

HUDSON BOARD OF SELECTMEN
Minutes of the October 26, 2004 Meeting

1. **CALL TO ORDER** by Chairman William P. Cole at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Kathleen R. MacLean

3. **ATTENDANCE**

Selectmen: William P. Cole, Teresa Stewart, Kenneth J. Massey, Kathleen R. MacLean and Richard J. Maddox

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Shawn Murray, Fire Chief; Gary Rodgers, Deputy Fire Chief; Tom Sommers, Town Engineer; Gerry Coogan, Grant Writer; Ken Briggs, Brox; Ray Rowell; Howard Dilworth, Jr; Harry Schibanoff; Steve Boucher; Denise Babcock; Michael O'Keefe; Leo Bernard; Anne Lundregan, TEL

4. **PUBLIC INPUT** -- No one in the audience wished to address the Board at this time.

5. **NOMINATIONS AND APPOINTMENTS**

Cable Utility Committee 5 citizen members--two 3-yr. members (12/31/06); two 2-yr. members (12/31/05); one 1-yr. member (12/31/04)

Denise Babcock (current Cable term to expire 12/31/05). Ms. Babcock said she has lived in Town for 16 years and is a cable subscriber. She served on the Cable Committee for seven years. She has read the duties and responsibilities of the Cable Utility Committee and she believes her experience and background would benefit the work of this committee. She has over 25 years experience in publishing and print media and in writing and establishing policy and procedure manuals for Business-to-Business publications and educational publications, overseeing editorial and advertising content to meet publication guidelines and requirements and because she works with educational publications for children, she is sensitive to the requirements of media directed at children. She has prepared annual department and program budgets, as well as monthly income and expense reports. As managing editor for two educational publishers, she has directed and managed editorial and production operations and personnel. She also has experience working on cable franchise renewals, having worked on the Adelphia franchise renewal, along with other members of the Hudson Cable Committee. She would like the opportunity to complete the work begun on the policy and procedures manual and on a capital improvement plan.

Harry Schibanoff (current Cable term to expire 12/31/06). Mr. Schibanoff said he's been a Hudson resident for 25 years, he is a cable subscriber and has been a member of the Cable Committee for 10 years. He has been through many negotiations with Americable, Herron and then Adelphia, which was finally resolved. He owns a small business in Nashua that deals with regulated industry and the banking industry. He is used to dealing with regulated environments and can lend strength in those areas.

Michael O'Keefe (current Cable term to expire 12/31/06) interviewed on 10/12/04.

Coleman Kelly (current Cable term to expire 12/31/04) interviewed on 10/12/04.

Steve Boucher (current Cable term to expire 12/31/05) interviewed on 10/12/04.

Leo Bernard interviewed on 10/12/04.

Motion by Selectman MacLean, seconded by Selectman Maddox, to appoint Denise Babcock to the 12/31/06 term carried 5-0.

Motion by Selectman Massey, seconded by Selectman Stewart, to appoint Steve Boucher to the 12/31/06 term carried 5-0.

Motion by Selectman Maddox, seconded by Selectman MacLean, to appoint Harry Schibanoff to the 12/31/05 term carried 5-0.

Motion by Selectman Stewart, seconded by Selectman Massey, to appoint Michael O'Keefe to the 12/31/05 term carried 5-0.

Motion by Selectman MacLean, seconded by Selectmen Massey and Maddox, to appoint Leo Bernard to the 12/31/04 term carried 5-0.

Chairman Cole said Selectman MacLean was the Selectmen's representative to this committee. To date, the School Board has not named a representative. He said they would take up the issue of the existing Cable Committee under Other Business.

6. **CONSENT ITEMS**

Motion by Selectman MacLean, seconded by Selectman Stewart, to accept the consent items, as indicated or as appropriate, carried 5-0.

A. Assessing Items

- 1) Current Use Lien Releases, Acorn Acres, Map 230/Lots 22,22-19,22-18, w/recommendation to approve.
- 2) Veteran's Credit, 26 Beechwood Road, w/recommendation by the Assessor to sign letter of denial.
- 3) Veteran's Tax Credit Applications, 4 Fairway Drive and 14 Krystal Drive, w/recommendation to grant.
- 4) 2003 Abatement Application, 251 Lowell Road, with/recommendation to deny.

B. Sewer/Water Utility Items

- 1) Sewer Acceptance, Waterview Landing—Scenic Lane, w/recommendation by Sewer Utility Committee to accept.
- 2) Sewer Acceptance, Lockwood Place—Lockwood Drive, w/recommendation by Sewer Utility Committee to accept.

