: I do believe you had a lot to say about a lot of different things and why should you be any different than anyone else? If you can sit here and say what you wish, then other people who are involved need to be able to speak, also.

SNJ: They do, but I need to have the ability to respond. . .

ELM: We will see that you get a copy of everything that he is about to read.

SNJ: And then we'll do it all again is your preference?

ELM: We can do it all again.

SNJ: Is that the Board's preference? To do this in two nights?

ELM: It's been going on for years, we can... what's... it's been going on for a lot more than that number of years. If you would like to read them, Chief Carpentino?

FC: I will, in one second, if you will just bear with me. One thing that I would like to make sure we are all clear on here is that the Fire Department responses to the MRI Report that's been discussed tonight is a compilation of the four chief officers. Yes, I signed it, but you need to understand that's the view of the four chief officers in the Fire Department. Like it or don't like it, they are the people that run the Fire Department. I'd like to, if I could, and take about a minute or so to refresh some memories. With the exception of Selectman Stewart, the four remaining Board members, along with Mr. Dilworth, when I was hired back on December 10, 1996 handed me a document consisting of 98 items, and said, "Here, we want you to take this. We want you to go out there and we want you to correct these things. We want you to do the best you can. We'll give you our full support." And I think we've done a pretty damn good job of taking care of that report. Not just the Fire Chief's office, but everybody, full time, call, union, non-union, it doesn't make a difference. What I have trouble understanding is that when we had all the other issues that we discussed and we corrected, we didn't go through this much trouble. I haven't seen a mass of call fire fighters culminate here, talking to the Board, saying how the Chief is a tyrant, how he is brutal, he beats the crap out of us. We got guys who want to come out of the call force onto the full-time force. That's how bad it is. They want full time jobs because it is so bad, OK? We have a company, Engine Four, that's gonna get the full-time staffing that we don't have any issues with. We've met with the company officer down there. He's completely happy with the way things are going, the communications that have been there. I find it very unfortunate that you felt compelled to bring the issue up, other members of the department forward, in a correspondence that they thought there was a conspiracy between management and labor and that they couldn't do that for themselves. I find that very discouraging. I just want to refresh everybody's memory that I was provided with that document by the people that I work for and told to go out there and correct these things. I think that is a big item in the report. Matter of fact, I think it's a whole chapter, to go out and correct that. I guess, with that said, I'll go onto my list.

ELM: OK.

FC: Shawn continually circumvents the department's chain of command to bring Fire Department issues to the attention

ELM: Excuse me, could you do it a little more slowly? Just a little more slowly, so we can all understand what you are saying.

FC: OK, I want to make. . . Priscilla, I'll try to make it easy for you when you have to redo this.

ELM: I know, but, there are people who are listening at home and they need to be able to understand what you are saying.

FC: Shawn continually circumvents the department's chain of command to bring Fire Department issues to the attention of the Board of Selectmen and Town Administrator regarding Fire Department activities and operations. Shawn, by your own admission tonight, you said you've had discussions with the Town Administrator on Fire Department issues. Part of his job is to keep me informed if it's a Fire Department issue, to try to provide responses from our side and if they are legitimate, to look into them, so I don't find that to be an accurate statement. I know you've had discussions with the Chairman because you admitted that tonight, OK? And you're not always satisfied with the issues as a Selectman and (not discernable) call fire fighter issue, OK, which I believe that was a discussion. . . questions asked tonight that your issues are relative to the call force side of the department. Shawn takes any matter that affects the call force personally and finds a politically way to have these items addressed when he cannot as a call fire fighter. That would also go back to number one, when we haven't satisfied your answer, you've found a way to go to the Town Administrator or the members of the Board, OK? Shawn does not understand his role as a call fire fighter as it relates to his role as a Selectmen regarding the Fire Department. When you hear things, Shawn, you do act on those things. A perfect example would be, we had an issue of an over-crowding situation that you picked up information as a member of the call force and that became a fiasco for several department heads. I was one of them that we had to run around through hoops for a couple days to get this thing all corrected because of the involvement that was premature on your part. Shawn wants to have items discussed with him personally before we implement them within the department. He wants a say on policy

