

ANNUAL TOWN MEETING
Deliberative Session
February 3, 2001
Memorial School, Hudson, New Hampshire 03051

1. **CALL TO ORDER BY** the Honorable William Arseneault, Moderator, at 9:00 a.m.
2. **POSTING OF THE COLORS** by Officers Emmons, Sullivan, Scanzano & Dolan of the Police Dept.
3. **NATIONAL ANTHEM**, was not sung as planned by Police Officer Chuck Dyac, due to illness.
4. **PLEDGE OF ALLEGIANCE** was led by the Moderator.
5. **INVOCATION** by Reverend David Howe
6. **INTRODUCTION OF BOARD OF SELECTMEN**

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

7. **INTRODUCTION OF BUDGET COMMITTEE MEMBERS**

Howard Dilworth, Jr., Chairman; Charlotte Schweiss, Vice-Chairman; John Drabinowicz; Fred Giuffrida; Joyce Goodwin; James Whitney; John Knowles; Terry McLlarky (not present); Ann Seabury, Selectmen's Rep; Shawn N. Jasper, Alternate Selectmen's Rep; Lynne Ober, School Board Rep (not present) and Kevin Walsh, Alternate School Board Rep

8. **RECOGNITION OF HUDSON LEGISLATIVE DELEGATION**

Senator Gary Francoeur (not present); Representatives David Alukonis, David Bouchard, Lars Christiansen (not present), Robert Clegg, Rudy Lessard (not present), Joan Tate (not present), Donald White (not present)

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

Residents: Cecile Nichols, Town Clerk/Tax Collector; Paul Sharon, Town Administrator; Steve Malizia, Finance Director; Kevin Burns, Road Agent (not present); Frank Carpentino, Fire Chief and David Yates, Recreation Director

Motion to authorize seating of non-residents by Selectman Madison, seconded by Cecile Nichols, carried.

Non-Residents: Richard Gendron, Chief of Police; Sean Sullivan, Director of Community Development; Jim Michaud, Assessor; Toni Weller, Library Director; Mike Gospodarek, Town Engineer (not present); Priscilla Boisvert, Recorder/Executive Assistant; Lisa Nute, Police Department Records Manager; Captain Ray Mello, Police Department; Torrey Demanche, Fire Department Secretary

Others/Guests: Atty. David LeFevre and Atty. Steve Buckley of Bossie, Kelly, Hodes, Buckley & Wilson, Legal Counsel for the Town of Hudson; Bill Wardwell, Labor Relations Consultant

10. **REMARKS BY THE MODERATOR**

Review of the Moderator's 'ground rules.'

11. **DELIBERATIVE SESSION OF TOWN MEETING**

Article 17 Ratification of Multi-Year Contract negotiated between the Hudson Board of Selectmen and the Highway Union for Wage & Benefit Increases

To see if the Town will approve the collective bargaining agreement between the Board of Selectmen and Local 1801 AFSCME (Highway Union), which calls for the following increase in salaries and benefits:

7/1/01 - 6/30/02	\$43,423
7/1/02 - 6/30/03	\$50,455
7/1/03 - 6/30/04	\$48,999

And to raise and appropriate \$43,423 for the 2001-2002 Fiscal Year, representing the additional costs in salaries and benefits over those paid in the prior Fiscal Year. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the

Budget Committee)

Article 17 was presented by Selectman Stewart and was forwarded to the ballot without discussion.

Article 18 Ratification of Multi-Year Contract negotiated between the Hudson Board of Selectmen and the Admin and Support Staff Union for Wage & Benefit Increases

To see if the Town will approve the agreement reached between the Board of Selectmen and Local 1801 AFSCME (Admin & Support Union), which calls for the following increase in salaries and benefits:

7/1/01 - 6/30/02	\$32,429
7/1/02 - 6/30/03	\$31,467
7/1/03 - 6/30/04	\$32,939

And to raise and appropriate \$32,429 for the 2001-2002 Fiscal Year, representing the increase in salaries and benefits over those paid in the prior Fiscal Year. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Article 18 was presented by Selectman Madison and forwarded to the ballot without discussion.

Motion by Selectman Jasper, seconded by John Drabinowicz, to dispense with the reading of the full text and read the titles only carried.

Article 19 Wage and Benefit Increases for Non-Union Personnel

To see if the Town will vote to raise and appropriate \$23,840 for wage and benefit increases for nine non-union personnel. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Article 19 was presented by Selectman Madison.

An amendment by Selectman Madison to change the amount to \$30,000 was seconded by Selectman Jasper.

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Selectman Madison said \$26,580 is salaries and \$3,420 is benefits and includes the Town Administrator, Executive Assistant, Finance Director, Road Agent, Police Chief, Fire Chief, Assistant Fire Chief, Recreation Director, and Prosecutor. Increases are given on a merit basis. A salary survey revealed Hudson is grossly lacking. If these valued employees aren't paid properly, they will leave. When someone new is hired, it's at market value. This amendment has Board approval.

Selectman Charbonneau opposed the amendment as \$23,840 was decided on during the budget process.

James Wilkins, 112 Belknap Road, asked what the percentage increase was. Selectman Madison said 5.6%.

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Selectman Jasper said they just hired a Community Development Director and when they looked at the market for that position, it was much higher than what they had been paying. Hudson is underpaying by a mean of about \$15,000. They have the finest group of department heads ever, professionals who get the job done and they need to be treated accordingly. Many of them could easily find jobs elsewhere, but they are dedicated to the Town at this point. This increase does not get them to the mean average. \$23,840 holds them where they were with inflation and the normal increases. They should support this as a community.

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John Drabinowicz, 8 Deerfield Avenue, called this an end run, saying it sets a bad precedent and should have been done during the budget process.

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Selectman Seabury said this *was* the democratic process. She received many complaints about the Building & Zoning Department, who had to shut down half a day a week, which made the taxpayers unhappy. It took months to find someone. Selectmen are part-time and rely upon these employees, who do a superb job. They are good employees. If keeping them means a couple more thousand dollars, they should go for it.

Howard Dilworth said the article that went to the Budget Committee was based on a 4.1% merit increase, which is standard for the area, but this is the first he's heard about this. He asked how much of this was equity adjustments and what towns were included in the survey. Selectman Madison said the entire additional amount. The towns are Dover, Goffstown, Keene, Londonderry, Merrimack, Milford, Rochester and Salem. Mr. Dilworth asked what further plans the Selectmen have for equity adjustments. Selectman Madison hoped that next year they will have the survey results sooner. Some of the department heads are way out of line and they hope to make some adjustments. Mr. Dilworth asked what the vote was on this amendment, when it was taken and if it was at a meeting or done by a phone poll. Selectman Madison said the 3-2 consensus was taken over the last few days.

