

ANNUAL TOWN MEETING

Deliberative Session

February 5, 2000

Memorial School, Hudson, NH 03051

1. **CALL TO ORDER BY THE MODERATOR**, Michael Keenan at 9:00 a.m.

About 50-75 people were in attendance at various times, including staff, board and committee members.

2. **POSTING OF THE COLORS** by Master Patrol Officers Chuck Gilbert, Kevin Sullivan, Tom Browne and Officer Tom Scanzano of the Hudson Police Department

3. **NATIONAL ANTHEM**, sung a cappella by Hudson Police Officer Chuck Dyac

4. **PLEDGE OF ALLEGIANCE**, led by Selectman Chairman E. Lorraine Madison

5. **INVOCATION** by Pastor Clay Good

6. **REMARKS BY THE MODERATOR**

Introduction of Assistant Moderator, William P. Arseneault.

Motion by Howard Dilworth, Jr., seconded by Shawn Jasper, to accept the ground rules, as explained by the Moderator, carried.

7. **INTRODUCTION OF THE HUDSON BOARD OF SELECTMEN**

Chairman E. Lorraine Madison, Rhona Charbonneau, Shawn N. Jasper, Ann Seabury and Terry Stewart

8. **INTRODUCTION OF BUDGET COMMITTEE MEMBERS**

Chairman John Knowles, Howard Dilworth, Jr., John Drabinowicz, Fred Giuffrida, Joyce Goodwin, Donna Ohanian, Len Lathrop, Charlotte Schweiss, James Whitney, Selectmen's Representative Ann Seabury, Alternate Selectmen's Representative Shawn N. Jasper, School Board Representative Lynne Ober, and Alternate School Board Representative Kevin Walsh

9. **INTRODUCTION OF HUDSON LEGISLATIVE DELEGATION**

Senator Gary Francoeur; Representatives David Alukonis, Lars Christiansen, Robert E. Clegg, Rudy Lessard, Joan Tate, Donald White and Stanley Searles, Sr

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

Residents: Cecile Nichols, Town Clerk/Tax Collector; Paul D. Sharon, Town Administrator; Steve Malizia, Finance Director; Kevin Burns, Road Agent; Frank Carpentino, Fire Chief; Matt St. Laurent, Assistant Fire Chief; Mike Reynolds, Town Planner; David Yates, Recreation Director; Fire Lt. Dave Morin; Police Lts. Don McCrady & Bill Pease; Lisa Nute, Information Manager

Non-Residents: Chief Richard Gendron, Police Department; Jim Michaud, Assessor; Toni Weller, Library Director; Mike Gospodarek, Town Engineer; Susan Snide, Zoning Administrator; Captain Ray Mello, Police Department; Priscilla Boisvert, Recorder/Executive Assistant to Board of Selectmen; Torrey Demanche, Fire Department Executive Secretary

Others/Guests: Atty. Jay Hodes and Atty. Steve Buckley of Bossie, Kelly, Hodes & Buckley, Legal Counsel for the Town of Hudson; Fidele Bernasconi, Hudson-Litchfield News; Sheri Qualters, Telegraph; Pierre Comtois, SUN

Motion to allow the seating of non-residents by Lorraine Madison, seconded by John Drabinowicz, carried.

11. **DELIBERATIVE SESSION OF TOWN MEETING**

Selectmen's Warrant Articles

Motion by Lorraine Madison, seconded by Shawn Jasper, to amend Articles 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 31, 35 to delete "This article is in addition to Article #5 of the Operating Budget" and replace with "This article is in addition to Article #18 of the Operating Budget," carried.

Article 14--Wage and Benefits Increase for Town Clerk/Tax Collector -- To see if the Town will vote to raise and appropriate the sum of One Thousand, Seven Hundred Ninety Two Dollars (\$1,792), which represents a 3.8% wage and benefit increase, for the Town Clerk/Tax Collector. (This appropriation is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Rhona Charbonneau, seconded by Lorraine Madison, to send Article 14 to the ballot carried.

Article 15--Trustees of the Trust Funds Bookkeeper Increase -- To see if the Town shall vote to raise and appropriate the sum of Three Hundred Twenty Three Dollars (\$323), said sum representing the salary increase necessary to establish the Trustees of the Trust Funds Bookkeeper pay at \$700. This sum represents a salary increase of \$300 with corresponding FICA (Social Security) contribution of Twenty Three Dollars (\$23). (This appropriation is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Shawn Jasper, seconded by Joseph Wozniak, to send Article 15 to the ballot carried.

Article 16--Wages and Benefits Increases for Non-Union Personnel -- To see if the Town will vote to raise and appropriate the sum of Seventeen Thousand Seven Hundred Dollars (\$17,700) for wages and benefits increases for non-union personnel. (This appropriation is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Lorraine Madison, seconded by Shawn Jasper, to forward Article 16 to the ballot carried.

Article 17--Wages and Benefits Increases for Library Employees -- To see if the Town will vote to raise and appropriate the sum of Eleven Thousand Eight Hundred Thirty One Dollars (\$11,831) which represents a 3% increase in wages and benefits for the employees of the Hills Memorial Library. (This appropriation is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Ann Seabury, seconded by Shawn Jasper, to send Article 17 to the ballot carried.

Article 18--Town Operating Budget -- To see if the Town will vote to raise and appropriate as an operating budget, not including appropriations by special warrant article, the amount set forth in the budget posted with the Warrant, for the purposes set forth therein, totaling \$19, 502,680 \$19,580,108. Should this article be defeated, the operating budget shall be \$18,512,233, which is the same as last year, with certain adjustments required by previous actions of the Town of Hudson or by law, or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by John Knowles, seconded by John Drabinowicz, to forward Article 18 to the ballot.

Amendment by Lorraine Madison, seconded by Terry Stewart, to amend Article 18 to increase Fire Administration 5710-101 Salaries Full Time by \$56,300; 108 FICA by \$816; 109 Health/Dental Insurance by \$7,464; 110 Life Insurance by \$182; 111 Disability Insurance by \$500; 114 Fire Retirement by \$3,040; 319 Uniform Purchases by \$1,700 for a total of \$70,002.

Howard Dilworth, Jr., 36A Old Derry Road said the Selectmen have already hired an Assistant Fire Chief, so the question is whether to increase the operating budget to cover it. He didn't think so because in three out of the last five years, \$3/4 million was returned to surplus; the other two years, it was \$1/2 million. Chairman Madison said the surplus is used to reduce taxes and unanticipated revenue cannot be spent without approval from the voters. If this amendment passes, they will reduce the request for three firefighter positions from three to two.

David Coleman, 11 Wagner Way, didn't think the Selectmen should have arbitrarily filled the position, and then bring it to the voters after the fact.

John Drabinowicz, 8 Deerfield Avenue, didn't like setting this precedent and didn't think there was adequate justification for this new hire. The Town has been saying they desperately need firemen and now that they are getting them, they are changing them into administrative positions. A computer program for scheduling is in the budget and should free up time for the Deputy Fire Chief.

Ken Massey, 20 Fairway Drive, said it's good fiscal management not to spend all of the surplus. On balance over the years, the tax rate isn't materially affected by having a surplus.

Kevin Walsh, 5 Stoney Lane asked what the impact on the tax rate would be if the budget is adopted as presented. Selectman Madison said about 18¢.