C. Licenses and Permits

- 1) Request for placement of sign by GFWC Hudson Jr. Woman's Club at 3A & Rte. 102, near True Value, Taylor Falls Bridge and at Central Street and Lowell Road to advertise their craft sale, forward to Road Agent Kevin Burns for coordination and placement.
- 2) Application for permit to operate Commercial Truck prior to restricted hours and/or on restricted streets by Brox Industries, with recommendation for approval by the Police Department.
- 3) Raffle Permit request by the Hudson Historical Society for 11/2/04 at Lions Hall to benefit the Society to approve.

D. Acceptance of Minutes

Minutes of the Board of Selectmen's Meeting of October 12, 2004, accept and refer to file

E. Committee Announcements

~~Oct 27 7:00 Planning Board in CD Meeting Room~~

Oct 27 7:00 Law Lecture Series @ PSNH in Manchester

Oct 28 7:30 ZBA in CD Meeting Room

Oct 28 7:00 Open Space Subcommittee @ Robinson Road Fire Station

Oct 29 CHIPS Fright Night @ Lions Hall

Oct 31 6:00 – 8:00 p.m. Trick or Treat in Hudson/Daylight Saving Time Ends

Nov 1 6:30 School Board in BOS Meeting Room

Nov 2 7:00 a.m. – 8:00 p.m. Election Day at Lions Hall

Nov 3 7:00 Planning Board Workshop in CD Meeting Room

Nov 4 7:30 ZBA in CD Meeting Room

Nov 4 7:00 NRPC in BOS Meeting Room re Bicycle Trails

Nov 9 7:00 BOS in BOS Meeting Room

Nov 10 7:00 Veterans Day Program @ VFW

Nov 10 6:30 Benson's Committee in BOS Meeting Room

Nov 10 7:00 Planning Board in CD Meeting Room

Nov 11 Veterans' Day—Town Hall Closed

Nov 15 6:30 School Board in BOS Meeting Room

Nov 15 7:30 Conservation Commission in CD Meeting Room

Nov 17 6:00 Library Trustees in Ferry Street Annex

Nov 18 7:00 Sewer Utility in Community Development Office Area

Nov 18 7:30 ZBA in CD Meeting Room

Nov 18 7:30 Budget Committee in BOS Meeting Room

Nov 22 7:00 Budget Committee in BOS Meeting Room

Nov 23 7:00 BOS in BOS Meeting Room

Nov 25 & 26 Town Hall Closed for Thanksgiving Day Holiday

7. OLD BUSINESS**A. Ottarnic Pond CDBG Grant (Includes Public Hearing)**

Chairman Cole said this item has been before them on one or two occasions. The public hearing notice has been property posted and advertised and tonight the Board would be conducting the public hearing on the CDBG grant for a feasibility study for Ottarnic Pond. He asked for a brief overview from the Town Administrator. Mr. Malizia said the Town was approached by the Ottarnic Pond Cooperative people to forward a grant on their behalf for a feasibility study for their septic situation. As part of that, the Selectmen are required to have a public hearing and to review and re-adopt two plans—a Housing and Community

Development plan and a Residential Antidisplacement and Relocation plan. At the Board's last meeting, they asked for the plans to be updated and for a legal opinion on one. Those tasks have been completed and it is before them again tonight. Chairman Cole opened the public hearing at 7:15 p.m.

Gerald Coogan said he was a consultant, working for the Ottarnic Pond Cooperative, several of whom were in the audience. Also present was Lynn Booth from the NH Community Loan Fund. The Community Development Block Grant was a federally-funded program from HUD. The State of NH gets an allocation of \$11 million a year that is broken down into several components. About \$4.5 million goes to housing and public facilities and the other half goes for economic development. The purpose of tonight's grant is to do a feasibility study and is the first step in leading to an implementation grant that would allow them to actually physically improve the park, but they have to go through the process. Municipalities that are under 10,000 can apply for implementation grants up to \$350,000. Municipalities that are over 10,000 can apply for up to \$500,000. The objectives of the CDBG programs are to benefit low to moderate income persons to prevent or eliminate slums or conditions that seriously threaten health and safety. Eligible activities under program would be housing, public facilities, economic development, emergency and feasibility studies. In 1995, the Town applied for and received an economic development grant under this program. He asked if there were any questions.