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Selectman Charbonneau said if they are not paying their employees enough, that should be addressed during the budget process. This amendment should have been discussed at a meeting, not by phone. She is not opposed to wage increases, but it should be done through the budget process.

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Selectman Jasper said this *is* the budget process; this *is* the right way. It isn't the best way, but this is a warrant article that stands alone, open to debate. They are doing it properly, providing all of the information that is available. It wasn't until the latest department head was hired that they became fully aware of the discrepancies. This is the process, what the deliberative session of Town Meeting is about.

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Fred Giuffrida, 14 Pinewood Road, said this discussion is something that occurs at a Budget Committee meeting. A proposal is brought forward, they go through it in great detail and have time to think about it. If this is amended, the Budget Committee might change their recommendation. If the voters vote down the article, the non-union people won't get anything at all.

John Drabinowicz, 8 Deerfield Avenue, wondered if the people that took the phone survey are the same ones that adamantly opposed the School Board when they did it. Selectman Madison said the Selectmen were merely trying to stand behind their department heads. She hoped the Budget Committee would be able to see that they have some excellent people. They should have had the survey earlier, but they didn't. She read the results of the survey. She wanted to keep the current department heads. If they leave, their replacements will be hired at a higher salary.

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Selectman Charbonneau said if the department heads were far behind, the Selectmen should have made the increases during the budget process. The employees are excellent and deserve every nickel they get, but they should live by the rules and regulations. She opposed the process, not the increases.

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Larry Burton, 21 Alvirne Drive moved the question. Moderator Arseneault accepted that, seeing no objection or further speakers. He called for a voice vote on the amendment, to change the amount in Article 19 from \$23,840 to \$30,000. Following the vote, he announced that the amendment failed.

Howard Dilworth said \$23,840 includes benefits. That was backup information during the budget process.

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There being no further speakers, Moderator Arseneault stated Article 19 was forwarded to the ballot.

(Start Tape 1, Second Side)

Article 20 Wage and Benefit Increases for Library Employees

To see if the Town will vote to raise and appropriate \$16,670, a 4% increase in wages and benefits for the Library employees. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Lisa Riley, 10 Chatham Street, Chairman of the Library Board of Trustees presented the article.

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There being no discussion, Moderator Arseneault declared that Article 20 was forwarded to the ballot.

Article 21 Wage and Benefit Increase for Town Clerk/Tax Collector

To see if the Town will raise and appropriate \$1,990, which represents a 4.15% wage and benefit increase for the Town Clerk/Tax Collector. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Selectman Charbonneau presented the article.

Being no discussion, Moderator Arseneault declared that Article 21 was forwarded to the ballot.

Article 22 Town Operating Budget

To see if the Town will raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amount set forth in the budget posted with the Warrant, for the purposes set forth therein, totaling \$21,237,686. Should this article be defeated, the operating budget shall be \$19,492,839, 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)

Howard Dilworth, Jr., Chairman of the Budget Committee, presented the article.

There being no discussion, Moderator Arseneault declared that Article 22 was forwarded to the ballot.

Article 23 Administrative Assistant for the Assessing Department

To see if the Town will raise and appropriate \$39,100 for wages and benefits to hire an Administrative Assistant to provide clerical, administrative and technical work in the Assessing Dept. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Selectman Charbonneau presented the article.

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John Drabinowicz, 18 Deerfield Avenue, spoke in favor of this article. Every 10 years, towns are required to have a revaluation, which are expensive. An extra staff person will help keep this updated on an on-going basis. This is spending money to save money.

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There being no further speakers, Moderator Arseneault declared Article 23 forwarded to the ballot.

Article 24 Dispatcher for Police Dept, Dispatcher for Fire Dept, Supervisor for Police Dept to implement Phase 1 of Consolidated Police/Fire Dispatch

To see if the Town will raise and appropriate \$141,376 for wages and benefits for a full-time Dispatcher for the Fire Dept, a full-time Dispatcher and a full-time Supervisor for the Police Dept. The Supervisor position is established to implement Phase 1 of a consolidated Police/Fire Dispatch and the duties include development of policies, procedures, and training, in addition to regular police supervisory duties and responsibilities. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Selectman Charbonneau presented Article 24.

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Lisa Riley, 10 Chatham Street, asked what Phases II and III will entail, when they will be implemented and the ultimate cost. Chief Gendron said Phase I is personnel; Phase II is construction and purchase of equipment; Phase III is implementation, at a total cost of \$700,000 at today's prices.

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James Wilkins, 112 Belknap, asked if they will try to implement the project in a reduced manner if the article fails. Selectman Madison said they would not go forward with the project, but they will be looking at upgrading the equipment in the Fire Department. Selectman Charbonneau said even if the combined dispatch center fails, they still need these positions.

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Todd Hansen, 11 Greentrees Drive, President of the Firefighters Union, opposed the consolidation effort. He asked if this would be a separate division. Chief Gendron said the dispatchers would be serving the Police Chief, the Fire Chief and answerable to the Board of Selectmen through the Town Administrator. Mr. Hansen asked if there were any guarantees that existing Town employees will maintain their employment if this consolidation takes place. Selectman Madison said all of the employees will keep their positions. They will be Police Department employees, doing both Fire and Police dispatching.

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There being no further discussion, Moderator Arseneault declared Article 24 forwarded to the ballot.

Article 25 Two Police Officer Positions

To see if the Town will raise and appropriate \$89,722 for the cost of wages and benefits to hire two full-time patrol officers in the Police Dept. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Selectman Charbonneau presented the article.

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Article 25 was forwarded to the ballot.

Article 26 Two Police Lieutenant Positions

To see if the Town will raise and appropriate \$131,304 for wages and benefits necessary to hire two police lieutenants. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Not recommended by the Budget Committee)

Selectman Charbonneau presented the article.

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James Wilkins, 112 Belknap asked how many cruisers are on the street and if the additions will amount to an increase. Chief Gendron said three cruisers, sometimes four. On day shift, if an officer has to go to court, transport prisoners, or makes an arrest, then they are down to

two or three officers out on the street. A lieutenant will ensure things are being done right, acting more as a manager than a patrol officer.

- William Pease, 5 Madison Dr, a Lieutenant who has been with HPD for 17 years, worked shift commander duty for many years, often the only supervisor on night shift. It can get frustrating, dealing with an unruly prisoner in the station, then get a call for help because of a major accident, a domestic disturbance, etc. The Town and business community have grown, traffic is overwhelming and their jobs have gotten busier. It is difficult for one supervisory officer to take care of the inside *and* outside. They have an outstanding police force, but due to the economy, they have to constantly recruit. They have young, talented officers that need mature officers to help with supervision and training. They are recognized as one of the best police departments in the State. They want to maintain that and provide the best service to Hudson.