Lt. Dave Morin, Hudson Fire Department, spoke about "administration overload." Many of their duties are handed down to shift officers, which affects training, pre-planning and safety issues. He felt it was justified to convert one of the firefighter positions in the budget to the position of Assistant Fire Chief. He refuted an earlier statement that a computer program would free up a lot of time. All of the positions are necessary to ensure the safety of the residents.

John Knowles said the Budget Committee's budget increase over last year is 18¢. If they put back everything they took out, it would be 26¢. The \$70,000 position would increase the budget by about 1¢.

Fred Giuffrida, 14 Pinewood Road, said the Budget Committee felt all new positions should go before the voters, in accordance with an advisory article adopted at a previous Town Meeting. Last year, the voters approved a certain number of firefighters, but the Selectmen converted one of those positions into a Deputy Chief, added \$30,000, and that never went before the voters. The Selectmen didn't want to risk the voters turning it down, so they are trying to modify the budget. Selectman Jasper said the Selectmen have the legal authority and responsibility to properly manage the Town's resources and can change job descriptions, but cannot exceed the number of authorized positions.

Frank Carpentino, Fire Chief, said in 1990 the Fire Department responded to 2,717 calls; in 1999, it was 7,401. They need firefighters and administrative help to run the daily operations. More employees create more issues to deal with, such as personnel, labor, training, response, policy, financial issues, etc. People are working in excess of 40 hours a week overtime to cover vacant positions. Activity is increasing in every area. He works between 70-75 hours a week and the Deputy Chief works an average of 60 hours a week.

Joseph Wozniak, 7 Sycamore Street, moved the question, seconded by Shawn Jasper, which carried.

Vote on the amendment to increase the Operating Budget by \$70,002 carried.

Amendment by Lorraine Madison, seconded by Shawn Jasper, to reduce 5730 Suppression 101 Salary by \$27,659; 105 Overtime by \$3,732; 108 FICA by \$361; 114 Pension by \$1,341; 109 Health Insurance by \$6,227; 109 Dental Insurance by \$1,237; 110 Life Insurance by \$81; 111 Disability Insurance by \$236; 319 Uniforms by \$1,700 for a total of \$42,574.

Selectman Madison said this was one of the three positions they converted to Assistant Chief. This action would keep the same amount of positions in the budget.

John Drabinowicz, 8 Deerfield Avenue, wondered if the Selectmen really meant it when they asked for more firefighters last year.

Vote on the amendment to reduce the Operating Budget by \$42,574 carried.

Amendment by Lorraine Madison, seconded by Shawn Jasper, to increase the Contingency Account, 5940-298, by \$50,000.

Selectman Madison said the Selectmen were astounded when the Budget Committee cut the Contingency by \$50,000. This year, they've already spent \$15,000 for water damage, marketing Town-owned land and blasting services. In 1999 they spent \$39,876; in 1998, \$4,887 and in 1997, \$54,041, all unanticipated or emergency expenditures. She asked the voters to reinstate the \$50,000 to this account.

Howard Dilworth, Jr., 36A Old Derry Road, thought with the large surpluses that are turned back in, there was enough money in the budget. Turning back \$3/4 million was not good management in his book.

(Start Tape 1, Second Side)

Selectman Jasper said last year \$550,000 was returned to the taxpayers from the unreserved fund balance to reduce the tax rate, something they have been doing consistently. When the Town purchased the water company, they floated a \$7-1/2 million bond. They got a fantastic bond rating because they have been maintaining good fiscal policy. He asked if the Budget Committee wanted them to start taking money from here and there, or if they wanted to look under Contingency and see exactly where the money went.

John Knowles, 51 Quail Run Drive, said surplus can only be used in a future fiscal year, after a vote of the people. Contingency is for emergency purposes that can't wait a year to get the money from surplus. Having a large surplus is good management in terms of bond ratings, etc.

Fred Giuffrida, 14 Pinewood Road, said surplus and contingency are intimately related. Selectmen have the authority to transfer money from one line to another, so the surplus is a contingency fund. When a bond article on the warrant fails, in a year or two, the Selectmen come back with a request to use surplus to reduce the amount of money needed--it's not a bond issue so it doesn't need 2/3rds vote--and try to get it passed that way, such as the Highway Garage and Lowell Road. They use the surplus politically. Selectman Seabury said contingency is used for emergencies. When the roof leaked at Lions Hall, they couldn't wait for the next

Town Meeting to get authorization to fix it. Some of the Budget Committee members are new, and don't know they can't just write a check from surplus.

Joe Wozniak, 7 Sycamore Street, said Hudson is an SB2 Town, and only needs 60% majority, not 2/3rds.

Fidele Bernasconi, 122 Bush Hill Road, said \$50,000 was not much when you look at the total budget.

John Drabinowicz, 8 Deerfield Avenue, said surplus isn't surplus until it's turned back at the end of the year. When it's in the budget, the Selectmen can move it around any way they want. Contingency is a pool of money that they jokingly refer to as their slush fund.

Ken Massey, 20 Fairway Drive, said a budget is a forecast of spending that is planned a year in advance. The Budget Committee is charged with determining that it reflects the appropriate spending. Surplus is only about 3% of the budget. The \$50,000 Contingency is a prudent way to handle emergencies, especially in the early months of the fiscal year.

Lars Christiansen, 1 Stonewood Lane, said he'd prefer that line items be used for their intended purpose, and use contingency for emergency purposes.

Selectman Jasper said they don't start out with a budget believing they have extra money. If on July 1, a cruiser or a fire truck goes down, or a roof blows off, they won't know where to take the money from.

Terry McLarky moved the question, seconded by Don White, which carried.

Vote on the amendment to restore \$50,000 Contingency to the Operating Budget carried.

Joe Wozniak, 7 Sycamore Street, had several questions on the MS-7.

Howard Dilworth, Jr., 36A Old Derry Road, said 15 people asked him who went to a Walt Disney hotel. Selectman Madison said it was an Assessing conference.

Gloria Pomeroy, 28 Frenette Road, thought a speaker should be recognized only once on each article.

Vote: Article 18, as amended, was forwarded to the ballot.

Motion by Lorraine Madison, seconded by Shawn Jasper, to restrict reconsideration on the Operating Budget article carried.

Moderator Keenan called for a recess at 10:30 a.m. The Meeting was called back to order at 10:45 a.m.

Article 19--Lowell Road Widening -- To see if the Town will vote to raise and appropriate the sum of One Million Five Hundred Sixty Five Thousand Dollars (\$1,565,000) gross budget for the construction and widening of Lowell Road, and to appropriate from the 1999-2000 unencumbered budget surplus not more than Eight Hundred Sixty Five Thousand One Hundred Fourteen Dollars (\$865,114) for such project. It is anticipated that this project cost will be offset by local agency funds for corridor improvements of Six Hundred Ninety Nine Thousand Eight Hundred Eighty Six Dollars (\$699,886). (This appropriation is in addition to Article #18, the Operating Budget.) This is a Special Warrant Article per RSA 32:3, VI, reflecting an appropriation that will not lapse until the earliest of the completion of the related project or December 31, 2006. (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Lorraine Madison, seconded by Rhona Charbonneau, to forward to the ballot.

Lorraine Madison presented the article and spoke in favor of it, quoting traffic studies and other relevant facts and figures.

Fred Giuffrida, 14 Pinewood Road, said the view of Lowell Road from BJ's parking is calendar-like and he doesn't want the character of Hudson ruined. Regarding emergency issues, they could man the Burns Hill Fire station, or put in another station in the southern end of Town. Instead of traffic coming out on Lowell Road, a road could be put behind the businesses to connect to the new exit on Route 3. If Lowell Road is widened, it will become a series of strip malls. Businesses go in, then complain that people can't access them, and ask for road expansion. If surplus is spent on Lowell Road, it won't be used to reduce the tax rate.