Chairman Cole asked what the probability of this being approved and going forward was. Mr. Coogan said there was a good chance in getting the feasibility study of about 90/10, adding that there are no guarantees. He said this project is to investigate the engineering, financial, physical feasibility of connecting the Ottarnic Pond Cooperative, a manufactured housing park, to the Town's wastewater treatment plant. The Cooperative is a 30-unit manufactured housing park on five and a half acres, located off Route 111 and is surrounded on three sides by the pond and wetlands. There have been serious problems with septic systems and leach fields flooding over the past few years when the water table gets high and there are heavy rains. As a result, they have four to five units per acre, so it's a densely populated residential development. It was owned by a private operator starting in the 60's until 2003. The private operator was not diligent in making improvements and keeping it up to date, so the owners banded together and formed a cooperative. They purchased it from the owner and now they are making improvements on the facility. There are water system problems with pressure and flow because water pipes were improperly installed. This study proposes to identify all the existing conditions, identify all feasible alternatives, determine the cost for the preferred alternatives, identify federal and state programs to have some preliminary engineering and analysis to give cost estimates and how the financing package could be put together and then prepare implementation strategy. If the study proves feasible, it's likely they would go back to the Community Development Finance Authority and apply for a CDBG implementation grant to actually implement the project. Approximately 72% of the people who live at the park fall into the category of being low to moderate income. The park is over 40 years old and the cooperative acquired it in 2003. If the Town is successful in getting the grant, the Town would be responsible for doing the administration, going through a competitive bid process and selecting an engineering firm that would be suitable and capable of doing the work regarding the wastewater treatment plan and the water system.

Chairman Cole asked what the feasibility study would do. Mr. Coogan said it will look at all the possible alternatives and come up with the feasibility for engineering, environmental issues, financing and will indicate what the financial package should be and help with the strategy to implement the project. If all those things prove to be feasible, they will probably apply for an implementation grant to get hard money to do the actual construction. It will take about six months to complete the feasibility study. The Town's role is to administer it. Chairman Cole said Mr. Coogan was the grant writer and was being paid separately. He asked how much the grant was. Mr. Coogan said \$12,000 which was the amount the Town had to deal with when going out to bid. The Town could take some funds, say \$1,000 plus or minus, to be used for the internal administration of the grant. Selectman Maddox thought the grant was for \$12,500. Mr. Coogan said the grant was \$12,000 but the cooperative was putting in \$500 of their own funds, which helps to get more points in terms of scoring of the applications. Selectman Maddox asked what would happen if they got no bidders under that amount to do the study. Mr. Coogan said working with the Town's engineer, they will develop a scope that is reasonable for the available funding. They know of engineers who have worked on these projects in other communities and they would contact them. They would have a legal notice in the paper. Knowing the competitive and mature engineering market in NH, he thinks there would be people interested in it.

Chairman Cole asked Town Engineer Tom Sommers what he thought it would cost to put in sewer and service that area. Mr. Sommers said a very rough estimate in round numbers, \$100,000 for sewer and \$100,000 for water. Chairman Cole asked Ms. Booth how much would be funded from outside sources, other than the cooperative individuals. Ms. Booth said they could get up to \$500,000 from CDBG now for a one-year grant. The remainder would be funded through a bank or NH Community Loan Fund. There would be no problem at all in being able to get funding for the entire project.

Mr. Coogan asked if there were any comments on the updated Town of Hudson Housing and Community Development Plan document. Chairman Cole said he had three motions that would be taken up after the public hearing was closed, one of which was to readopt this document. The other two were to authorize the submission of the grant and readopt the Residential Antidisplacement and Relocation plan. Relative to the Residential Antidisplacement and Relocation plan, Mr. Coogan said legal counsel has reviewed it and contacted the Community Development Finance Authority, which is the granting agency, and it

meets all standards. The idea is that if there is any relocation involved, you have to follow federal relocation procedures and pay people to relocate. That's not the case here. This is just a study; there is no relocation and even if they get to implementation, they don't anticipate any relocation. The housing plan and the relocation plan are HUD requirements.

Selectman Massey referred to the housing document and said part of the reason they were holding the public hearing tonight was because they wanted to revise the document to reflect some changes in the Town's capital improvement plan. If possible, he'd like to make a change to the document, if it didn't adversely affect the public hearing. Mr. Coogan said there wouldn't be any problem in making a change. Chairman Cole said they would take it up when they get to that item after the public hearing. There being no further questions or comments, he closed the hearing at 7:28 p.m., complimenting Mr. Coogan for running such an excellent hearing.

Selectman Massey referred to Page 2 of the Town of Hudson's Housing and Community Development Plan, Item 2, and moved to add "Combined Dispatch" after the word "Interoperability" and add an "s" to project, so it would read, "Police and Fire Radio Interoperability and Combined Dispatch projects." Selectman Stewart seconded the motion, which carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Stewart, to remove Item 5 on Page 2, "New schools have been completed to meet the demands of a growing community."

Selectman Massey didn't think that should be included under the heading of significant upcoming projects. Mr. Malizia said it was a tag line to have something included about the schools. They could say that they don't anticipate any new schools. Selectman Massey said it should be included to indicate that the Town does have schools in the system. If they remove it, it would be consistent with the wording of the heading. Selectman MacLean said she read it to mean that it implies that schools were considered but they were not needed because they have been completed. Selectman Maddox said he'd agree if it went above, "some significant upcoming projects include," to indicate that it has been studied, but is not an upcoming project.