- Selectman Seabury said they need to make sure there are enough people to go on calls and be protected. No one should have their safety compromised.

- Moderator Arseneault declared that Article 26 is forwarded to the ballot.

Article 27 Two Firefighter/Emergency Medical Technicians-Intermediate Level in the Fire Dept

To see if the Town will vote to raise and appropriate \$98,776 which represents the cost of wages and benefits to hire two Firefighter/EMT-I's in the Fire Dept. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Selectman Seabury presented Article 27.

- Selectman Jasper said he'd rather not have to speak on this, but his conscience dictates otherwise. He is in support of two additional fire fighters and staffing the second fire station, but advocates putting on more resources during the day when there are more calls and less availability of off-duty personnel. They currently have seven people on 24 hours a day, when fully staffed, which he feels is adequate for nighttime.

(Start Tape 2, Side A)

Selectman Madison said this was a matter of who was in charge of the Fire Department. She hoped everyone would support this article.

- John Brewer, 14 Ledge Road, a Fire Captain, who has been with the Fire Department over 25 years, said they need people to man the second station, especially with the traffic problems and the amount of time it takes to get to a call.

- Selectman Seabury said this is a staffing issue, which should be left up to the Fire Chief. She talked about a newspaper article where several people were burned to death in a fire because of inadequate coverage. She didn't think this community wanted to be placed in that position.

- Selectman Charbonneau supported the article, speaking about the safety of families and children.

James Wilkins, 112 Belknap Road, asked where these people would be going. Chief Carpentino said the intent is to have two shifts of eight, with five people out of the Central Station and three people assigned to the Burns Hill Station. Mr. Wilkins wondered if there would be enough people at Burns Hill to answer a call. Chief Carpentino said it is not safe with less than three people. They need more firefighters or more apparatus. Central Station runs with three people on the engine.

- Steve Boucher, 22 Alvirne Drive, said Rockingham Ambulance is used when Hudson personnel cannot administer medications and wondered if this request should be for paramedics instead of EMT's. Chief Carpentino said if the Town advertises for a paramedic, they can't drop down to an intermediate level. If they ask for fire fighters at the EMT-I level, they can hire people that are at the paramedic level. They can't attract paramedics because Hudson isn't competitive in salary, incentives or benefits. In another town, an EMT-I can make \$9,000 to \$14,000 base pay. In addition, they have a candidate pool. If they were to ask for a paramedic, they would have a limited pool to draw from. In September, they made a presentation to the Selectman and Budget Committee on the need for increased paramedic services. The Selectmen authorized them to send four people to school. The two area hospitals will provide a paramedic program, mainly to help out the Town of Hudson. Until they have improved incentives to bring in people at the paramedic level, there's no sense in advertising for them. Mr. Boucher asked how often they require assistance from Rockingham. Chief Carpentino didn't have those figures with him.

- Selectman Madison said in 1999, 43 of the protocols that were issued by five area hospitals said that ALS was needed on certain calls. Because Hudson has only two paramedics, the Selectmen authorized the Fire Chief to send four fire fighters to paramedic school, which takes a year. At the end of the year, Hudson will have four more paramedics on staff. After more are trained, they will be a full service ambulance.

There being no more speakers, Mr. Arseneault declared Article 27 was forwarded to the ballot.

Article 28 Fire Dept Secretary

To see if the Town will raise and appropriate \$39,880 of which \$37,185 is wages and benefits necessary to hire a Secretary for the Fire Dept and the balance of \$1,695 for computer equipment. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Selectman Seabury presented the article.

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Chris Landry, 25 Beechwood Road, asked for a cost breakdown. Chief Carpentino said the salary is \$24,000; \$1,200 is overtime; FICA is \$1,928; health insurance is \$8,248; dental is \$1,408; disability is \$241; life insurance is \$92; pension is \$1,068; and \$1,695 is for a computer.

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Lisa Riley, 10 Chatham Street asked why, if there are going to be two secretaries, overtime was needed. Chief Carpentino explained that two secretaries will not eliminate the need for overtime.

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There being no further speakers, Mr. Arseneault declared that Article 28 was forwarded to the ballot.

Article 29 Fire Department Training Officer Position

To see if the Town will raise and appropriate \$69,689 of which \$67,194 is wages and benefits necessary to hire one full-time Training Officer and \$1,695 to purchase computer equipment. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Not recommended by the Budget Committee)

Selectman Seabury presented the article.

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Being no discussion, Mr. Arseneault declared that Article 29 was forwarded to the ballot.

Motion by Selectman Madison, seconded by Selectman Charbonneau, to take a brief recess carried.

Moderator Arseneault declared a recess at 10:45 a.m. and reconvened the meeting at 11:00 a.m.

Article 30 Civil Engineer

To see if the Town will raise and appropriate \$63,218 to hire a Civil Engineer for the Dept of Community Devlp of which \$40,000 is wages and benefits, and the balance to purchase equipment. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Not recommended by the Budget Committee)

Selectman Seabury presented the article.

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Richard Maddox, 323 Fox Run, Planning Board member, supported this article. Due to the Engineer's workload, it is difficult for him to generate timely reports.

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There being no further speakers, Mr. Arseneault declared Article 30 forwarded to the ballot.

Article 31 Full-Time Children's Library Assistant and Part-Time Library Assistant

To see if the Town will raise and appropriate \$42,176, the cost of wages and benefits necessary to hire a full-time Children's Library Assistant and a 20-hour Library Assistant for the Library. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Lisa Riley, Chairman of the Library Board of Trustees presented the article.

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There being no further speakers, Mr. Arseneault declared Article 31 forwarded to the ballot.

Article 32 Architectural Program and Design of New Library Facilities

To see if the Town will raise and appropriate \$15,000 for an architectural program and design of new library facilities. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Lisa Riley, Chairman of the Library Board of Trustees presented the article.

There being no further speakers, Mr. Arseneault declared Article 32 forwarded to the ballot.

Article 33 Capital Reserve Fund for Cable Television Access Center

To see if the Town will establish a Capital Reserve Fund under RSA 35:1 to purchase land and/or buildings to create a Cable Television Access Center and to raise and appropriate \$15,000 to be placed in this fund. This sum is to come from the cable television franchise fees. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee) (Majority vote required)

Selectman Jasper presented the article.

Coleman Kelly, 9 Rena Avenue, said the Cable Committee's duty is to serve as technical experts to the Board of Selectmen. They have been doing a number of things for the Town for the last several years and they need space in order to expand what the FCC law permits them to do.

Selectman Charbonneau said Coleman has done a terrific job, especially compared to other towns. This is needed and the money will come out of the franchise fee, not from the taxpayers.

There being no further speakers, Mr. Arseneault declared Article 32 forwarded to the ballot.