issues within the department because he's a Selectman. I can remember very distinctly that discussion being made that, taken place, that you wanted to have, glance at these and have the option for your opinion. We have a policy manual that entitles you and every other member of this department that the don't like it, there's a format how to go about correcting it. Shawn openly opposes many decisions and policies that are made by the department's administration, both as a Selectman and as a call fire fighter. Again, goes back to number one and two. As long as they are changes you agree with, there's not an issue. It's when you don't like it becomes a big issue, and not just for me. For other members, as well. Following are just a few examples. Mutual aid responses, Class A uniforms, initial response plan, number of sets of protective clothing and issued department personnel. You're not happy that the call forces gets less number of sets than the full time people. How the Town and department should go about hiring call fire fighters. You've taken part in those discussions and involved yourself in areas you shouldn't have. Second station staffing, station locations, the number of people that should be on duty, challenges the validity of the Administration's report regarding department responses. You actually accused me one day of fabricating my reports when I bring them forward. You told me at the Burns Hill station one day that my information isn't always correct. My information in those reports come from the staff that works for us at the Fire Department. I didn't say me. Works for all of us. That's where that information is compiled from. If you dispute my figures, then you dispute the Town's computer system which generates those figures. You don't dispute my figures. It's the Town's fault. It's their computer system. But yet, you found it ok for you to call me a person that did not provide accurate figures. Shawn has openly stated that full-time employees of the department are back-up and supplemental to the call force. Yeah, you actually made that statement in front of the three of us, Shawn, in the Town Administrator's office, that the full-time members are back-up support for the full-time because you were here first. Do you forget saying that?

SNJ: Say that again.

FC: That you made a statement that full-time employees of the Hudson Fire Department were back-up and support for the call fire fighters of the Fire Department. Do you remember making that statement?

SNJ: No, I never made that statement.

FC: Well, I will say right now on TV that you are not telling the truth on that one.

SNJ: I have never felt that way, I have always said we provide the back up to the full-time.

FC: No, you didn't. There was four people in that room, Shawn. That's not what you said. What I said is exactly what you said because I went back and

SNJ: Well, I never felt that way, so I never would have said that.

ELM: OK, you both have stated your position. Would you move on, please?

FC: There have been a number of meetings between yourself, the Selectmen Chairman, Town Administrator, the prior Assistant Chief and myself to discuss interference of department matters. Do you remember those? We've had a number of meetings, correct? OK. Shawn has a habit of not telling the whole truth. I wrote it here again, or telling the whole truth about a matter. He likes to tailor a story to make himself look good and I think the Selectmen Chairman put it correctly, OK? Shawn, I don't think you're doing it intentionally, just omit certain things because it puts a different twist on it, OK? Shawn has openly made false tales in reference to the Fire Chief not wearing a pager, not coming back for calls, being inaccessible, 'cuz, see, all the stuff gets back to us, too. I've worn this pager since the day I got it. I don't wear a voice pager, but I am in contact with this Fire Department whenever I'm within reception distance of the Fire Department. I have a cell phone. I call back on a regular basis when they page me, so I am involved in the department. I do know what goes on in the department. You've made a statement on several occasions, Shawn, that I'm putting the Town residents in jeopardy because the manner in which I choose to run the Fire Department and a big part of that is when I was, I made the decision to send the full-time members mutual aid to area departments and not the call force. You made the statement that I was jeopardizing the safety of the Town. That's a pretty strong allegation that you've made towards me, OK, that I never received an apology for any other backup information, but you seem to think that when we say something that references to you, you need to have apologies and have everything justified. That was a pretty arrogant thing to say, OK, that I jeopardized the safety of the Town because we send the full-time people out of Town on a mutual aid call. You involved yourself in the search for the Assistant Fire Chief, and that was another fiasco we had to deal with. We ended up having problems over that. You involved yourself in, we already talked about the overcrowding situation. You made an issue out of an article that appeared in the Nashua Telegraph called *Growing North* that you summoned me, in writing, before the Board of Selectmen because you took personal offense to a statement that I made in the article, which was supported later by the reporter, who is present in this room, was not the way the article went. OK, but yet, I was summoned because you personally took offense because you're a call fire fighter but, in your role as a Selectman, summoned me to the meeting. That's interesting. Until, I'd say, probably the last several months, you haven't used Fire Department policy to resolve issues. You've always had your discussion with either the Selectmen Chairman or Town Administrator to try to resolve your issues. Until recently, and I do give you credit until recently, you haven't put things in writing. Before, it was just let's go talk to the Town Administrator and Selectmen Chairman about the issues. Shawn, you've been very critical about the department not filling vacant positions in the call force. Can you tell me how often you've talked about the full-time manning