Vote: Motion failed, 2-3. Selectmen Stewart and Maddox voted in favor.

Motion by Selectman Stewart, seconded by Selectman MacLean, to authorize the submission of Ottarnic Pond Cooperative CDBG Feasibility Study application carried 5-0.

Motion by Selectman Stewart, seconded by Selectman MacLean, that the Board of Selectmen readopts the Town of Hudson's Housing and Community Development Plan, as revised, carried 5-0.

Motion by Selectman Stewart, seconded by Selectman MacLean, that the Board of Selectmen readopts the Town's Residential Antidisplacement and Relocation Plan carried 5-0.

(Start Tape 1-B)

Highway Safety Committee's Recommendation for a Traffic Study at Chase/Central/Library Streets

Fire Chief Shawn Murray said, on behalf of the Highway Safety Committee, he was present to ask the Board to direct the Community Development Department to create an RFP for a traffic study to analyze the intersections of Library and Central and Chase and Central streets. No funding is needed at this time. Selectman Maddox thought NRPC already did that study. Chief Murray said application had been made for a CMAQ grant for a traffic study of that area, but it was denied by the Governor's Advisory Committee. Selectman Maddox thought that a traffic study had been done by NRPC that showed all of the various intersections and their traffic counts. Mr. Sommers said a study was done for various intersections in Town, but this study is specific to these two intersections, in terms of justification for signalization and then moving forward with the cost for design and then for construction. It is a little more detailed study. Selectman Maddox hoped they would use the NRPC study as baseline information so they are not starting from scratch. There is no need to reinvent the wheel. Selectman Massey said he was at the Highway Safety Committee meeting and they were trying to decide the best way to move forward. The documents on the table that were being looked at had intersection information for all of the intersections in that area, except for Library and Chase. That information may be there, but he didn't see it.

Motion by Selectman Massey, seconded by Selectman Stewart, to direct the Community Development Department to develop and issue an RFP with regard to analyzing the Library and Central Street and Chase and Central Street intersections for possible installation of traffic improvements.

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Selectman Massey said a year ago last spring, they voted to move forward with a CMAQ grant to do a complete traffic signalization upgrade for Chase, Central and Library, Central and the other three lights near Library Park and they actually voted to spend \$90,000 as the Town's part of the grant, but the grant is no longer on the table; it has been removed, but the problem hasn't been removed. He believes it is in the interest of the Town to have this work looked at and to come up with a cost of making the improvements.

Selectman MacLean understands that in order to get a grant, they have to have a study, but can't they just get some estimates of how much it would cost for lights here and lights there and take the recommendations from the Police Chief, Fire Chief and Road Agent of what would work. It seems like they know what the problem is. Chief Murray said if they were to put lights at either of those intersections, one of the first questions is whether or not to signalize both intersections or just one, and then further study is needed to determine how that will affect Central Street and Lowell Road. Another issue they got into was if they were going to signalize those intersections, what they would do with the traffic patterns for Library Street and Chase Street, if they need to be made one way, and the impact that would have on the area. The scope is a lot broader than one would think at first glance. The total area has to be tied in together and that's why a study is needed. Selectman MacLean thinks Town staff would be smart enough to figure that out, so she will vote against a study. Chairman Cole clarified that they were not authorizing a study. They were talking about authorizing the Community Development Department developing a RFP to solicit proposals. If one or more of those proposals are deemed adequate, it or they may come before the Board for possible allocation of funds. They are relatively far removed at this point from spending money. The information presented to the Board contained in the memo in the agenda packet is different than what the Chief was now proposing. The RFP would cover the proposed signalization at both intersections, plus all of the other unintended consequences.

Selectman Massey said, as a quick clarification, he didn't consider this to be a study. He considers it to be an examination of the existing problem there and recommendations as to how to alleviate it. The Chief is correct. When the original conversation occurred, once you've put the element of traffic pattern potential one-way streets, then you inject a whole different issue, and secondly, it may be counterproductive to put a light at both intersections. You would only know that if a traffic analyst could anticipate queuing issues if there were lights at one or both of the intersections. He didn't see it as a study. He sees it more as a feasibility study of what would have to happen to make it happen. They know it needs to be done. It's just a question of if this is the right way to do it.

Vote: Motion carried 5-0.

C. Request to not be included in Glen Drive Sewer District (38 Burns Hill Road)

Town Engineer Tom Sommers said he has investigated this parcel at length and have reviewed it with the Sewer Utility Committee. This lot has buried asbestos on it, which was approved by the State, as long as there isn't any disturbance of it or any digging on it. The last manhole is just beyond the property line of this parcel. Therefore, they cannot connect without going through some trauma. There is no part of their property on which the sewer fronts. This is similar to another lot that the Board excluded from the district several months ago for the same reason. The understanding is that if the property owner ever wants to connect, they would be responsible for the full sewer capital assessment fee and the full district assessment fee, at that time.