Article 34 Capital Reserve Fund for the Benson Property

To see if the Town will raise and appropriate \$200,000 to purchase and renovate the Benson property and to authorize the withdrawal of \$150,000 from the Capital Reserve Fund for such; \$50,000 to come from general taxation. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee) (Majority vote required)

Selectman Madison presented the article.

Scott Wilson, 56 Ledge Road, asked about the renovation and the inclusion of ball fields. Selectman Madison said the Selectmen determined several structures should be preserved, such as the gorilla cage, the elephant house, and the Old Woman in the Shoe. The park will be used for passive recreation, such as ice skating, walking trails, picnicking, and a bandstand for concerts--a park that the people of Hudson will have forever. The historic district is 35 acres, and that will be the actual park. A lot of the land will be mitigated to wetlands. It's not determined how the rest of the usable property outside of that district will be used. The State regulates what can be included in the park. There cannot be anything of a commercial nature. Mr. Wilson said there is a lack of ball fields in Town and they are somewhat passive and all nonprofit. He hoped they would be included.

(Start Tape 2, Second Side)

Esther McGraw, 69 Kimball Hill Road, said all of the roads leading to Benson's are a national bike route. She feels the bikers need a place to put up for the night, some coming from as far away as California. She'd like to see them be able to tent at Benson's overnight, but she didn't want to see it become a campground.

Selectman Charbonneau said they were in the process of forming a committee and if Mr. Wilson wanted to be on it, he should get a form from the Selectmen's Office. A person from the Recreation Department will also be on the committee. They are also going to look into grants to fix up the old railroad station, the barn and to establish a museum. They are in the process of collecting Benson memorabilia. They have the seal trainer's equipment and hope to get the lion trainer's equipment, as well as others. The Corps of Engineers is holding things up, but that should be settled shortly. The Executive Council is in favor of letting Hudson have the land. Mr. Wilson asked if the State's regulation of the land was in writing. Selectman Charbonneau said they don't have all of the particulars, but they are working with the State. There will be certain restrictions. They have another piece of land that is in court and if they win, it could be used for sports fields. Hudson needs many things for the kids. Mr. Wilson asked if the land restrictions had anything to do with the circumferential. Selectman Charbonneau said no, adding that the Town will be very fortunate to get the land.

Dave Alukonis, 121 Central Street, said he has worked on this project at the State level. The Benson property was purchased by DOT, using turnpike funds for the purpose of wetlands mitigation and that's what will happen on that property. The Benson buildings are considered historic property. Most of what was the parking area will likely be excavated and returned to its wetlands state, as well as a number of other parts of the property, which had been filled in over the past century. The land left will come to the Town of Hudson, with severe restrictions because the wetlands needs to be maintained and protected. When the deed or agreement is actually finalized by

the State, they will impose severe restrictions, both for the wetlands and for the surrounding uplands which will drain into the wetlands. The State recognizes that there are historic buildings on the property. They hope to preserve those structures and put them to some good use, but the likelihood of expanding active uses, such as ball fields, is very low. The 35 acres are strange in shape, kind of long, largely along Kimball Hill Road, Bush Hill Road and down to Central Street.

Selectman Jasper said the property isn't level, and the State won't let them bulldoze out an area for fields. They have to work with the land as it is in order to fulfill the agreement. The Town is getting a tremendous bargain on this. DOT paid in excess of \$4 million for the parcel. When they are done with the wetlands mitigation, the Town's financial commitment will be very small, and they will end up with a treasure.

There being no further speakers, Mr. Arseneault declared Article 32 forwarded to the ballot.

Article 35 Purchase of NH Department of Transportation Land South of Alvirne High School

To see if the Town will raise and appropriate \$105,000 to purchase approximately 28.1 acres of land connecting Rte 3A and Rte 102 south of Alvirne HS which is owned by NH DOT and to authorize the withdrawal of \$105,000 from the Capital Reserve Fund created for the purchase of this property. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee) (Majority vote required)

Selectman Jasper presented the article.

Kevin Walsh, 5 Stoney Lane, said the Town and School District have worked closely in order to utilize this property. The School District's plan is to utilize \$450,000 of impact fee funds that the district has for construction of an access into the new school, which would be built to Town specs.

There being no further speakers, Mr. Arseneault declared Article 32 forwarded to the ballot.

Recess – On a motion by Selectman Jasper, Mr. Arseneault declared a recess at 11:45 a.m. The meeting resumed at 12:15 p.m.
(Start Tape 3, Side A)

Article 36 Purchase of Hudson Poor Farm Cemetery

To see if the Town of Hudson will raise and appropriate \$5,000 for land known as the Hudson Poor Farm Cemetery located off Twin Meadow Drive. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee)

Selectman Jasper presented the article.

Dave Alukonis, Cemetery Trustee, spoke in favor of the article. (Audio difficulties.)

Article 37 Conservation Easement

To see if the Town will vote to authorize the Selectmen to enter into a ~~five (5)~~ six (6) year license/installment purchase agreement for the purpose of acquiring a conservation easement for property identified as Map 30, Lot 12, Barrett's Hill Road; said conservation easement shall restrict the development of said property consisting of approximately 49 acres and to provide that said property will continue to be used for agricultural, open space, conservation or recreational uses; and to raise and appropriate the sum of ~~Sixty~~ Fifty Thousand ~~(\$60,000)~~ (\$50,000) for the first year's payment *and to authorize the withdrawal of \$50,000 from the Land Use Change Tax Fund* for that purpose. Under this license agreement, the Town would be acquiring the right to restrict the development of the subject premises on a year-to-year basis, until such time as the Town has paid the full purchase price of ~~\$300,000~~ \$333,750, at which time the conservation easement will become a fully vested interest owned by the Town. Should the Town not make the anticipated payments during the next five (5) years, it would lose its rights under the license agreement without further recourse by either the Town or the landowner. (This is in addition to the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee) (Majority vote required)

Selectman Jasper presented the amended article. This property, owned by Paul Hills, has been in the Hills family since 1791. The Selectmen established a Land Use Tax Fund, with current use penalty money going into the fund, and a committee to look into preserving open space in Town. Mr. Hills decided he would like to see the farm continue as agricultural space. Selectman Jasper took responsibility for any confusion on the amendment. He had asked that the article be written with the interest rolled in, but it wasn't and he just caught it this week. They are buying the development rights. They could pay \$300,000 up front, but he did not think that was responsible. He suggested to Mr. Hills that the Town would pay him \$50,000 a year for six years. Since Mr. Hills would be essentially loaning the Town

\$1/4 million, the Town should pay him an interest rate equal to what they would pay for borrowed money. That's what the \$333,750 represents. This keeps the land from being developed and the Town from growing. He'd like this to be a success, so each year they can identify parcels of land that are in danger of being developed and purchase the development rights. He didn't want to buy land as the Town already owns hundreds of acres and will get more with Benson's. Management of the land is better in the hands of private individuals, so he didn't propose to buy the property. This is the best of both worlds at a reasonable price.