John Drabinowicz, 8 Deerfield Avenue, said something has to be done about Lowell Road, but every year it's all-or-nothing. During budget deliberations, information wasn't given to them, so they were not able to make any decisions. This is an issue of fear, (because emergency vehicles won't be able to get through), and greed, because if they don't do five lanes, they won't get State money. This project is a permanent solution to a temporary problem. Widening to three or four lanes would take care of the congestion. The bridge on the north end that will link Merrimack, Litchfield and Route 102 to Route 3 will be done in 2003. Most of the people proposing five lanes live in the north end of Town. Coordinating the lights on Lowell Road would be simple and inexpensive, but the Selectmen always go for the expensive instead of the expedient.

Sister Rachel Morrisette, 182 Lowell Road, said five years ago, PMA was denied a traffic light at the end of their avenue. The small two-lane section is very dangerous and accidents occur there every year. Cars, trucks and 18-wheelers pass on the right and she fears for the children's safety. The Sisters have been in negotiations for three acres of their land to be used for the widening of Lowell Road. This can't be put off any longer. Denying that the problem exists does not solve the problem.

Fidele Bernasconi, 122 Bush Hill Road, said Hudson is a great town, but they've got to make it better. Over \$1 million will be lost if they don't take advantage of the available money. The road has to be widened eventually, and the taxpayers will end up paying for it all. Of utmost importance is getting emergency vehicles through all of the traffic when responding to a call.

Joe Wozniak, 7 Sycamore Street, favored this article, saying the State won't invest monies into a road that will be in failure once it's completed, i.e., fewer than five lanes. The Town should welcome the assistance of the NHDOT. It is dangerous at PMA, as people veer around cars that are stacked up at the light, going onto PMA property. He asked why the Budget Committee voted against recommending this article.

Donna O'Hanian, 4 Roy Drive, said she was absent when the vote was taken, but would have voted in favor of the project.

Shawn N. Jasper hoped the Budget Committee changes its vote to a positive recommendation. A few years ago, he also believed that a three-lane project would work, but three lanes will do little about the traffic, which is bad all the time. Stacking continues until you get to the new section at the bridge. Hudson is growing and they are not going to scare businesses off. If they wait, this project will only be more expensive. This is a \$2.8 million project and the Town's portion is only \$865,000, which will be taken from surplus. They've already appropriated \$198,000 in previous years for right-of-way. The State will contribute \$1.40 million primarily because the Planning Board required Wal-Mart and SAM's Club to put in a tremendous amount of resources into the section of Lowell Road that belonged to the State. The State agreed to pay that back to the Town. Regarding the Highway Garage, two years ago, they didn't have the surplus they have today. Last year, the State gave the Town a one year window of opportunity to help with Lowell Road, so they had to go forward with a bond. The construction project fell behind schedule, so they gave the Town an additional year. There is nearly \$700,000 in the corridor funds. The law allows a Town seven years to do the improvements and, if they don't, the Town will lose the money. The Town is running out of time and, if they don't do the project, the money will go away, but the traffic won't. The State won't be starting the northern bridge until 2002 or 2003, and it won't be open until 2007 or 2008. Vehicle counts have gone up over 4,000 a day in five years. They brought in 600,000 sq. ft. of businesses since 1983. This is the best deal they will ever get. There isn't going to be a better opportunity to fix the problem than now.

(Start Tape 2, Side A)

Kevin Walsh, 5 Stoney Lane, said this was the CIP's #1 project this year. The Town's share is only \$865,000 of a \$2 million project. As a School Board member, he's been asked why the School Board opposed this project. At the December 27th Budget Committee meeting he was the School Board Rep when a preliminary vote was held. He supported the article, but for all practical purposes, the School Board does not take a position on any of the Town Warrant Articles. The School Board representative is there to vote his/her own conscience. The situation here is two different people with two different views, but the School Board has no official position. He encouraged the Budget Committee to reconsider their recommendation.

David Long, 35 Cedar Street, said one day at 3:30 p.m., traffic was backed up from PMA, unto the bridge. It's a no brainer to use the funds that were collected for this purpose, and take advantage of the State's help.

Leonard Smith, 3 Leslie Street, Planning Board and NRPC member, said many hearings have been held by the State, the Planning Board and NRPC. Public officials should stay informed by attending meetings or asking questions. If someone does not have the information, it's their own fault. Regarding the Vanesse-Hangen traffic survey, the Planning Board wanted three lanes running through Town, but it was ok for five on the outskirts, so they made Executive Drive the cutoff, which would encourage traffic to take the southern route. If Lowell Road isn't widened, people will start going through Town heading north. He didn't want strip malls, either, but that's a zoning issue. The Planning Board will work with businesses to ensure proper landscaping, but people have to attend public hearings to express their concerns. Mr. Smith said setting policy isn't the Budget Committee's job. John Knowles, Chairman of the Budget Committee, said their purpose is to look at budgets, evaluate them and make recommendations. They are presented with proposals and if people don't present information, the Budget Committee doesn't go looking for it.

George Hall, 18 Par Lane, Planning Board Chairman, hoped the Budget Committee would change their recommendation. The Town voted by a significant majority to rezone a lot of the parcels along Lowell Road, St. Kathryn's, and all of them will have some form of commercial activity on them. The Planning Board does not have the power to prevent that. To not improve the road after the Town voted to change the zoning is a disservice to the people that own the land. The Planning Board can't stop development.

Abbott Rice, 28 Sunland Drive, said drivers take the path of least resistance and will take back streets that run parallel to Lowell Road. When Derry Road was torn up, cars from Litchfield and Route 102 would use Webster Street and cut through the neighborhood streets, which caused a traffic jam at the light by the old Post Office. To prevent that from happening, the Town Council adopted an ordinance to limit entry to Webster Street. He supported this article

Sean McGrail, 9 Cardinal Lane, said it was in the Master Plan when he was on the Planning Board in 1993 to widen the road to five lanes, but it still isn't done. They rezoned it, Presstek bought the Friary land and they have brought in a wealth of money to reduce the tax rate. The Town should welcome businesses in, and they need to widen that road. They can't return to the past and they can't stop progress because it is zoned commercial and business. He was amazed that the Budget Committee voted not to recommend. He didn't need to read any information to know it has to be widened. All he had to do was drive it.

Rhona Charbonneau, 2 Old Derry Road, said NH DOT was originally only going to go as far as Haffner's until she, Lenny Smith and Town staff went to Concord to convince them to go further because of the traffic impact with the new bridge. If the road widening isn't done now, it will cost the taxpayers millions.

Dave Goodwin, 4 Marshmallow Path, asked about the feasibility of four lanes. Town Engineer, Mike Gospodarek, said an analysis was done for three, four and five lanes. They took into consideration the Planning Board VHB study and traffic volume counts. To help the left hand turn movements and reduce the amount of traffic pausing due to left hand turns into various businesses, it was determined the five lane configuration would help dramatically. Mr. Goodwin asked about two lanes, plus two access lanes, with turnarounds. Mr. Gospodarek said the project didn't lend itself to create a side roadway. Mr. Goodwin said this needs more study and can be done for less money with less property taken.

Motion by Terry McLlarky to move the question, seconded by Rhona Charbonneau, carried.