and the critical need to fill that?

SNJ: You're constantly recruiting for that.

FC: That's not what I asked you. You're always telling us how critical to fill the call vacancies are, but how is your position and when have you voiced your opinion on the full-time side of the department?

SNJ: You are constantly posting and looking.

FC: Yes, I am.

SNJ: Exactly, so there's no need for me to voice a concern for that. You're doing your job in that area, so why would I be saying anything about that?

FC: OK, and we weren't doing our job with the call fire fighters?

SNJ: When was the last time there was a recruitment period for call fire fighters?

FC: About a year ago.

SNJ: Right.

FC: And how many vacancies appear in the call force compared to the full-time force?

SNJ: Quite a few.

FC: Quite a few? I disagree with you and I have the staffing documents, OK? We've had discussions before and other members in this room have had, actually told you what I am about to say. You intimidate other members of the department to include your company officer, OK? I know you been told that because I was in the room when other people told you that, OK. It's my strong opinion, and my belief, that when you take part in discussions in this room as a Selectman, that you bring your personal feelings out and that affects the vote of other people in this room, whether it's a budget issue or a non-budget issue, that you bring out your personal view and whether the department should do things or not and I'm going to give you a classic example, one that the Selectmen Chairman caught you on last year, and called you on, during the budget process. It was in this room and budgeted a new stove, tables and chairs for the Burns Hill fire station and your comment was, almost word for word, was that there was no need to buy them tables and chairs. I just sat in them the other day. They're fine. And as soon as the Selectmen Chairman said well, we just bought your station new tables and chairs, so why don't you give them yours, that's ok, we'll vote on it and put it through. Do you remember that?

SNJ: Not exactly like that, no.

FC: OK.

SNJ: There was a certain amount of joking around about it.

FC: I don't think the people in the room, well, I'll talk about me and the people that were with me. We didn't take it as a joke, OK? You've involved yourself in at least the hiring of two present members of the call force and also with dispelling the possibility of having one ex-full time member come back on the call force because of statements you made in this room. And also, in the replacement process of the Assistant Chief. That's a clear cross-over from one to the other, OK, because in those roles they always haven't been your views as a Selectman. It's been your views as a call fire fighter with those people. You wanted another person fired, let go from the Fire Department because somebody else got done, and I'm not going to get into names unless you want to go into non-public and we'll talk about the specific people, OK? And you went to the Finance Officer to obtain the records of these people, the attendance records, before you even did that, OK? I don't find that very, very positive at all for employee morale or relations in the department and I was very disheartened when I heard that. I remember having discussions about that with the Town Administrator, OK, and it got dropped, OK? But you can't have it your way, Shawn, because something happens to one person, you can't have retribution on somebody else. And that's exactly what that was. Retribution towards somebody else. You do, whether you admit it or not, and I've told you this before, you do display a childlike attitude at times. Not always. At times, on issues you're not happy with. And I know that others have told you that. You talk about, you know, the issue that I didn't come to your house, which I think is totally, has no place in that report. I remind you how you've done the same thing, and I put this in there just to make a point, like you wanted to make a point. We have an annual Christmas luncheon at the Fire Department. You avoided the Fire Department Christmas luncheon, but you come here, the next building, to Town Hall. That really makes the employees that you're supposed to work with in team building with makes them feel really right up there at Christmas time, that as a member of the Fire Department, you can be in a building adjacent, but you can't come and have lunch with them, or at least

