

HUDSON, NH BOARD OF SELECTMEN
Minutes of the November 13, 2007 Meeting

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

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Ken Massey.

3. **ATTENDANCE**

Selectmen: Shawn Jasper, Ben Nadeau, Ken Massey, Rick Maddox and Doug Robinson

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Sean Sullivan, Director of Community Development; Police Det. Sgt. Chuck Dyac and Det. Matt Solari; Lee Berard and Mike Castagna of Berard-Martel Architects; Kathleen Brown; Lucille Boucher; Irene Trembly; Jim Stafford-Rogers; Joyce Goodwin; John Breen; Dot Jacobs; Priscilla Clegg; Sandra Rumbaugh; Scott Dwelley; Tom Tollefson, HLN

4. **PUBLIC INPUT**

Chairman Jasper asked if anyone in the audience wished to address the Board on any issue.

Kathleen Brown, 5 Lawrence Road, addressed the Board with complaints about what she said were site violations at 3 Lawrence Road at Jay's Auto, specifically naming Community Development Director Sean Sullivan and Code Enforcement Officer Rob Sousa. The dialogue, in its entirety, follows:

I'm here tonight, just maybe the Board can help me for guidance, direction to what's the best way to handle this situation. I know I've had a conversation with each and every one of you on the on-going site plan violations and such at 3 Lawrence Road, Jay's Auto Repair. As I understand, today at 4:32, Sean did spend a couple minutes after with me, that that issue went to court, that a building came down and it's null and void, there's no site plan requirement for this site. Now, I need some clarification on that. I know this really isn't the Board to do that, but I just wanted to touch a little bit—somebody please help me. I'm trying to understand what we're paying for enforcement. Back in February 2005, I brought some concerns, followed the rules and regulations, got in line, filled out the proper paperwork on some concerns that I had. The response to that, I believe, took quite some time. The spring, anyway, and I apologize for not having the exact letter that Mr. Sousa replied. He found no problems. OK? So, we go on and time goes on. I go back to Mr. Sean Sullivan, and I bring forth, and when I did that, I stated a whole bunch of problems that I felt were there. Well, the answer that come out of that office was May 13, so that's reasonable, February to May. That's a reasonable time-frame. "This letter is to update you regarding your request for the Town of Hudson Community Development Department to inspect the property at 3 Lawrence Road for possible zoning violations. A site inspection was performed on May 12 and, at this time, it is my determination that no zoning violations were evident on this site." This is from Mr. Robert Sousa. I got pictures; determines differently. The answer to that, to my concerns, come out with a permit. June 13. So, exactly to the day, a permit was given to build a shed, steel shed for storage. If you don't know, you should know that that shed has recently, just within 60 days, has finally come down. It was illegally and improperly given to him and... I can't say that this is the case, but the department was very well aware of the site and the concerns I had. The answer was to build a shed to store, but it didn't go through the proper channels. It didn't go to the Planning Board, at which time the Planning Board then turned around and went to the Zoning Board, which this determination of Sean's for the building was overturned. Zoning sent it back to Planning, I believe, if that's the case, maybe I'm misquoting, nevertheless, Sean's decision was overturned by the Zoning Board. The shed stayed and the shed stayed and the shed stayed. It was told that it was storage and I'm going to confirm to you today. I have pictures and otherwise. It was more than, it had electricity and it had water. We had two people living in a trailer in between this shed and the present auto repair business and I do know that there have been members of this Board reviewing the site and have been out there and we've had discussions, so they know I'm not speaking incorrectly when I say there were people living in those trailers, at which time they finally determined that the decision had to go back to the Planning Board. The Planning Board decided that a full site plan is called for. We're talking 2005, here, OK? A full site plan was called for. Now, I understood today, what I heard today from Sean was that there is no site plan necessary for this site, that the shed is gone so the problem is gone, that the Planning Board has no privy to look at this site because it went to court and a deal was made, the shed's down, that was the issue why it went to Planning, but it was my understanding on January 10th, and I apologize, but I was out of state, but I did send information and I did send pictures that, and it is recorded. I did review the tape, that the Board wanted a full site plan. There were many members that were concerned about the storage of trailers, people living in trailers. There was an aerial view of what was out there—boats, trailers—there's a dog living there and he's gone now, but there was no permit. There was no permit for two people to live in the trailers, either. Again, my point being, I continue to bring this information forth to the proper people, and this is what I get. It takes a little time. I understand the wheels turn slow. When the decision was made from Zoning that he had to go to Planning, it took.... let me just clarify this because I want to be real clear, and I believe the Administrator and I discussed this, eight months for a letter to go out from Sean's office, notifying the landowner, Mr. Jay Bouley, that he could no longer have that shed, that he had to get a site plan. Eight months. August was the meeting, April was the letter, and I can provide that for you. I'm a little bit frustrated, here, I will say, but I appreciate your patience. Then I find out that a site plan's called for, now there is no site plan. I sent a letter. I brought it in, I carried it in. In reviewing the site and taking pictures and the court said I can; it's not against the law. Five, ten, oh seven. "Respectfully requesting a Community Development determination on the new auto body paint show established within the auto repair business. Are there any special exceptions, variances needed? What are the health and safety codes for best safe practice at state or town levels? Kathleen Brown/Complainant," because that's what I am. I am also a tax payer. "Please mail response. Thank you. Kathleen Brown." I haven't gotten one yet. That's May. I'm at a loss. I'm at a loss. Now I know, when I was in Florida, the trailers were in the back yard, with people in them. Conversation happened, people prompted, the grass is beautiful, but there's still some storage out there that warrants question, and there are still happenings out there that warrant... we have a Jersey barrier as big as this desk, bright red, in the side setback. Jay's