- John Knowles, 51 Quail Run Drive, supported this amended article and asked if there was going to be a \$83,000 payment the last year. Selectman Jasper said it would be \$61,250 next year, then \$59,000, \$56,750, \$54,200 and \$52,250. At this time, he expects that the money in the preceding years will come out of general taxation. However, if there is enough money in the Land Use fund and they don't purchase other properties, there could be a Warrant Article to take next year's payment out of the tax fund. At the end of this year, there is going to be \$13,000 left in the fund. They took in \$63,000 this year. Last year, it was \$108,000 but there were some problems with that money, which he will address in the next article. He didn't want anyone to confuse the two because, technically, they are not related.

- Selectman Charbonneau opposed the amendment. This was brought before the Selectmen at \$60,000 per year for five years, but this week, she received a call saying it was going to be changed. She is not against purchasing rights, but doesn't like the way this was done. The agreement struck between Mr. Hills and Selectmen Jasper should have been brought to the Selectmen. If this is voted down three years from now, they will have lost \$100,000. This is a six year proposal, and not a sure thing. They should look at purchasing the land, not just the development rights, and there are a lot of unanswered questions. Selectman Jasper said all aspects of this was brought to the Selectmen. The \$60,000 a year for five years was put in erroneously by the attorneys. The allowable uses aren't detailed because the agreement with Mr. Hills comes after they have the authorization. The Selectmen can put in any restrictions they want. The Conservation Commission and the Land Use Preservation Committee don't want to see it so restricted that it couldn't be opened up to the community if someone wanted to picnic or cross country ski there. The Board would probably not approve something like putting in a golf course.

- John Drabinowicz, 8 Deerfield Avenue, said the first payment of \$50,000 doesn't say anything about interest. He wondered if it could be changed if it was passed as written. He thought that each year's payment should be specified. Selectman Jasper said on the first of July, they make the payment of \$50,000 so there is no interest for the first year. Previous contracts--the dump trucks and the first truck--spells out the first year payment and the total purchase price. Ensuing years, the money is put into the budget.

- Howard Dilworth, Jr. asked if there has been a Selectmen's meeting at which there has been a recorded vote of approval of this proposed amendment. Selectman Jasper said this was his amendment. Mr. Dilworth asked if it was the Selectmen's intent to come forward with a warrant article every year, or if it would be in the budget and, if so, where. Selectman Jasper said that decision would be made by the Board at budget time. If there were no properties coming forward next year for purchasing development rights, they may opt to withdraw money from the Land Preservation account. He wouldn't like to do that because that puts this article in jeopardy, if it wasn't approved. His discussions with the Board has always been to take the first year's payment out and then future years, put it in the budget.

- Richard Maddox, 323 Fox Run, said it is important to get developable lots off of the market, and this is an excellent way to do that.

- Lisa Riley, 10 Chatham Street, asked what the interest rate would be. Since Mr. Hills has to pay income taxes on the money he is receiving, there is a benefit to receive the money in smaller increments. She asked if that was taken into consideration during negotiations. Selectman Jasper said the interest rate is 4.5%. He assumed a good tax accountant could make the argument that, as Mr. Hills is over the age where one can sell their property once and receive that lifetime benefit, selling substantial interest in that property would qualify. He didn't want to see them have to bond this, nor did he want them to raise \$300,000 at once.

- Jean Serino, 118 Robinson Road, said the Town has wanted something like this to be done for as long as she can remember. This is tremendous and they should grab it instead of trying to make things so difficult.

- Selectman Seabury said she and Selectman Jasper negotiated this. She is a tree hugger and believes in open space. They get many complaints about development and New Hampshire is becoming the bedroom community of Boston. This is an opportunity to keep Hudson rural. Purchasing development rights is not a new idea. Phil Laurien started this about 20 years ago. She'd like to see this come to fruition.

- There being no more speakers, the Moderator called for a vote.

- Vote on amended article carried by a show of cards.

- Moderator Arseneault declared that Article 37, as amended, was forwarded to the ballot.

Article 38 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 raise and appropriate the sum of One Hundred Eight Thousand Two ~~Hundred (\$108,200)~~ Thirteen Thousand (\$13,000) Dollars. This sum to come from the Land Use Change Tax Fund. (This appropriation is in addition to Article 22, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee) (Majority vote required)

Selectman Jasper said they thought they established this fund last year, but there was some concerns by the Department of Revenue Administration. Consequently, the \$108,000 from last year went into surplus. Hudson's Legislative delegation has introduced a bill to legalize last year's action. If that is successful, the \$108,000 will come back into the fund. If not, it will stay in surplus. However, in the meantime, the Legislature agreed that this would be a good thing and they passed a law allowing money to be put into a capital reserve fund, so they're back again this year to try to do that.

Amendment by Selectman Jasper, seconded by Selectman Seabury, to amend \$108,200 to \$13,000.

Selectman Jasper said he'd like to be able to take the \$108,200 and put it into this account at this moment. It's not actually in the Land Use Change Tax Fund, but in surplus, so they can't do what they would like to. They expect the Legislature will allow that to happen. There is \$63,000 in the fund. They will be using \$50,000 to buy the Conservation easement on the Hills Farm, leaving a balance of \$13,000 which they would put in the fund to use in a subsequent year.

John Knowles, 51 Quail Run Drive, asked if the intent was to come back next year to put the \$108,000 back into the fund, in addition to whatever might have accrued. Selectman Jasper said if the Legislature legalizes last year's Town Meeting action, that money will automatically move from surplus to the fund, without any further action of this body. If they don't, it will move to surplus. Conceivably, next year they could decide to take \$108,000 out of surplus and put it into the fund.

James Wilkins, 112 Belknap Road, asked if there was a way to do this so that whatever is in the fund gets transferred, or if they have to have a specific dollar amount. Selectman Jasper said by law, they have to have a dollar amount. The fund balance actually goes from the time the money is voted on. In this case, March 13 and the fund would start again on March 14, so you really don't lose anything. Conceptually, if any land comes out of current use in the next 40 days, that might be lost. Last year, they were in that situation and asked the land owner to hold off until after the election, which they agreed to do.

Vote: Mr. Arseneault called for a vote, following which, he stated that it carried and Article 38, as amended, was forwarded to the ballot.