stop in to them. That's another real good morale builder. I don't think that you honestly see, and I will say this, and I have told this to you, personally. I've told this to, I think, everyone on this Board, a number of times to the Chairman and Town Administrator. You have positive traits. You do great jobs when you are focused on things. Matter of fact, I personally just asked you recently to take over a project after Old Home days, did I not? To do a museum because I thought you were the best person for it. I don't think that you see the negativism that you portray to other people. And you know what, I'm as guilty of that as you are, I'm sure, OK? But negativism, OK, is remembered a lot more than the positive stuff is by a lot of people. On October 1, 2000 we had a meeting with the call force at the call force's request at the Robinson Road fire station. We had a spaghetti dinner and, at that time, you made it very clear that things in the call force was going very well. Excuse me. That there really were no issues in the department, but in a matter of about one to two weeks, everything hit the fan. Things were no good in the Fire Department. Everything was a wreck. You threw us in a total tailspin. We had no idea what you were talking about. A week or two prior to that, everything is fantastic and now everything is gone to crap. We had no idea what you were talking about. As people talk to you, people talk to me. People have a hard, think you have a hard time understanding that you're in charge when you're here, but you're not in charge in the Fire Department. And, to my knowledge, you have never, ever been accused, since I've been here, of interfering on the fire ground and I would ask anybody in this room, right now, to say that I have told them that you interfere on the fire ground because it's never been said you interfere on the fire ground, but that always comes up. It's never been said that you interfere on the fire ground. The one issue that I can remember that you did, we had a lengthy discussion about that on about a brush fire back about 1997. Do you remember? Involving one of the new lieutenants.

SNJ: That had nothing to do with me as a Selectman. That was. . .

FC: I didn't say it did. But I said that was a fire ground. That's the only one I can remember, OK? Me and you had discussions last year, Shawn, about the communications center. You said that I over-exaggerated myself during the budget process to the department's communications center, that two people can work in there effectively. No, two people can't work in there effectively. Not only did I say that, you had an expert company come in and tell you the same thing. Yes, can two people work in there, if they had to? Absolutely, but it's a short term environment; it's not long term. I don't think you even realize, but you involved yourself in several fire prevention issues and caused a little bit of frustration and a little bit of more work that needs to be done by the members of the Fire Prevention Division. I don't think that you intend to do that. I think people catch at the wrong time, but unfortunately, probably the best way to handle that is to send that information back, to send that person back to get the information from the Fire Department, versus trying to appease them right there. That's about 90% of what was written here, and I'll go back to what I said before that the MRI Report was an agreement of the four chief officers. This list in front of you is not a Frank Carpentino-Shawn Jasper list. This list is a, has been compiled by the four chief officers of the Hudson Fire Department presently. So, it's not an issue that deals with just the views of myself. Those are the views of the four chief officers and the people that work for them that relayed the information to them. So, I'd just like to get that onto the table. This is not a personal attack or a personal issue, OK, but as I also said before, the buck stops with me. If people want to make it a personal issue and say it's between the Fire Chief, that's fine, then the issue is with me, the issue is not with the rank and file of the Fire Department. But it's very important that I've been accused by several people, to run the Fire Department with no input from the employees. Try spending a week with us and find out how much input is taken into consideration by the employees and how many decisions are made that I, personally, as Fire Chief, don't necessarily always agree with, but I am informed by my staff and the employees as to what's in the best interest of the department and the Town, but that seems to go unnoticed, OK? It's only when people don't get their way is when it's the Fire Chief being indignant, that it will be his way and nobody else's way.

ELM: You are all finished?

FC: Yes.

ELM: Is there anyone on the Board that has any questions? No? OK. You do, or. . .

SNJ: No, I don't have questions.

ELM: Go ahead, and we will provide you with a copy of that report.