Motion by Selectman Massey, seconded by Selectman MacLean, to uphold the findings of the Sewer Utility Committee and not require this lot to be in the Glen Drive District carried 5-0.

D. Water Utility Emergency Response Plan

Town Engineer Tom Sommers said earlier in the year he asked for approval for Weston & Sampson to do a vulnerability assessment, and that was completed and submitted on time. As a follow up, an emergency response plan needs to be completed by December 31, 2004 and submitted to EPA. That is what this request is.

Motion by Selectman Massey, seconded by Selectman MacLean, to approve the Vulnerability Assessment amendment to the Weston & Sampson Emergency Response Plan in the amount of \$11,500 to be taken from 5592-225, as recommended by the Town Engineer carried 4-1. Selectman Maddox voted in the negative.

E. Amendment #1 to Weston & Sampson's On-Call Services Agreement

Town Engineer Tom Sommers said he needs help from Weston & Sampson on technical issues. They keep an up-to-date hydraulic model, which he needs to get answers from. This is to allow him an avenue to utilize their services from time to time for various things on an hourly basis. This would be an amendment to the existing contract. They know the Town's system from an engineering point of view better than anyone and that, coupled with his need, justifies the \$10,000 given that he doesn't have any in-house technical assistance. Chairman Cole thought this contract was the vehicle used on the Lowell Road project. Mr. Sommers said it was, but it was paid for by the developer. Chairman Cole asked if this was like a retainer, in anticipation of future requirements. Mr. Sommers agreed that it was.

Motion by Selectman Maddox, seconded by Selectman Stewart, to approve Amendment #1 to Weston & Sampson's On Call Services Agreement in an amount of \$10,000 to be taken from 5592-225 carried 5-0.

F. Amendment #3, Water Redevelopment Phase II; Dame Well & Ducharme Well.

Town Engineer Tom Sommers said every five or six years, re-development of the wells needs to be done. They need to be cleaned out so they keep up their yield. If this goes too long, a certain amount of yield is lost and full recovery is not realized. Weston & Sampson did this last year on the Weinstein Well for approximately \$20,000. This is a continuation for the next two years, with a price for this year, which is covered in the budget. When they do this again in five-six years, they will go out to bid.

Motion by Selectman Stewart, seconded by Selectman Massey, to approve Amendment #3 of the Weston & Sampson contract for well re-development in the amount of \$21,500 for the Dame Well, to be taken from account 5592-401, as amended.

Amendment by Selectman Massey to 2.19 Ducharme Well Cleaning and Redevelopment, to strike the word "negotiated" and add, "mutually agreed upon." Second by Selectman Stewart.

Selectman Massey said the intention, in discussing with Tom, was twofold. By saying "mutually agreed upon," it does not tie them to having to continue this work with Weston & Sampson if they can't reach an agreement on the appropriate amount and the intention also is when the Ducharme Well is finished, they would put this entire contract out for re-bid in the 2007 or 2008 time frame. It was just to clarify that they are not committed unless they can get a mutually-agreed upon fee for doing this work.

Vote on the amendment carried 5-0.

Selectman MacLean thought that the bottom of Page 3 of 3 should reflect that same change, as well. Selectman Massey thought that the language change in the main body, on Page 2 of 3, would be sufficient. He didn't think it had to be changed on Page 3; it wouldn't be required, with the language in the main body of the agreement.

Motion by Selectman MacLean, seconded by Selectman Massey, to strike the words "to be negotiated." Selectman Massey said if they are going to do the amendment, that should be changed to read, "to be mutually agreed upon." Selectman MacLean added that to her motion. Amendment carried 5-0.

Vote on the amended main motion carried 5-0.