Vote: On a motion that carried, Article 19 was forwarded to the Ballot.

Article 20--Property Appraiser Position -- To see if the Town will vote to raise and appropriate the sum of Forty Three Thousand One Hundred Five Dollars (\$43,105) which represents the cost of wages and benefits necessary to hire a property appraiser. (This appropriation is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Shawn Jasper, seconded by Lorraine Madison, to forward Article 20 to the Ballot.

Selectman Jasper said property revaluation is inevitable. When it's done every 10-15 years, it's expensive and creates property tax shock. The Town is still paying for the last valuation. Houses are being valued like they were built in 1990. They have to do it that way to keep everyone the same. They would like to move forward with a process where things are updated annually. They pick up increase in valuation and keep things on an even keel. He yielded to Assessor Jim Michaud, who said in 1979 the Town started out with an Assessor and an Administrative Aide. At that time, the population was about 14,000 with about 5,000 parcels. Today, the population is 23,000 and 8,400 parcels. It's not effective for him to be out in the field measuring a deck one minute, and the next minute, dealing with Lockheed Sanders. He's going through the work at such a quick pace, he's probably missing some things. He's like a GP of Appraising, doing everything, including telecommunication towers, vacant land, etc. If this article passes, they're looking for someone who will basically appraise residential property. For the first year, there is grant money available to pay for this position that was given to the Town to help deal with the administrative aspects of the statewide education property tax. They haven't had a reval since 1991. The goal is to do it on a more frequent basis, every two or three years, and to have 100% market value assessments.

Ken Massey, 20 Fairway Drive, asked about the GIS mapping project. Mr. Michaud said the Town Engineer has tried to input all of the parcels the Town currently has on the existing tax maps and only about 5,500 parcels show up on GIS out of about 8,400 parcels because the existing tax maps are not accurate. Since 1991, the Town has 'gained' about 150 acres, due to accurate survey work. The Town is working its way towards an accurate, up-to-date GIS system, but it's going to require remapping, which is being done piecemeal. It will be an invaluable data-base tool for his office. He couldn't predict a specific date when it would be done. It's too big a project to do it all at one time.

Vote: Motion to forward Article to the Ballot carried.

At 11:50 a.m., Moderator Keenan passed the gavel to Assistant Moderator Arseneault.

Article 21--Two Police Officer Positions -- To see if the Town will vote to raise and appropriate the sum of Eighty Four Thousand Four Hundred Eighty Seven Dollars (\$84,487) which represents the cost of wages and benefits necessary to hire two full-time police officers. (This appropriation is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Terry Stewart, seconded by Shawn N. Jasper to forward Article 21 to the Ballot carried.

Article 22--Civilian Prosecutor Position -- To see if the Town will vote to raise and appropriate the sum of Fifty Thousand Six Hundred Seventy Four Dollars (\$50,674), said sum representing the cost of wages and benefits necessary to hire one civilian prosecutor, with 75% of the salary and benefits being subsidized by the Federal Government. The funds for this position have been

awarded through the COPS More Grant, effective 04/01/99 and the Town's 25% match is Twelve Thousand Six Hundred Sixty Nine Dollars (\$12,669). (This appropriation is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Terry Stewart, seconded by Lorraine Madison, to forward Article 22 to the Ballot.

James Wilkins, 112 Belknap, questioned the discrepancy between \$50,674 and \$12,669. Mrs. Madison said legally, the Warrant Article has to contain the full amount of money, but he's not going to be paid that.

Vote: Motion carried and Article 22 is forwarded to the Ballot.

Article 23--Three Firefighter/EMT-I Positions -- To see if the Town will vote to raise and appropriate the sum of One Hundred Twenty Seven Thousand Seven Hundred Twenty Dollars (\$127,720) which represents the cost of wages and benefits necessary to hire three full-time firefighter/emergency medical technicians intermediate level. (This appropriation is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion to forward Article 23 to the Ballot by Rhona Charbonneau was seconded by Ken Massey.

John Drabinowicz, 8 Deerfield Avenue, asked if the Selectmen were prepared to take one of the positions out of this article. Mrs. Madison said she took it out of the Operating Budget. Mr. Drabinowicz asked how many of these positions would be transmuted into administrative positions. Mrs. Madison said none.

David Coleman, 11 Wagner Way, asked for an accounting of firefighters that were added last year and this year. Selectman Jasper said they took one of last year's positions and it became the Assistant Chief. Last year, they ended up with only one additional firefighter. This year, they're adding three. Mr. Coleman said last year, they also added a fire Superintendent. Selectman Jasper said that was right, to Prevention. Mr. Coleman said they've added a Superintendent, they've taken a firefighter position and made it into an Assistant Fire Chief, and now they're adding three firefighters. Selectman Jasper said that was correct, bringing the total number of firefighters to eight.

Vote: Article 23 was forwarded to the Ballot.

Article 24--Town Civil Engineer -- To see if the Town will vote to raise and appropriate the sum of Fifty Four Thousand Four Hundred Eighty Dollars (\$54,480) to hire a Town Civil Engineer, along with pertinent office and computer equipment. (This article is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Not recommended by the Budget Committee)

Motion by Selectman Seabury, seconded by Selectman Jasper, to forward Article 24 to the Ballot.

Lisa Riley, 7 Jeanne Street, asked what percentage of time this person would spend on water and sewer issues and how those utilities would be billed for it. Town Engineer Mike Gospodarek said the amount of time varies. He currently spends 15-18% on water issues and 20% on sewer issues.

Vote: Article 24 was forwarded to the Ballot.

Recess: Mr. Arseneault called a lunch break at 12:07 and gaveled the meeting back to order at 12:45 p.m.

(Start Tape 2, Second Side)

Article 25--Part-Time Community Cable Broadcast Position -- To see if the Town will vote to raise and appropriate the sum of Ten Thousand Nine Hundred Sixteen Dollars (\$10,916) which represents the cost of wages and benefits necessary to hire a part-time cable television employee. This appropriation will be offset by revenues received by the Town from the cable television franchise fee. (This appropriation is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Shawn Jasper, seconded by Lorraine Madison, to forward Article 25 to the Ballot carried.

Article 26--Ambulance Capital Reserve Account -- To see if the Town of Hudson will authorize the withdrawal of One Hundred Five Thousand Dollars (\$105,000) from the Ambulance Capital Reserve Account to purchase a new ambulance. This account was created for the purpose of purchasing new replacement ambulances for the Town and has been used to replace several other units already. No funds are requested from general taxation as there will be sufficient funds available in this account as of July 1, 2000. (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Rhona Charbonneau, seconded by Lorraine Madison, to forward Article 26 to the Ballot.

Ken Massey, 20 Fairway Drive, moved to amend the article by striking the word "several" and replacing it with "one," saying that only one ambulance had been replaced. The motion was seconded by John Drabinowicz, 8 Deerfield Avenue. Selectman Jasper objected to the amendment, saying that several have been purchased. Following a discussion, the maker and the seconder withdrew the motion.

Vote: Article 26 was forwarded to the Ballot.

(Start Tape 2, Side A)

Article 27--Establishing a Vehicle Replacement Capital Reserve Account for Fire Apparatus -- To see if the Town will vote to establish a Capital Reserve Fund in accordance with the provisions of RSA 35:1 for the purpose of purchasing and replacing fire apparatus including engines, ladder trucks, tankers, pumpers and rescue trucks and to raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) to be placed into this account. This is a Special Warrant Article per RSA 32:3, VI. (This appropriation is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Rhona Charbonneau, seconded by Lorraine Madison, to forward Article 27 to the Ballot.