Article 39 Release of Capital Reserve Funds for Animal Control Facility

To see if the Town will vote to raise and appropriate the sum of ~~One Hundred Fifty Thousand (\$150,000)~~ Seventy Eight Thousand (\$78,000) Dollars for the purpose of constructing and equipping an animal control facility on Town-owned land and to authorize the withdrawal of Seventy Eight Thousand (\$78,000) Dollars plus accumulated interest from the Animal Shelter Town Account, previously established for this purpose and to authorize *the Board of Selectmen to submit a request to the Trustees of Trust Funds to permit the withdrawal of Seventy One Thousand Fifty three (\$71,053) Dollars plus accumulated interest from the Animal Shelter Private Account that was received from prior donations for this purpose, provided, however, that said animal control facility is to be built by the Town only if a total of \$150,000 is made available for this purpose from the Animal Shelter Town Account and the Animal Shelter Private Account.* (This appropriation is in addition to Article 22, the Operating Budget.) (Recommended by the Selectmen) (Recommended by the Budget Committee) (Majority vote required)

Selectman Madison amended the article, seconded by Selectman Charbonneau, and then Attorney Buckley was recognized to explain it. He said the Trustees of the Trust Funds and the Town Administrator asked him to look at the article, as printed in the warrant. The question was raised about the appropriateness of Town Meeting directing the Trustees to spend money from a trust fund, which has been committed to them for the purpose of decision making as to how the money should be spent. This goes back to the Town Meeting in 1999 when there was a dialogue about the action that was then taken to create a capital reserve fund for public monies and private monies were set aside in a private shelter fund. The Trustees of the Trust Funds had done that because, unfortunately, in the past, the public money had been co-mingled with the private money. The Trustees were told by the Charitable Trust Division that the better thing to do was to set up a private account from where all the private monies were collected for the eventual construction of an animal control facility, or animal shelter. As in the case with any trust fund, the Trustees are the ones who decide whether the money should be spent. In consultation with them and in light of what they told him and what's in the Town Report, he recommended that the Selectmen amend the article to say that the portion of the money that's the private account really has to come from the Trustees. They have to make the decision to spend the money. The balance of the account is the public money that has been collected in a capital reserve fund to build a shelter. He is aware that there is a debate in that some say an animal control facility is not the same thing as an animal shelter. He is not prepared to address that issue because he doesn't know the differences. That's why he added the language at the end to make clear that the intent is to build an animal control facility, but if the Selectmen are not allowed to get the money from the Trustees, or if the Selectmen are denied the right to withdraw the money from the public account, if the \$150,000 isn't there, then the facility won't get built. In conversations with Joe Wozniak and Ken Massey, the Trustees feel more comfortable with the amended version than with the original article.

Selectman Charbonneau presented the article.

(Start Tape 3, Second Side)

Moderator Arseneault called for a vote on the amended Article 39. Following the vote, Mr. Arseneault declared that it carried and the article, as amended, was moved to the Ballot. He then recognized the next person in line at the microphone on the floor.

John Knowles, 51 Quail Run Drive, asked for the definition of the animal control facility because originally the money, both public and private, was intended for an animal shelter. An animal shelter would have two characteristics, which may not be here. One is that it would have animals other than dogs and two, it would provide some facility for animal adoptions. His understanding was that this article did not have this. Selectman Madison said year after year, the question on the animal shelter came before the Town. They finally had an article a couple of years ago that was to be the final article, and the Town said they did not want an animal shelter. A committee was formed, which included some of the same people who raised the money for an animal shelter, and they agreed that an animal control facility was acceptable. An animal shelter is *never* going to be built for this kind of money.

Jean Serino, 118 Robinson Road, said she was very angry. When the committee was formed, she agreed to be a part of it because she thought it was going to be an animal shelter. The Chief has to impound dogs because it's the law, but that's not what the money was raised for. It was raised for humane purposes. She wanted to amend the article, saying that she was one of the people who raised the money. If a dog pound is built, the Chief should take it out of his budget, not use the money they raised for humane purposes.

Mr. Arseneault said this article is already going to the ballot, as amended. If the people want to talk about it again, someone will have to make a motion to reconsider. (A discussion ensued, but the speakers were not identified, nor were their comments picked up by the recorder because they were not using a microphone.) The Moderator ruled that Ms. Serino, who was offering another amendment, could read her amendment.

Ms. Serino said the people should be given a choice to release the monies raised to different humane societies. The money ought to be given to those people who are really doing a good job. Mr. Arseneault asked her to submit her amendment in writing. He then said he stands corrected in that a motion, as amended, has passed and the amended Article 39 has been sent to the ballot.

John Drabinowicz called for a point of order, saying the rules have been changing. It wasn't fair, right or equitable. Mr. Arseneault said a motion to send it to the ballot, if it's unamended, is unnecessary since by law, it must proceed to the ballot. When it is amended, the amendments must be approved. Mr. Drabinowicz asked if that meant he was allowing only one amendment per article. Mr. Arseneault said it has already gone to the ballot.

Motion by John Knowles to reconsider Article 39, seconded by John Drabinowicz, carried.

Ms. Serino said her amendment was, "Inasmuch as this money was raised specifically for an animal shelter, that the money be released and donated to several humane societies, and/or, let the people have a choice." Mr. Arseneault asked what money she was talking about. Ms. Serino said the \$150,000 and the \$78,000. Mr. Arseneault asked Ms. Serino to put it in writing and give it to him.

Howard Dilworth, Jr. called for a point of parliamentary inquiry, saying he was extremely confused at this point. There was an amendment made to change the original presented article. They took a vote on that. That passed. He asked if that was being reconsidered. Mr. Arseneault said it is being reconsidered. It was being sent to the ballot, as amended. Mr. Dilworth said no, there was an amendment made to change the warrant article. He had asked if they were going to vote on that because before you can have a discussion on whether or not to build an animal shelter, you needed to wade through the language that the amendment change proposed. He asked if they were reconsidering the amendment and talking about the amendment again, or were they talking about building a dog pound. Mr. Arseneault said they were talking about the amendment that passed. Mr. Dilworth said then they were discussing whether or not to build an animal shelter, with some changes as to the language in the warrant article. Mr. Arseneault didn't understand what he was saying. (Background discussion.) Mr. Dilworth asked what they reconsidered. Mr. Arseneault said they are reconsidering Article 39 that was proposed, that was voted to go to the ballot. Mr. Dilworth asked if it was 39 as amended, or as written. Mr. Arseneault said as amended. Mr. Dilworth asked if that was what they were discussing now. Mr. Arseneault said yes. There was a vote to reconsider, so they are reconsidering it.