G. Water Utility Operation & Maintenance Contract Negotiations

Town Engineer Tom Sommers said a letter had been sent to Pennichuck Water Works, indicating to them that the Town was not going to renew the contract with them. When they received that letter, he received a call from COO Steve Densberger, who asked for a meeting. A meeting was held with Messrs. Densberger, Malizia and Sommers and they discussed, at length, a proposal from PWW saying that if the Town would negotiate first with them for a new operations and maintenance contract, they would put all of their other water supply contracts on the table. Some of the water supply contracts extend out over a 20-year period, of which there are about 14 years left. Those are renewable in five years hence. The O & M contract was for five years, renewable in two year periods. They were into the beginning of the second period. After some thought and discussion with the Town Administrator and further discussions with Selectman Massey, he prepared a memo, recommending that it would be in the best interest of the Town to negotiate earnestly with Pennichuck before they put out a proposal. The principal reasons are that Pennichuck Water knows the system probably better than any other because a lot of their employees that owned the Town's system originally—Consumers—and know it technically, know the ins and outs of it, which is very important in terms of operation and maintenance. They are the only local company that has the ability to react timely with expertise to the system. He's seen a number of other supposed companies out there and a lot of them are really an engineering company with an O & M on them. They are not really from here and his concern with that is they will get somebody who will subcontract bits and pieces and the Town won't get the reaction time needed. They should start with someone who can react to the Town, and Pennichuck has demonstrated that. Pennichuck is willing to consider other financing options for future capital improvements, one being the upgrade to the meters and the meter reading system, which is in their interest and certainly in the Town's. When you are going to the world of radio reads, you can do the reads with the right equipment in about a quarter of the time the Town is doing it in. That's a substantial difference in cost. If there is a discussion in their financing it, it is to their advantage, also. It may be a win-win for them, and for others, but definitely for them. The Town will always be contractually tied to them for water supply. That's a given. He didn't see that ever not being there. The contract the Town has they pay the high level retail for the water the Town gets. Obviously, they'd like to see something better than that, with respect to a contract with them. They know Pennichuck Water Works and their abilities and, for the most part, he's been satisfied. They've had some issues but, for the most part, the expertise is there and they have shown the ability to react and do what's necessary. The main issue they've had with the contract is that the way the contract is set up, there is more reactivity to it in terms of how the payments are made. It's more on a reactive basis than on a pro-active basis. They are very willing to discuss—and he's discussed this with various members of the higher level technical people and with Mr. Densberger—and they are willing to look at that and make changes to that. The main

reason for not renewing the existing O & M contract is the need for emphasis on planned maintenance. They will still have reactive maintenance, but if there is more planned maintenance, it makes sense they will have less reactive maintenance. If they can't come to terms, there's nothing keeping the Town from going through the bid process. It will be complicated because there's all kinds of permutations they can do with various people, but this would at least keep them in a more straightforward, simple fashion.

(Start Tape 2-A)

As far as putting together a contract, he'd like to continue using Weston & Sampson's expertise to help with crafting it. If they get into this process and the Board approves moving forward, he and Selectman Massey have had additional discussions. Selectman Massey said he'd prefer to hold off on discussing that at this time. Selectman Maddox said the Town was paying Weston & Sampson to develop a bid package for this going out to bid. He asked what the time frame was for accomplishing this before they either abandon it or pay full prices for what Weston & Sampson is doing. Mr. Sommers said Weston & Sampson has not started the bid package work. They're doing the first work, which is the assessment work right now, so although it was approved, the meter is not running. When he got the request from Mr. Densberger, he put a hold on them moving forward with that work, the second part of the work. The first part of the assessment they absolutely needed. He decided to hold on the second part because if they are changing courses somewhat, he wanted to get help in that, not in doing something they might not need. Selectman Maddox asked when they would have to have this bid package out to potential vendors. Mr. Sommers said probably in February. Selectman Maddox said then they probably have until the end of the year to make a decision on whether or not Weston & Sampson continues on. (Talking over each other.) Mr. Sommers said that was fair in terms of that part of it.

Motion by Selectman Massey, seconded by Selectman Maddox, to approve the recommendation of the Town Engineer, as contained in his memo dated October 14, 2004, and to initiate negotiations with Pennichuck Water Works for all water supply contracts, the Operations & Maintenance contract, as part of a complete contract package.

Selectman Massey said it's all the other--it's more than just the operations and maintenance contract. It's to negotiate a comprehensive package that encompasses all of the requirements and needs of the water utility, so it's more than just an operations and maintenance contract. It's a bulk water purchase. It's a bulk water sale to them. Chairman Cole asked Selectman Massey to draft an ending to the motion, and suggested all other water issues, as identified. Selectman Massey said it would be to negotiate all water supply contracts and the operations and maintenance contract, as part of a complete comprehensive agreement; contract package. A complete new contract package. Chairman Cole said that would be the motion the Chair would entertain and asked for a second. Selectman Maddox seconded it.

Selectman Maddox said this might be a good opportunity to put their hands around the entire operations and there are some things in there that give him the indication this is something they should pursue.

Vote: Motion carried unanimously.

8. NEW BUSINESS

A. Public Hearing on Ordinance 04-04, Installation of Stop Signs on Dugout Road and Spare Road

Chairman Cole opened the public hearing at 8:12 p.m. and asked if anyone wished to speak on this. There being no response, he closed the hearing.

Motion by Selectman Stewart, seconded by Selectman Massey, to adopt Ordinance 04-04 carried 5-0.