Amendment by Kevin Walsh, seconded by David Coleman, to add to the first sentence, "and to authorize the use/transfer of the 06/30/00 fund balance (surplus) in an amount not to exceed Fifty Thousand Dollars (\$50,000) for this purpose."

Mr. Walsh said they've already increased the operating budget by about \$50,000 and looking at the 6-year CIP program for the Fire Department, they are hoping to purchase a major piece of equipment. Instead of raising the money through taxation, the idea is to leverage the surplus fund. By the end of FY-2000 it will probably be around \$1.8 million. Selectman Jasper opposed the amendment, saying the Board has already discussed this and rejected it. When you establish a capital reserve fund the way they have proposed, there isn't an article every year. Once it's established, it becomes part of the budget. However, nothing can be spent without getting authorization from the voters at a subsequent Town Meeting. If Article 27 is amended, it will have to come back every year.

Jim Rice, 28 Sunland Drive, opposed the amendment, saying it can't be spent unless the voters authorize it.

James Wilkins, 112 Belknap, asked if this was the same surplus they just spent on Lowell Road and if there was enough to cover both projects. Selectman Jasper said they don't know how much surplus there will be, but there is a fair amount there right now and thinks they would be fine.

David Coleman, 11 Wagner Way, asked what happens if there is no surplus, or if the people decide they don't want to contribute \$50,000. Selectman Jasper said if the amendment passes, it will be on the ballot every year. If it goes into the budget, the way the article is written, the Budget Committee has the ability to change the amount, like any other item in the budget.

Vote: Amendment failed to carry.

James Wilkins, 112 Belknap Road, asked if the Selectmen could appropriate up to \$50,000 if this article passes. Selectman Jasper said that's this year's contribution. The fund would then be established and they would decide the amount on an annual basis.

Vote: Article 27, as presented, was forwarded to the Ballot.

AT 1:10, the gavel was passed back to Moderator Keenan.

Article 28--Establishing a Capital Reserve Fund for Purchase of New Hampshire Department of Transportation Land south of Alvirne High School -- To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of purchasing a parcel of land connecting Route 3A and Route 102, lying south of Alvirne High School comprised of approximately 28.1 acres, and owned by New Hampshire Department of Transportation, and to raise and appropriate the sum of One Hundred Five Thousand Dollars (\$105,000) to be placed in said fund, and to designate the Board of Selectmen as agents to expend, and to authorize the use/transfer of the 06/30/00 fund balance (surplus) in an amount not to exceed One Hundred Five Thousand Dollars (\$105,000) for this purpose." This is a Special Warrant Article per RSA 32:3, VI. (This appropriation is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Lorraine Madison, seconded by Terry Stewart, to send Article 28 to the Ballot carried.

Article 29--Capital Reserve for the Benson Property -- To see if the Town will vote to raise and appropriate the sum of Fifty Thousand Dollars (\$50,000), to be added to the existing Capital Reserve Fund established for the "Purchase and Renovation" of Benson's property, and further to authorize the Board of Selectmen as agents to withdraw and expend up to One Hundred Fifty Thousand Dollars (\$150,000), *plus any accumulated interest*, from the Capital Reserve Fund for that purpose. This is a Special Warrant Article per RSA 32:3 (VI). (This article is in addition to Article #18, the Operating Budget.) (Recommended by the

Selectmen) (Recommended by the Budget Committee)

Motion by Lorraine Madison, seconded by Shawn Jasper, to forward Article 29 to the Ballot.

Amendment by Shawn Jasper, seconded by Rhona Charbonneau, to add the words, "plus any accumulated interest," after "\$150,000," carried.

Vote: Article 29, as amended, was forwarded to the Ballot.

Article 30--Capital Reserve Fund for Purchase of Open Space for Conservation Purposes -- To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of acquiring land, development rights or conservation easements and to appropriate One Hundred Eight Thousand Two Hundred Dollars (\$108,200) from the Land Use Change Tax to be placed into said Fund, being the unappropriated fund balance as of January 11, 2000. (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Shawn Jasper, seconded by Lorraine Madison, to forward Article 30 to the Ballot.

Selectman Jasper said last year, they established that 10% monies received from current use penalties be put into a fund to preserve space in Town. They got off to a late start this year to find parcels to buy. If they do nothing, the money will go back into the General Fund. It's the prerogative of the voters to put this money into the conservation fund, but the Conservation Commission, a group of un-elected people, could expend that money without authorization of Town Meeting. If they were to buy development rights or land, they would have to have approval of the Board of Selectmen only, and the Selectmen decided that's not the way they want to go because the Budget Committee and Town Meeting have been hesitant to authorize them as agents to expend. They put it into the fund so Town Meeting could have the final say. There is about \$108,000 accumulated in just one year, so it's substantial. The committee would like to continue to work and come in with possible purchases next year.

Amendment by Michelle Champion, 7 Chiswick Road, member of the Conservation Commission, seconded by Howard Dilworth, Jr., 36 A Old Derry Road, as follows: "To see if the Town will vote, under the provisions of RSA 79-A:25, II, to place 100% of the revenues of all future payments collected from the Land Use Change Tax into a conservation fund, in accordance with RSA 36-A:5, III and to appropriate One Hundred Eight Thousand Two Hundred Dollars (\$108,200) the unappropriated balance of the Land Use Change Tax Fund, as of January 11, 2000, into said conservation fund."

Ms. Champion said the amendment wording was taken directly from the NH RSA and Article 30. One of the provisions of the Current Use Taxation statute at the State level is that land use change tax can be placed into a conservation fund. A Town, by majority vote, can place all or part of that revenue into the conservation fund. The purpose of the fund is to preserve and conserve open space and other land and water areas. She agrees with the intent of the Selectmen's article. The Town is long overdue to establish a permanent fund to purchase development rights, conservation easements, or land and water resources, but the State has established a vehicle for doing that via the conservation fund. Other communities in the State have done this, including Hollis, Nashua, Derry, Windham, Londonderry, Amherst, Bedford, Salem, etc. They place a portion of that land use change tax into a conservation fund and they've been able to preserve land. A conservation fund allows for flexibility and a more timely response. If land is available, you want to have money to purchase the development rights in a timely manner. The Town voted to purchase the Friary property, but the market value went up beyond what the Town could afford and was purchased by someone else, who is developing it. A conservation fund is a sensible approach to land preservation.

Howard Dilworth, Jr., 36A Old Derry Road, supported the amendment and asked last year why they were not doing this, as he had never heard of such a thing before. There are a number of communities that place that money into a conservation fund. As of the last audit, it was about \$60,000 so now there are two funds. The Conservation Commission members are appointed by the Selectmen to do land conservation, and he thinks these are the right people for the job.

Point of Order by Ken Massey who asked for a legal opinion on the language of the amendment, given the significance of the article.

Attorney Jay Hodes considered this amendment to be out of order because it establishes a capital reserve fund and represents a drastic change. Establishing a capital reserve fund would have to be a separate warrant article, so the people are 'warned' ahead of time that that is going to come before the voters.