Selectman Madison said Ms. Serino was going to propose an amendment. Mr. Arseneault said he'd give Ms. Serino a minute to write it out for him. Selectman Madison said on the amendment that was just passed and are now reconsidering, there are six humane societies within 30 minutes of the Town of Hudson. For Hudson to build an animal shelter, it will cost at least \$1/2 million. They have come before the Town time and time and time again, for years, and the people in the Town said no, they did not want this type of a shelter. So, a committee was formed and a member of that committee is Angela Hurshman, who worked her heart out to collect the money. She totally agrees with what is trying to be done. They are trying to take care of the animals of Hudson, but they can't operate a humane society. It would be foolish for the Town to spend that kind of money when there are so many humane societies within easy reach. This is the

reason they changed from an animal shelter to an animal control facility. There was no way to return the money to the people who donated, all lovers of animals who wanted to see something done, they thought an animal control facility would be approved by the Town. That's where they are at this point. With everything that is needed in the Town of Hudson, she didn't think they had \$1/2 million to put into an animal shelter.

- Ms. Serino handed Mr. Arseneault the written amendment. He asked where it fit within the article. (Background discussion not picked up by the recorder.) Ms. Serino stated that she has been informed that her change was so substantial that she cannot make it. She would like to see the money disbursed to the humane societies, which are doing a good job of sheltering and adopting out animals. She is told that she is better off going to the Trustees than trying to amend the article on the floor.

An unidentified speaker said that part of the confusion was that the Moderator called for a vote before the four speakers standing at the microphone had spoken. He asked what it will cost to maintain and staff this facility, if it is built, and what is presently being paid to Pelham for those services. Selectman Madison said they do not have the figures for the actual cost of the facility, but there will be no increase in manpower. The facility will give the Animal Control Officer an office. Any other costs will be added to the Police Department's budget. Jana McMillan, Animal Control Officer, said it costs about \$5,000 a year for Pelham, not including mileage and her time to drive back and forth.

Chief Gendron, said last year they brought 150 dogs to the Pelham shelter. In addition, if they are booked solid, which they often are, Jana, an extremely dedicated employee and an animal lover, brings the animals home with her. It costs \$5,000 to take the dogs to Pelham. Jana has estimated that there are approximately 5,000 dogs in Hudson. Of those, only 2,800 are licensed. In licensing and fines, she generates \$23,600 for the Town. The Town used to have a shelter off of Old Derry Road. When the State took the property, a group got together to raise money to build another one. If they built a humane society type of a building, there is an extremely high liability factor. If they adopt out a dog they think is ok, and something goes wrong after someone takes it home, the Town is liable. If Jana has a dog that she feels is adoptable, she brings it to one of the six humane societies and lets them handle it. The Town needs to meet the State's requirement that when she picks up dogs running at large, and dogs which they have to quarantine, and it is difficult to quarantine a dog in the humane society, they can meet those requirements.

- Fred Giuffrida, 14 Pinewood Road, said relative to building an animal shelter being brought to the voters numerous times and the voters of Hudson deciding they don't want to build an animal shelter, a plan has never been put before the voters. Every year a warrant article was put forward that had absolutely no plan associated with it. Relative to the concept that it will cost \$1/2 million to build an animal, he doubts if any research has been done to find out how much it would cost.

- Chief Gendron said last month they put out an RFP to construct a 2,000 sq. ft. animal facility. Seven responses came back and the cost was roughly \$270,000. They didn't get a good response and will be going back to the Board of Selectmen on February 13 for authorization to put out another RFP to get that number down to \$150,000. That is their goal, to build something for \$150,000.

- James Wilkins, 112 Belknap, thinks it would be easy to get volunteer assistance to build it. He asked what the plan was to operate it and if someone had to be there 24 hours a day. Jana said she has done some research into six animal holding facilities in the area, including Litchfield, Pelham, Londonderry. Like she does, they all get the animals to a humane society to be adopted out, if they are adoptable. They are not manned 24 hours a day. The dogs are watered and fed and checked on daily. All it takes is someone looking in on the animal, making sure it is fed and watered and exercised. She has the capability to that. She has to cover for Pelham when their animal control officer is out of town, which is about two weeks a year. She drives back and forth to Pelham three times a day to monitor the animals. Mr. Wilkins asked if this could be a volunteer construction project. Jana said when building a structure that houses animals, it can be complicated. Because of potential disease, there needs to be special floors and ventilation. They have to be very careful on this type of construction. Volunteers would be great if they have the expertise.

- Lisa Riley asked if the amendment requires the Trustees of the Trust Funds to approve the release of the funds from the private account and, if it passes, what happens if the Trustees decide not to release those funds. She asked if people could drop off unwanted pets at this facility. Jana said it's touchy when talking about unwanted animals, and Hudson has their fair share. She tries to counsel and educate people when they come to her with those issues. Referrals are made to the six humane societies in the area where they can get counseling, maybe even help in trying to keep those animals, so that they don't become disposable. She has a lot of other resources, other than her taking in that animal and the Town of Hudson having to foot the bill to board that animal until something can be done with it. Housing all of the unwanted animals gets very expensive. If someone walked into the facility with a dog and said they couldn't take care of it, it would not be responsible to say that the Town of Hudson will pay for that animal, and building this facility will not change that. Selectman Madison said it would probably be within the rights of the Trustees to refuse to release the money, but the Trustees have met with the attorneys and they are the ones who came up with this amendment. She didn't see any reason why they wouldn't release it.

- Jean Serino said Jana is a good dog officer and the Chief is a good friend, but she is bothered by an ethical question. If they raised this money to be used in a humane way, how can they spend the money to build a pound, which is something quite different. The money wasn't raised with that intent and she thinks legally it is not going to fly. She asked Chief Gendron if he didn't have this money, where

would you get money to build a pound. Selectman Jasper said they weren't proposing to build a pound at this time. Relative to the intent, there were many people who raised and donated money. They opted to turn that money over to the Trustees of the Trust Funds. It wasn't something the Selectmen made them do. Now it's up to the discretion of the Trustees of the Trust Funds regarding intent. If the money was given without specific instructions or restrictions, they can argue about definitions. When they had the facility on Old Derry Road, it was called an animal shelter. There's no problem in calling it a shelter rather than a facility. The money was raised for the animals within the Town of Hudson, and here they have a purpose. This started out as a volunteer effort, but then people kept asking the Selectmen when they were going to do something. This isn't the Board's mission, but they agreed to work with the committee, who was to go out and get plans and come up with something. It's good to say people are going to volunteer to do things, but there is seldom any follow-through. Ms. Serino asked the Chief where he'd get the money to build this, if it wasn't for the fund. Chief Gendron said it would go through the budget process and would come from taxes. Ms. Serino said the money for an animal shelter ought to be given to the humane societies where Jana brings the animals. Selectman Madison said this is a case where half a loaf is better than none. She doesn't believe the Town of Hudson can afford a full animal shelter. The Town needs a library, and that should come first. There is \$150,000 in the account, and they are just trying to do the will of the people. The voters said they do not want to pay for an animal shelter. Ms. Serino said the money should be given to a humane society because it was raised for that, not for a pound. A pound is something the Chief has to have and should find the money somewhere else. Selectman Madison said Angela Hurshman, who was in charge of the fund-raising, agrees with this effort. What Ms. Serino is proposing is not helping the animals of Hudson. Ms. Serino said it would be helping the animals, not just those from Hudson. Selectman Madison said they are trying to control the animals that they do have in Hudson and not have to send them to another facility. If there's a serious problem, the Animal Control Officer would be more than happy to see that they get to a humane society. They are trying to keep the costs down, but give the residents what they want. Ms. Serino said she felt this whole thing was very underhanded.