B. Public Hearing to accept donations totaling \$3,250 from the Wal-Mart Foundation to the Police Department

Chairman Cole opened the public hearing at 8:14 p.m. and asked if anyone wished to speak on this. There being no response, he closed the hearing.

Motion by Selectman Stewart, seconded by Selectman MacLean, to accept the generous donation, with the Board's sincere appreciation carried 5-0.

C. Request by the Fire Department for authorization to apply for Grants

Fire Chief Shawn Murray said he was seeking authorization to apply for a total of three grants. The first one was part of the State Homeland Security Grants 2004. He was also speaking on behalf of Chief Gendron. The Fire Department grant totals about \$143,000 and it is seeking to acquire digital radio equipment. As part of the State's radio interoperability project, there is approximately \$11 million in grant funds available for communities to work on radio systems. Chief Gendron will be applying for a similar grant under a Law Enforcement Terrorism Grant for a \$402,000 grant to go towards his radio interoperability

project to switch them over to VHF and digital radios. Selectman MacLean said the paperwork indicated a 50% match for the funds, and that is a good thing, but on the application page it says grant amount awarded, at a maximum, be 50%, so it could be less. Chief Murray explained that she was looking at the wrong grant. The one he was talking about did not have a matching fund requirement. Selectman Massey asked if the \$143,000 was in the Chief's current budget, the FY-06 budget. Chief Murray said no, it was not. Selectman Massey asked where the money would come from, if it was approved. Chief Murray said it would be done in phases. They would find FY-05 monies within the budget itself and will piecemeal it to get to the \$143,000. There is a quick turnaround. They have to purchase the equipment up front, but they turn the funds around within a week's period. They would look into the communications lines and those lines for the funds to buy the equipment. He didn't have to buy \$143,000 right away. He can buy the components to the system as they go along and continually turn that money around. Selectman Maddox said he could take \$20,000 and keep rolling it. Chief Murray said that was right. Selectman Massey said but the Chief does have to take it out of his budget. Chief Murray said yes. Selectman Massey clarified that it was not currently in the budget. Mr. Malizia said no. Chief Murray said he has a plan for that that he will be bringing to them in November to explain it and seek approval to use those funds. The second grant was the Emergency Management Grant, an on-going yearly program that the Division of Emergency Management has for the State. Each year, emergency management agencies can apply for these grants and that is where Selectman MacLean saw the 50% match. Last year, they applied for a grant to pay half the cost of the cellular telephones that they use for emergency management. That was successful, and they received the grant. He will be applying for the same grant this year, attempting to get reimbursed for at least 50% of their cellular telephone and pager costs that they put towards emergency management.

Motion by Selectman Maddox, seconded by Selectman Stewart, to authorize the Police Chief and Fire Chief to apply for the 2004 Homeland Security Grants carried 5-0.

Motion by Selectman MacLean, seconded by Selectman Stewart, to authorize the Fire Chief to apply for the State of NH Bureau of Emergency Management FY-2005 Emergency Management Performance Grant, carried 5-0.

9. **OTHER BUSINESS/REMARKS BY THE SELECTMEN**

Selectmen Stewart and Massey had no remarks.

Selectman MacLean congratulated all of the Fire Fighters on their good work and for their awards on Awards Night. She thanked them for their invitation to the event. Relative to the budget meetings, she thanked all of the department heads for all of their hard work, who give so much of their time to the Town. They all have the best interest of the Town at heart and it was nice to see. She did her best to keep the taxpayers' wallet and their safety in mind.

Selectman Maddox thanked Chairman Cole for his patience and guidance during the recent budget event. For himself and, most likely for Selectman MacLean, it was an interesting, eye-opening adventure into the municipal budget process. He was confused, which would be the kindest word he could use for himself during that timeframe. The Chairman's patience in allowing them to stumble a bit, and then bring them back on track, was appreciated. He felt that the budget was an interesting document that the Selectmen put forth to the Budget Committee and he was a little disappointed, at times, at some of the backup. He can understand now why the Budget Committee had its problems. Hopefully, next year, he will be better and more prepared and have better questions.

After talking with Deputy Chief Chalk, he wanted to do a promotion for public safety. It is the time of year to change your clocks, and it is suggested to change the batteries in your smoke alarms, as well. Smoke alarm detectors can save lives, when operated properly. There are many different types, but most all of them are battery-operated. This weekend, clocks are moved back, so it is a good time to replace the batteries in the smoke detectors—which is not a hard operation. If it is done when you change your clocks, that could make a difference in a fire situation. The Hudson Fire Department has committed to provide a working detector for anyone who is in financial need. They will also install units for the elderly and those who are physically unable to install the units. The Fire Department is being proactive. They would rather come to your house and install a battery or a smoke detector than at 3:00 in the morning to put out a fire. Kudos to the Fire Department for being up front with this. It's a good program. As you are sitting there, thinking about changing the clocks--9 volt battery-- and, hopefully, you only get to see them in the parades.