Moderator Keenan asked Ms. Champion if she wanted to withdraw her amendment, in light of the Attorney's opinion. Ms. Champion did not. Moderator Keenan ruled the amendment out of order. Howard Dilworth, Jr. asked the Attorney to cite the statute regarding substantive changes, because last year, a petitioned warrant article was turned completely around and that was ok. Atty. Hodes said DRA looks at the warrant as originally printed, then as amended. The rule they apply is were the people who chose not to come to the meeting fairly warned as to the subject matter of the proceedings. If the article is so changed that people who did not attend did not have an opportunity to speak or partake in a discussion, they will rule it out of order. It's a question of fairness and of judgement, and he thinks this amendment is significant. The Conservation Commission can prepare that warrant article in advance, but it's unfair now to bootstrap it as an amendment to an article that talks about a different RSA. Mr. Dilworth, Jr. said the

attorney's explanation was only an opinion. Relative to the doctrine of fairness, they're talking about putting the money in either one bucket or another one. Moderator Keenan outlined the situation.

Point of Order by Selectman Jasper said the Moderator made a ruling that the amendment is out of order.

Motion by John Drabinowicz, seconded by Fred Giuffrida, to challenge the Moderator's opinion that the amendment is out of order. Moderator Keenan called for a vote on the motion, but he was in doubt, so he asked Assistant Moderator Arseneault for a count. There were 31 votes in favor of supporting the Moderator's decision that the amendment was out of order and there were more than 31 who did not support the Moderator's decision. Moderator Keenan said his opinion was overturned.

Michele Champion believed the amendment was legitimate, but chose to withdraw her amendment. She was not sure that a Capital Reserve Fund under RSA 35:1 is totally correct, saying Marjorie Swope of NH Association of Conservation Commission didn't know of any other community that had a separate Capital Reserve Fund, whereas 79-A:25 is appropriate because of the verbiage. She didn't want to jeopardize the \$108,000 because of legalities. She will try next year to move this money from the Capital Reserve Fund to the Conservation Fund. Howard Dilworth, Jr. withdrew his second, saying he concurs with the previous speaker and hopes this money will go into the Conservation Fund, where it rightly belongs.

Vote: Article 30, as presented, was forwarded to the Ballot.

Article 31--Speed Awareness Trailer for Police Department -- To see if the Town will vote to raise and appropriate the sum of Fourteen Thousand Six Hundred Sixty Five Dollars (\$14,665) to acquire and purchase a Speed Awareness Trailer for the use of the Police Department for the purpose of neighborhood speed monitoring and driver feedback. It is anticipated that this appropriation will be offset by a 50% matching grant. (This appropriation is in addition to Article #18, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Terry Stewart, seconded by Rhona Charbonneau, to forward Article 31 to the Ballot.

Selectman Stewart spoke in favor of this article.

Jim Rice, 28 Sunland Drive, was in favor of this. It shows people how fast they are really going. It might slow people down who are going 50 in a 30 mph zone without realizing it. Speeders can't be tolerated.

Lars Christiansen, 1 Stonewood Drive understood this could also be used to count traffic. Selectman Stewart said it could. Mr. Christiansen asked how much the Town has expended to get traffic counts done. Selectman Stewart said developers pay for things like that.

Fred Giuffrida, 14 Pinewood Road, asked if there are any statistics that support the allegation that the speed trailer slows down traffic. Chief Gendron said Nashua and Manchester didn't provide any numbers, but they did say it was very useful in slowing down traffic. It's a soft approach for bringing people into compliance. Their only complaint is they don't have enough. Mr. Giuffrida could not justify this expense without supporting data.

Joyce Goodwin, 4 Marshmallow Path, said there was a speed trailer near her home on Ferry Street for some time and they noticed a significant reduction in speed. She supported the article.

Lt. Don McCrady, 36 Bockes Road, said he was speaking both as a police officer and as a resident. The statistics that the previous resident asked for were hard to obtain. Motor vehicle accidents in Town have increased steadily in the last three years. The speed trailer is a tool to be used to slow traffic down. Most people who are stopped for speeding say they were not paying attention to their speed and didn't know how fast they were going. The speed trailer is a reminder and will help to make the Town safer.

John Drabinowicz, 8 Deerfield Avenue, wanted to see numbers that proves this works. After one or two days, the trailer becomes useless because people will get used to it and it will lose its effectiveness.

David Coleman, 11 Wagner Way, asked if the grant has already been approved. Selectman Jasper said \$6,000 has been approved. Mr. Coleman thinks this will be good for the Town. He expects that the Chief already knows that it must be moved around. If they decide they don't like it, they can always sell it to another Town at a profit.

Dave Goodwin, 4 Marshmallow Path, supported the article.

(Tape 3, Second Side)

Selectman Jasper supported the article, since one of the biggest complaints from residents is speeding traffic. This will have the effect of parking a cruiser and can be used 24-hours a day, all around Town. If it slows down some people every day, it will pay for itself.

Jim Rice, 28 Sunland Drive, said if this trailer wasn't working, Nashua and Manchester wouldn't buy into it.

Vote: Article 31 was forwarded to the Ballot.

At 1:55 p.m., Moderator Keenan turned the gavel over to Assistant Moderator Arseneault.

Article 32--Recission Reaffirmation of Article 34 of the 1993 Annual Town Meeting -- To see if the Town will vote to rescind the action it took by passage of Article 34 at the 1993 Annual Town Meeting, to require that the Board of Selectmen submit all requests for additional personnel to Annual Town Meeting for approval. To see if the Town will vote to reaffirm the action it took by passage of Article 34 at the 1993 Annual Town Meeting to require that the Board of Selectmen submit all requests for additional personnel to the Annual Town Meeting and to also affirm that all requests for additional permanent personnel approved by the voters after submission to Annual Town Meeting shall be included in the following year default budget as "other obligations incurred" in RSA 40:13X. (Recommended by the Selectmen)

Motion by Lorraine Madison, seconded by Rhona Charbonneau, to forward Article 32 to the Ballot.

Selectman Madison favored rescinding the previously adopted article, as it is an advisory article only.

Amendment by Bob Clegg, 39 Trigate Road, seconded by Fidele Bernasconi, 122 Bush Hill Road, "To see if the Town will vote to reaffirm the action it took by passage of Article 34 at the 1993 Annual Town Meeting to require that the Board of Selectmen submit all requests for additional personnel to the Annual Town Meeting and to also affirm that all requests for additional permanent personnel approved by the voters after submission to Annual Town Meeting shall be included in the following year default budget as "other obligations incurred" in RSA 40:13X."

Mr. Clegg said some 'legal eagles' thought under the changes made under RSA 40, that warrant articles that were approved this year for new personnel were not allowed in the default budget. He took that to the State House and, since he is part of the majority office, he had the ability to ask the attorneys to research the intent. The intent of the changes was not to stop towns from adding personnel added one year into the next year's default budget. He also talked to DRA and they agreed that towns should be allowed, under Other Expenses Incurred, to include new personnel into the next year's default budget. The Budget Committee shouldn't be allowed to decide what positions to have. He respects all of the members sitting on that board, but he's not ready to give them his ability to decide what the Town spends and who it hires. They do a great job going through the budget, but they make recommendations; the voters decide at the ballot box. If he allows the Budget Committee to decide what personnel gets into the budget, his only choice is to vote down the budget if he thinks there are too many new personnel in there. He asked everyone to support the amendment because new personnel can be a part of the new default budget--and the AG's office agrees--and to give the people of the Town the right to vote whether or not new personnel are needed.