(Start Tape 4, Side A)

Lenny Smith, 3 Leslie Street, said he was totally confused because they were getting hung up on words. He asked the Chief what the procedure was when a dog is picked up. Chief Gendron said dogs running at large have to be held for seven days. If after that time Jana decides that a dog is adoptable, and no one has claimed it, she will bring it to one of the humane societies to adopt out. Mr. Smith said it sounds like the dog is taken care of, rather than disposed of. Chief Gendron said they are also responsible for animals that have to be placed in quarantine. They have to hold that animal for awhile to determine that it does not have a disease and it is difficult to do that in a crowded facility.

- Howard Dilworth, Jr. moved the question, seconded by Selectman Jasper, which carried. Mr. Arseneault said the question is on the reconsideration of Article 39, as amended.

- After reading the amendment, the Moderator said the question on the floor is to send Article 39, as amended, to the ballot and called for a vote. He declared that it carried.

Article 40 Rescinding a portion of Article 34 of the 1993 Annual Town Meeting

To see if the Town will vote to rescind that portion of Article 34 passed at the 1993 Annual Town Meeting which required that the Board of Selectmen submit to the voters at future Annual Town Meetings, all requests for increases in salaries and benefits for non-union employees. All other provisions of Article 34 shall continue in full force and effect. (Recommended by the Selectmen)

Selectman Jasper presented the article. The Town has about 135 full-time employees that are covered by a collective bargaining agreement. The other nine people are the department heads and the Assistant to the Selectmen. It's unfair to put forth their salaries in the manner they do. The operating budget is \$20 million and this article is only \$26,000. It should go in the operating budget.

- Motion by John Drabinowicz, seconded by Fred Giuffrida, to change the words 'rescinding' and 'rescind' to 'reaffirming' and 'reaffirm,' and to strike the last sentence.

- Mr. Drabinowicz, 8 Deerfield Avenue, said last year a warrant article to reaffirm the entire warrant article was overwhelmingly voted and there is no reason to change this. All union contracts, which are raises and salaries, and elected official raises go before Town Meeting. He didn't see why this should be any different. Furthermore, this original warrant article was advisory only. He didn't see why they have to dismantle it piecemeal just because the whole thing wasn't dismantled last year.

- Moderator Arseneault asked the attorney if the amendment substantially changes the meaning of the article. (The Attorney ruled that the amendment was allowable.)

Howard Dilworth, Jr., 36A Old Derry Road, supported the amendment, calling the article lame. Collective bargaining agreements come before this body because of an act of the NH Supreme Court. Elected official positions do, too, based on a recommendation of the Municipal Association, based on a court case. If the Selectmen would like, they can petition to do every single department head's salary increase individually by warrant article. They have a good system now. It's a pool of money. The Selectmen decide how and when they

want to disburse it. It lets the people in Town know what's proposed. This year, they are looking at a little over 4% to give the department heads. Since the Budget Committee decides how it wishes the budget to be presented, what are the Selectmen going to do if the Budget Committee says they don't want salary increases to be buried in the operating budget. Leave this in for the people to know what's going on.

- Selectman Jasper said it was too bad they can't disagree without being disagreeable. It is not necessary to call something lame. There's no reason why they can't have two opinions on how things ought to be done. Each year when they hand out three pages of ballots to people, they ask why something can't be done to reduce the ballot. This involves a small amount of money and it encompasses only a few people. People will vote the way they want. This was just a way they thought they could address the lengthy ballot and there's no reason to cast aspersions on the Board's intent. It's an advisory article.

- James Wilkins, 112 Belknap, said they just went through a heated discussion on whether or not they should raise the amount to \$30,000 so it is a matter of interest for them to be able to discuss the raises.

- There being no further discussion, Mr. Arseneault called for a vote on the amendment. He said he was in doubt and asked that a count be taken. He announced that there were 15 votes in favor and 12 opposed, so the amendment goes to the ballot. He then proceeded to read Article 41.

Someone called for a point of order, saying they didn't hear the results. Mr. Arseneault said Article 40, as amended, moved to the ballot. Someone else raised a point of order, saying that the counters were still counting when he moved Article 40 to the ballot. Mr. Arseneault asked if the body wanted a recount. The answer was in the affirmative. He asked those in favor of the amendment to raise their blue voting cards and then announced that there were 27 in the affirmative and 30 in the negative, stating that the result remained the same. Many people shouted no, it was the opposite. Some people were arguing that he was right, others were saying he wasn't. There was general confusion.

Gary Rodgers requested a secret ballot, which was conducted. Mr. Drabinowicz clarified that voting yes was in favor of the amendment and voting no was opposing the amendment. Mr. Arseneault said that was correct. Mr. Arseneault announced that the results of the secret ballot were 26 yes votes and 29 no votes and that the amendment failed. There being nothing further, the Moderator declared that Article 40 is sent to the ballot unamended.

Petitioned Article

Article 41 Amend Chapter 80 of the Hudson Town Code to add a new provision pertaining to stating numerical vote of Planning Board for warrant articles and on the ballot

We the undersigned registered voters of the Town of Hudson, New Hampshire respectfully petition the Town to amend the Town Code to require the vote of the Planning Board for approval or disapproval of petition zoning ordinances be stated numerically in the warrant article and on the ballot. We specifically petition the following: Amend No. ____ Are you in favor of Amendment No. ____, as proposed by petition, to amend the Town Code as follows: Amend Chapter 80 of the Hudson Town Code, Publication of Ordinances, by adding: *§80-3 Planning Board Approval/Disapproval of Petition Zoning Ordinances. Petition Zoning Amendments submitted to the town through the Board of Selectmen and the Planning Board shall state on the Warrant Article and on the ballot the numeric vote of the Planning Board in approving or disapproving petition zoning ordinances.* (Not recommended by the Selectmen)

There was no presenter and no one to speak on this article. Moderator Arseneault said Article 41 was forwarded to the ballot without any action.

12. **ADJOURNMENT**

Motion at 1:53 p.m. to adjourn by Selectman Jasper, seconded by John Drabinowicz, carried.

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

Cecile Y. Nichols
Town Clerk/Tax Collector
Hudson, New Hampshire