Chairman Cole thanked Selectman Maddox for his kind words. Town staff did an excellent job in preparing their budgets. They didn't necessarily hit the right button for every one of them, but that's not only understandable, but expected. They had some very good discussions. Some of them were candid, but that's what they are elected for; not just to sit there and pat each other on the back and agree. They did accomplish their mission and they will now, with all due respect, throw it to the wolves in the Budget Committee. It is a more than adequate document for the Budget Committee to consider, which they know will be considered very objectively. He thanked the Board for the job they did in three nights, getting home in time to get some sleep.

He reminded everyone that next Tuesday is election day. Not only is the fate of Hudson and the State at stake, but on a much larger scale, the country with the congressional and presidential elections. Neither he nor Selectman Stewart will be in Town on election day. It will be

a busy time at Lions Hall. The Town Clerk and Moderator are geared up with their personnel and he's sure they will execute their plan. Any assistance that the three Selectmen who will be in Town can provide by being on site will be greatly appreciated. The Moderator will designate Selectmen, if need be and the situation arises. Polls open on November 2, Lions Hall, at 7:00 p.m. and go till 8:00 p.m.

Another successful Benson's cleanup day was held on the 23rd. About 45 people showed up, all ages and all backgrounds. The gentleman from the Carpenter's Union in Methuen was there once again with his group and they've been doing outstanding work out there. Esther is very excited and told him he wouldn't recognize the place—which he thinks is her way of telling him he should have been there. Esther asked him to thank everyone on behalf of the Benson's Committee. He read the following letter into the record from the General Federation of Women's Club, NH, District V Conference, dated October 19, 2004, to Esther McGraw. "Dear Esther, We were so pleased that you, Betsy and Elizabeth were able to join us last Wednesday at Jackson's Restaurant in Methuen, MA to educate us about this wonderful project that you have been involved with in Hudson. Thank you for letting us all walk down Memory Lane. I used to go there each year when my mother took her kindergarten class. She was heartbroken when they closed their doors. It used to be the highlight for her and her students. Thank you for being part of the vision as to what that place can be in the future. With regards, Gail Stanley, Director for District V." They also made a \$50 to the Benson's fund. He thanked the Federation and Esther, Betsy and Lisa for participating.

He didn't have any update on Benson's to pass on. He had been notified about five or six weeks ago that they were going to be getting a letter from the Department of Transportation Commissioner Carol Murray with regard to the State's position and possibly what the next step would be on the transfer of the property to Hudson. As of this evening, he hasn't receive a letter from Commissioner Murray. Yesterday, he sent the Commissioner an e-mail respectfully requesting an update from her office with regard to the status of the letter and the actual transfer of the property. Possibly, within the next meeting or so, he'll have something to report to the Board—on a favorable note.

Chairman Cole stated that there is now a formalized Cable Utility Committee with five citizen members and a Board of Selectmen rep., so the Cable Committee no longer has a function. The only thing missing is a representative designated by the School Board.

Motion by Selectman Maddox, seconded by Selectman MacLean, to dissolve the Cable Committee and send a letter to each committee member, thanking them for their service, carried 5-0.

10. NONPUBLIC SESSION

Motion by Selectman Stewart, seconded by Selectman MacLean, to enter Nonpublic Session pursuant to 91-A:3 II (a) The dismissal, promotion or compensation of a public employee or the disciplining of such employee or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted; and (d) consideration of acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community carried 5-0 by roll call vote.

Nonpublic Session was entered into at 8:34 p.m. and was terminated at 10:05 p.m.

Open session votes:

Motion by Selectman Massey, seconded by Selectman MacLean, to promote Lt. Todd Hansen to Captain within the Fire Suppression Division of the Hudson Fire Department, effective October 31, 2004, at an annual salary of \$56,808 in accordance with the Town Supervisory Association carried 3-2. Selectmen Stewart and Maddox were opposed.

Motion by Selectman MacLean, seconded by Selectman Maddox, to authorize the Fire Chief to advertise for the position of Lieutenant within the Fire Suppression Division of the Hudson Fire Department carried 5-0.

11. ADJOURNMENT

Motion by Selectman MacLean, seconded by Selectman Massey, to adjourn at 10:09 p.m. carried 5-0.

Recorded and Transcribed by Priscilla Boisvert
Executive Assistant

HUDSON, NH BOARD OF SELECTMEN

William P. Cole, Chairman

Teresa Stewart, Vice-Chairman

Kathleen R. MacLean, Selectman

Richard J. Maddox, Selectman

Kenneth J. Massey, Selectman

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