Ken Massey, 20 Fairway Drive, said due to the unanticipated complications caused by Senate Bill 2, he asked if the previous speaker could provide the opinion of either the AG or of the attorneys that, in fact, the default budget does include previously approved positions from prior years. If this amendment is passed, and the default budget doesn't allow them to include new hires that were approved via warrant articles, they will have to lay off people. He asked a written opinion that, in fact, the default budget does allow a town to put back into it the warrant article positions from the previous year. Mr. Clegg said he would give a copy of DRA's letter to the Recording Secretary. In it, Barbara Robinson writes, "If the Town Meeting votes to authorize a position in one year and appropriates funds for it, and the position was not a temporary position, the appropriation for the position should be considered a previous obligation and not a one-time expenditure." The reason he added into the amendment that all requests that they approve for permanent personnel be included was at the advice of an attorney. By doing so, they definitely guarantee that those become part of the default budget. Right now, they have the right to consider them, but the amendment should allay any fears that it can't be done.

Shawn Jasper, 83 Old Derry Road, supported the proposed amendment. He thinks it's important to let the voters decide on the number of personnel and they should not be part of a multi-million dollar budget. Approximately 80% of the operating budget is personnel costs. The amendment does the same thing as the article. It's just a recommendation and all of the boards could have ignored it all along, but they haven't. In 1998, there were three articles for full-time positions; in 1999, there were four; and this year, there are four. It doesn't take up a lot of space on the ballot. They are better off doing it this way because of the associated long-term cost of personnel.

Lynne Ober, 3 Heritage Circle, said the School Board has this same article on their warrant and asked Mr. Clegg to be at their meeting next week to make the same amendment in order to keep approved positions in the default budget.

John Knowles, 51 Quail Run Drive, opposed the amendment. They have representative government because not all residents have the time or expertise to understand all of the issues. Therefore, the elected representatives make some of those decisions for the people. In a democracy, the voters retain the right to make major decisions. In this case, that's a decision for the governing body and Budget committee. An individual, at the deliberative session, can move to remove an individual from the operating budget.

Gary Francoeur, 23 Woodcrest Drive, said he sponsored this bill in 1993, both on the Town side and the School side. After attending numerous Budget Committee hearings, they were often unaware of the number of people that were added. He supported the amendment.

Howard Dilworth, Jr., 36A Old Derry Road, said the committee works diligently to turn over every rock, but it's refreshing to be able to analyze individual positions as they come up for discussion. Today, they came together as a community and talked about hiring police officers and firefighters. It lets the community know what's in those big, black budget books.

Fidele Bernasconi, 122 Bush Hill Road, spoke in favor of the amendment, saying this is the right of the voters and they should maintain that right.

Fred Giuffrida, 14 Pinewood Road, supported the amendment and was opposed to positions being buried in the budget, or transmuted, adding large amounts of money to turn them into other positions. People have a right to vote on that. New positions take up a relatively small amount of space on the ballot, unlike the zoning articles that have no understandable explanation.

John Drabinowicz, 8 Deerfield Avenue, supported the amendment. Both the Town and School bury positions in the budget and it's up to the Budget Committee to pull them out for separate warrant articles. They've asked the governing bodies not to do that, but time and again, the request is ignored. If the original article passes, it will become increasingly difficult to find new positions in the budget.

Vote: Amendment carried.

Vote: Article 32, as amended, was forwarded to the Ballot.

Article 33--Acceptance of a Portion of Gambia Street -- To see if the Town will vote to accept 160 feet (more or less) of Gambia Street. This is an existing street and there are no costs associated with acceptance. (Recommended by the Selectmen)

Motion by Ann Seabury, seconded by Lorraine Madison, to forward Article 33 to the Ballot.

Selectman Seabury said this very small portion of the street extension was substandard only due to its width, but the Selectmen don't have the authority to accept it.

Vote: Article 33 was forwarded to the Ballot.

Article 34--Amendment to the Blasting Ordinance in the Hudson Town Code-- To see if the Town will vote to adopt an amendment to Hudson Town Code, Chapter 202, to comply with Chapter Saf-C 1600 "Explosives," as established by the State of New Hampshire, *and to Chapter 202-22 (c) to state, "The Chief has the option of requiring that the original seismographic strip chart, digital seismographic data and calibration data be provided."* (Recommended by the Selectmen) (The proposed changes were formulated by the Hudson Fire Department and Hager-Richter Geoscience, Inc. to improve the manner in which operations utilizing explosives in the Town of Hudson are conducted.)

Motion to send Article 34 to the Ballot by Lorraine Madison was seconded by Rhona Charbonneau.

Amendment by James Battis, 6 Potter Road, seconded by Lorraine Madison, "It is proposed that Article 34 be amended to alter the existing Hudson Town Code, Chapter 202-22 (c) to state, 'The Chief has the option of requiring that the original seismographic strip chart, digital seismographic data and calibration data be provided, carried.' " (Chief Carpentino said he didn't have any problem with the amendment.)

Fred Giuffrida, 14 Pinewood Road, asked about the reason for this article. Fire Chief Carpentino said there was a handout available on the proposed changes, which brings the Town's blasting ordinance into compliance with the administrative rules of the State of NH. It allows for more due process for the blaster. Before the Town can suspend or do certain things to them, they have a right to a hearing. The Town has the right to revoke their permit, based on certain violations. There are lot of word changes, updating language. The amount of insurance the blasters need is increased. They set a foot requirement for pre-blast surveys to be done from the blasting site. They also require them to provide written copies to the home owner or occupant as to the pre-blast surveys, the conditions they found, and both parties sign a letter stating what the property was like prior to blasting. They changed another section relative to a time frame of when they receive the request for a hearing from the blaster vs from the time it was dated. They came up with records requirements for blasting, etc.

Vote: Article 34, as amended, was forwarded to the Ballot.

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Petitioned Articles

Article 35--Purchase of Property for Library Expansion-- To see if the Town of Hudson will raise and appropriate the sum of One Hundred Twenty Five Thousand Dollars (\$125,000) for the purchase of properties adjacent to the current library site for future library expansion. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the purchase is completed or in five years, whichever is less. (This appropriation is in addition to Article #18, the Operating Budget.) (Not recommended by the Selectmen) (Recommended by the Budget Committee)

Motion by Lisa Riley, 7 Jeanne St., seconded by Jim Rice, 28 Sunland Dr., to send Article 35 to the Ballot.

Lisa Riley, Chairman of the Library Trustees, gave a slide presentation. In 1995, the Trustees did a Town-wide survey and the majority of the people wanted the library to be at the current location. In 1996, Bruce Mayberry prepared a report for the Planning Board. He reviewed projected impact fees that could be collected. In 1997, they hired a library consultant, Patience Jackson, who conducted a comprehensive review of the library and proposed a building program. They put together an expansion plan that they have been trying to follow. Their first goal is to acquire three properties adjacent to the library and, in conjunction with that, a complete environmental and site assessment will be done. The next step is to form a building committee to select a design. The final step is to propose a building program. The Board of Selectmen and the Planning Board approved the use of the impact fees to complete the environmental and site assessments, with a target date of April 2000. The asbestos issue is a concern and something they will have to deal with. She outlined the plan to use the current site. Last March, the voters approved \$200,000 for land. In December 1999 they purchased a property at 49 Library Street for \$115,000 leaving \$85,000. Article 35 asks for an additional \$125,000 which will give them \$210,000 for the two additional properties.

Donna O'Hanian, 4 Roy Drive, was not in attendance when the Budget Committee voted on this article, but she would have supported it, and will today when they revisit this article.

Jim Rice, 28 Sunland Drive, said this expansion is badly needed and long overdue.