SNJ: I am certainly not going to sit here and try to talk about every issue because I couldn't write that fast and think that fast. What's most of concern to me is that issues, or not issues, but supposed statements that were made when we were having conversations are now being brought up as issues at all. Some of the things I certainly deny were said. Others, I deny were said the way I supposedly said them. That's the thing about private conversations between parties. You know, you can't really go back and defend yourself adequately years later, and they shouldn't be brought up, and they weren't issues of interference. And, you know, I will respond, but I think that it's unfortunate that it's gotten to this level. And, once again, all I want is answers to the questions I ask.

FC: And all we ask is that we be treated with respect and courtesy that we deserve as the professionals that we are.

SNJ: I have been trying to do that. I have been putting my statements in writing so there can be no confusion, and this is where we've gotten.

ELM: OK, is there anything further? Selectman Charbonneau.

RC: A statement was made a little while ago that said we didn't have the guts to go forward. Well, I'm going forward because we have a right to go forward, and I'm going forward. I move that we have our Ethics Committee, working with the Town Attorneys, propose an amendment to the Town's Code of Ethics to prohibit part-time Town of Hudson employees from serving on the Board of Selectmen.

ELM: Is there a second to that motion?

AS: I'll second.

ELM: Is there any further discussion? OK, the motion is on the floor.

SNJ: Yes.

ELM: OK, go ahead.

SNJ: Madam Chairman, well isn't this nice. I come in here to ask about my questions. How do I use the process? What do I do? What do I expect? What am I supposed to do? I get accused of stuff here. I ask for a time to respond to what's been said and what does this Board do? Turn around and say let's get an Ethics ordinance. Let's not ask why shouldn't he get answers to the questions. Let's not say let's give him a chance to respond. Let's just reconsider what we said a couple months ago, a couple weeks ago, whatever it was, and let's go to the Ethics Committee. Well, that is just fine. That is, I guess. . . hey, if that's what is going to happen, that is a nice way to behave.

RC: It's not a way of behaving. For one month, this has gotten worse and worse and worse. You sat down with Lorraine. You sat down with the Chief and yourself, with yourself, the three of you, and you said, and the Chief said things were going pretty well, then all of a sudden, bingo! It's not. And then we're accused of not having the guts to go forward with anything or doing anything. I'm sorry. I don't care whether people vote for this or not. I said before if it couldn't be straightened out, I'd go forth with this, and that's exactly what I'm doing.

SNJ: You did a heck of a job of trying to straighten it out when I can't get one single answer. I put it in writing. I've done what I've been supposed to do. I don't get the answers back, and now I'm condemned.

RC: You're not condemned.

SNJ: Of course I am.

ELM: There will be order here. I'd just like to say this. There have been several people that have spoken tonight and they have said the issue lies with this Board and we need to do something about it.

RC: That's right.

ELM: Now, is there anyone else that wishes to add any comments? Selectman Stewart.

TS: Well, first of all, I was kinda blindsided. You know, it was on the agenda as *Responses to Written Communications* and there was nothing in the packet.

ELM: Selectman Jasper asked to have that put on the agenda.

TS: Right.

ELM: And he gave us no information.

TS: But, except for maybe a few people in the little sandbox, here, this was posted, but who in the general public knew we were going to be discussing this tonight except you? I mean. . .

RC: I didn't know it was going to be discussed.

TS: Me, neither.

RC: But regardless of anything, he asked that, for this to be on. He asked for this to be on the agenda. I didn't know anything about it, either, at all. But I don't care.

TS: I think we need to be more informed of what's going to be on the agenda.

RC: If you can't straighten out in a two and a half period, hour period, and to my knowledge, after hearing what these other people are stating, and then always, they are accused of being into this box. They're accused of not standing up there for what they have said is true, to my knowledge. They're accused by someone else here that they rigged this thing. Is that right? No, it isn't. It is wrong to say they came up here and that was rigged. That's not the correct words that they said, but that has been said.

SNJ: But not by me, so we're going to take it out on me.

ELM: Let's keep order, here. We have a motion on the floor and is there anyone else that wishes to say anything? Could we have a roll call vote on this.

SNJ: Madam Chairman, for the record, as a point of order, I had spoken with Selectman Seabury sometime ago that I believe she has a conflict of interest on this issue at all. It was my intent, prior to the three months being up, to request of the Code of Ethics Committee whether or not, because of the way the intent of the Board is directed, that Selectman Seabury would be specifically exempted from this vote. I recognize that it is not going to make any difference on the final outcome, but I believe that she does have a conflict of interest because she is exempted from the proposed ordinance and, if she were included, then she would have the same conflict that I have and, as I will do, and abstain, I believe Selectman Seabury should abstain, as well.

RC: There are no names mentioned here, whatsoever. It's any part-time employee. It's not Ann Seabury; it's not Shawn Jasper; it's not Rhona Charbonneau.

ELM: It's any part-time employee. That's right.

RC: That's right. Part-time employee.

SNJ: Selectman Seabury does have a . . .

ELM: She's not a part-time employee.

SNJ: OK. Madam Chairman, I'm still stating my belief that Selectman Seabury has a conflict of interest on this.

RC: Now you're making it personal, Shawn.

ELM: No, no. . .

RC: Oh, yes, you are.

ELM: He's trying to get her not to vote so the vote fails. That's what he's trying to do.

SNJ: No, the vote will still pass, Madam Chairman.

ELM: No, I don't believe it will.

SNJ: Well, if I abstain and she abstains, it would be two to, or. . .

ELM: But she doesn't have to abstain. She's not an employee of the Town of Hudson.

SNJ: I am just stating—I was trying to do it calmly. Just stating my previous conversation. I will be forwarding a letter to the Ethics Committee

(Start of Tape 3, Side A)

ELM: . . . further. May we have the vote, please?

PMB:	Charbonneau	Yes
	Jasper	Abstain
	Seabury	I'm going to abstain.
	Stewart	No

Madison Yes

Two in favor, one opposed.

TS: Can I speak on my no?

ELM: The motion. . .

RC: Certainly.

ELM: Is carried.

TS: Everyone else spoke. I still wanted to give the three months, or four months, that we discussed at the last meeting. You know, I still don't think it's fair that we all jumped the gun tonight. I still think we should have waited the three months to. . . I'm sorry, Rhona.

ELM: No, that's ok. She's. . .

RC: No, you have a right. I'm not saying that. I said three months also.

ELM: Selectman

RC: But I have not. I just want to state, I said three months also, but I don't see it getting any better. If it was getting better, and they could sit down and talk, and they had a letter of agreement that they would try to work it out, has that been signed yet, or anything else?

TS: I don't know that any letter of agreement has been worked out. They had one meeting.

RC: Oh, yes, it has. Yes, it has.

ELM: You do have the option of rescinding the previous motion that was made. The motion that was made was a motion by Selectman Seabury, seconded by Selectman Charbonneau, that Selectman Jasper and the Fire Chief work out an arrangement that is agreeable to them, insofar as a dual agreement with respect to the roles of call fire fighter, Selectman and Fire Chief, for a period of three months, at which time the results will come back to the Board of Selectmen for possible action and it carried four to nothing. Selectman Jasper abstained. But that was for them to work out an issue. You may rescind that, if you want to put that on the floor, you may rescind that.

RC: I make a motion to rescind that motion, as stated.

AS: What motion?

ELM: This was the motion that was previously made for the three months, and she is moving to rescind that motion. You were the seconder. Do you want to second her motion?

AS: That we don't give him the three months?

ELM: Right.

AS: How many months has it been?

ELM: It has been one month, or you can still leave it on. It won't make any difference. It still is going to the Ethics Committee for them to, not Selectman Jasper. What's going to the Ethics Committee is an amendment to the Town's Ethic's Ordinance, working with the Town Attorneys, to be voted on by the people in the Town. That's what's going to the Ethics Committee. Do you. . . if. . . I don't know if you understand what. . . it's up to you. Is there a second to that motion? OK, if there isn't, then it will stay. OK. Let us move on.

(Transcript ends at Tape 3-A-3)

Priscilla Boisvert
Executive Assistant/Recorder