James Wilkins, 112 Belknap Street, asked if the \$210,000 could purchase both properties. Lisa Riley said it's the assessed value of the two properties and they hope to negotiate within those parameters.

Selectman Jasper said the Selectmen were aware of the asbestos problem, but not the extent of it. No one on the Board opposes eventual expansion of the library at the current location, but before they invest further monies, they should be sure of the extent of asbestos contamination on the site. By approving the warrant article last year, they put the cart before the horse. They don't know what it will cost to mitigate the asbestos and don't know exactly where they will place the building. They have authorized an expenditure of money to study the asbestos issue. It may be best to put this question off until they have all of the answers. They don't want to see the library added onto, as had been proposed. A walkway would be appropriate, but that would mean having to dig directly into the sites they are talking about buying. He supports a new library, but they should wait one more year to buy the land. They shouldn't get into an expensive box with this property.

Jane Bowles, 57 Hazelwood Road, opposed putting this off. The Town is growing and needs more personnel. They've also heard about lost opportunities, such as the Friary. This is an opportunity they should take advantage of. The Town has committed to that site for its expansion.

Terry McLlarky, 2 Charbonneau Street, asked about the locations of the properties. Lisa Riley said one was 47 Library Street and the other was directly behind the SAU building on School Street.

Phyllis Appler, 62 Glen Drive, supported the article. She's a member of the GFWC Hudson Community Club and one of their emphasis areas for this year is Library 2000.

Lorraine Madison, 33 Riviera Road, supported the article because the people want the library to stay in the current location and they all know the asbestos is there.

Leonard Smith, 3 Leslie Smith, was in support of the article and of building the new library at the current site. After they buy the land, they can do test borings to determine the extent of the asbestos.

(Start Tape 4, Side A)

Ken Massey, 20 Fairway Drive, supported the article, saying people have known the asbestos has been on the site for a long time. The property would be worth a lot more if there wasn't any. He thinks it's important for a town to have a clearly defined center. This is the year to keep it going, not wait till next year.

Maryanne Knowles, 51 Quail Run Drive, said through a lot of work, the Library Trustees got an excellent price for the property they purchased. They will continue to ensure what they are doing is fiscally sound and it will benefit and enrich the entire Town. She

urged the Budget Committee to support this article.

Rhona Charbonneau said she was in favor of a new library, but didn't want to purchase land with asbestos on it as this might create an undue burden for the taxpayer to clean it up or remove it.

Arlene Creeden, 45 Cottonwood Drive, said a piece of property behind the library sold for under fair market value because the Library didn't have money to buy it. The people fixed it up, capped the asbestos and resold it for \$50,000 more. If they expand, or even put in a parking lot on the current site, the asbestos would have to be taken care of. By buying the additional properties, they can bury it or cap it. It's a multi-year program, which will include fundraisers to reduce the impact to the taxpayers. They will also work with a committee to make sure the library is one the townspeople want.

Vote: Article 35 was forwarded to the Ballot.

At 2:50 p.m. Assistant Moderator Arseneault turned the gavel back over to Moderator Keenan.

Article 36--Tree Ordinance -- "We the undersigned voters of the Town of Hudson, request that an ordinance regulating the removal of trees from private land within the Town of Hudson be adopted. This ordinance shall be known as the Tree Conservation Ordinance. Its objective and intent are to promote ecologically sound growth and development, preserve air quality, conserve the natural landscape character and beauty of the Town, and to maintain and enhance property values." (Not recommended by the Selectmen)

Moderator Keenan said the sponsor of this had a significant amendment to make. Since most of them had not read it, they could either accept the amendment and forward it to the voters, or they can read it now.

Motion by Jean Serino to adopt the Tree ordinance, seconded by Ken Massey.

Amendment by Jean Serino, seconded by Ken Massey. There were some procedural questions and concerns. Ms. Serino said she had to make an amendment because she didn't petition it correctly. She started to read the text of the tree ordinance. Moderator Keenan said since copies were available, he preferred that she waive reading it. Ms. Serino said in 1990, the Planning Board established an Aesthetics Committee, whose goal was to stop the wanton, indiscriminate destruction of trees, but there wasn't a lot of enthusiasm for it. She was told that they didn't really need a law to control cutting of trees, but she felt that they do. This ordinance opposes total cutting on great tracts of land, with a permitting process. When you get rid of trees, you lose a quality of life, but right now there's no protection for the trees. She didn't want to see farmland and trees lost because they waited too long to do something. People want to maintain the rural quality of the community. Other towns have growth ordinances and Hudson should have one by now, too. If they don't do something, every square inch of Hudson will be developed. They keep waiting and things keep getting destroyed.

Jim Rice, 28 Sunland Drive, opposed this, saying people have a right to do what they want with their land.

William Arseneault, 3 Riverview Avenue, questioned the Exemptions section of the ordinance, saying 60,000 square feet wasn't too big a tract. Ms. Serino said it's an exemption for anyone owning 60,000 square feet. Most people's homes are 1-1/2 square feet, so they're not affected. This is to prevent someone to buy a large tract of land and then clear cut it. Discussion ensued.

Selectman Chairman Lorraine Madison said all of the Board members signed the petition because they thought it would be wonderful to save all of the trees--until they talked to their attorney, who said they cannot regulate the removal of trees from private land. The Board of Selectmen is not recommending this article because it is not legal the way it is written.

Attorney Jay Hodes said the Legislature has delegated to towns the general regulation of cutting of trees, but this petition goes beyond the scope of authority the Town has. However, since it is a petitioned article, it has to move forward, as presented.

Moderator Keenan suggested that Ms. Serino move for adoption of her amendment for the article. If the voters approve it, then it can be fine-tuned.

Fred Giuffrida asked if the entire four-page amendment goes on the Ballot, if it passed. Moderator Keenan didn't think so. Discussion continued. Attorney Hodes said it has traditionally been their recommendation that ordinances be printed in their totality. However, that's not the procedure the Town follows and if they are not going to do that with the blasting ordinance, they don't have to do it with this one. Copies should be made available to the public. Mr. Giuffrida asked if the wording on the warrant would remain the same, but the ordinance would be in addition to that. Moderator Keenan said that was correct.

George Hall, 18 Par Lane, opposed the amendment, as there is no recognition of an approved site plan being exempt. Ms. Serino asked if he wanted to amend the article. Moderator Keenan said an amendment was already on the floor and asked if she wanted to respond to Mr. Hall. Ms. Serino wasn't sure she understood what Mr. Hall said.

Motion by John Drabinowicz to move the question, seconded by Ken Massey, carried.

Vote: Amendment failed.

Moderator Keenan suggested that Article 34 move forward to the Ballot. If the voters approve it, then it can be fine-tuned from there. He asked Ms. Serino if that was acceptable to her. She said she guessed so.

George Hall, asked if the verbiage in the warrant article is all that now exists, since the amendment failed, which contained the text of the ordinance. Moderator Keenan said that was correct. Mr. Hall asked who would develop the ordinance, if the article passed. Selectman Jasper said the Selectmen and their attorneys would develop an ordinance that would be brought back to a future town meeting.

Shawn Jasper moved the question, seconded by John Drabinowicz, which carried.

Vote: Article 36 was forwarded to the Ballot.

12. ADJOURNMENT

Motion by Ann Seabury, seconded by Shawn Jasper, to adjourn at 3:15 p.m. carried.

Recorded and Transcribed by Priscilla Boisvert

Executive Assistant to the Board of Selectmen

Cecile Nichols, Town Clerk/Tax Collector