Automotive property. Both sides, mind you. That's been there a year. And Sean wasn't really aware of that today, where that was, until I showed him pictures. Now, that's more concerning than even the barriers in the side setback, wouldn't you think? He was very, very patient with me, after I started to raise my voice and get very frustrated, but you need to understand this is since May.. excuse me, April of... August of 2005. I'm at a loss. I don't know what to do. He tried to explain to me that it's civil matters out there. What I'm talking about is not civil matters. Those are my matters, those aren't for Sean, but there are some zoning questions, and he said give him a week. Well, that's been since May. He didn't even know where this letter was. Show me the letter, he says. I said it's in your files here. Give me a week. Show me the letter. Who's minding the store?

Chairman Jasper asked if she had a copy of the letter she was referring to for the Board, noting that it was written on town stationary. Ms. Brown explained that it was the complaint form because she was the complainant, saying she has been called a lot of things, and that's not the worst thing she's been called. "Somebody needs to do something, please. I'm sorry I didn't get a copy, but I was in a tizzy after that meeting." Chairman Jasper asked Ms. Brown if that was the only copy. She replied, "It is. He couldn't find his." (Ms. Brown gave her copy of the Request for Zoning Information/Determination to Selectman Maddox. Chairman Jasper asked that the Executive Assistant to make copies for the Board.) The dialogue by Ms. Brown continued:

I just, for the record, want to say August 25, it was a five to zero vote that Zoning sent it to Planning. On January.. excuse me, April...April 19, a letter went out. "Dear Mr. James Bouley, site plan application, Dear Mr. Bouley, This letter is to inform you that you need to file an application to the Planning Board for site plan approval, according to Zoning ZBA meeting date. Eight twenty-five." So, the meeting was on August 25. Things go slow, but the letter of notification to the landowner didn't go out until April 2006. It's not 2007 going on to 2008. I've been patient. I'm trying to get in the right lines, and I'm trying to have my concerns heard. I have lights in the windows at night. I have placed... and you've been out to the site. I have placed a berm and put a fence on top of it, so I deliberately circumvented the residential requirements of a height ordinance on a fence so that I can sleep at night because the lights are... he's having a security problem. He's got more problems than a security problem, but he goes home at night. I've got my deck barricaded. I've got my porch barricaded. I'm not here to complain about those kind of things. Those are for zoning. I understand. We've got a Jersey barrier in the side setback with an orange barrel. Now, I'm told to remove greenery and flowers, but a Jersey barrier in the setback is appropriate? It's there a year. Now, nobody can sit here today and not know that things are going on in that site. See no evil, hear no evil, speak no evil. The three monkeys. It's over. Somebody needs to take a look at this and do something about it. We cannot sleep at night. There's screeching of cars. I don't know if anybody here can confirm, but there was patrolmen screeching in there, there was fights, there was... I don't know if it was a drug bust, but I know there was a call in to the Fire Department, question of suicide attempt. There's a lot of nuisance out there. This is a residential zone. That business belongs there. It's auto repair only, not storage, not storage for somebody for Alton Bay, not storage for his friend with his Ski-doo's. Take all that down to B Street. When I left, the campers had people in them, living there, and when I complained and come back, they were under my bedroom windows. For sale sign, and you can confirm it. You were on the site when I saw it, right on the side of the road. Mr. Maddox, I believe we had that conversation and, what can we do? This is our home. We just want a night's sleep. Saturdays, Sundays, they're painting cars. We're sitting on our deck, having a family affair, and we smell fumes. Well, there's no painting out there, he's only repair, not auto painting. That's a whole new business. We can't even go out and enjoy our deck on a summer's day. It's worse... you can smell it. I went to the state. Mr. Ray Walters, Environmental Services, did confirm to me that he was out on the site immediately. He did say there was painting going on. We have pictures. We have some lovely pictures. He said there was some painting going on, but the owner assured him, as he assured everybody here, that the dog lived in the trailer. He assured him that it was just occasional painting. It says auto body repair. It's there. I can't get any response. My concerns are not being taken serious. This is my home. They're fighting out in the driveway, girlfriends and boyfriends, and I hear the owner going, take that out of there. This is constant. Constant screeching out of there. They've knocked my wall down four times. That's not for the town, but the police are coming out there. They've got better things to do and I've got better things to do. I want a good night's sleep, and I'm entitled to that. And I'm entitled to enforcement. Thank you.

Chairman Jasper said he and Selectman Maddox did speak with Ms. Brown back in March and, at that time, they asked her to build a file, putting things in chronological order so they could look into this, but they never did hear back from her. Ms. Brown said that was May. Prior to that, in between that, the Planning Board was handling the matter. It was going to have a site plan in June, so that's what she was waiting for. Chairman Jasper said he and Selectman Maddox did speak with her, adding that it was disappointing that this (Request for Zoning Information/Determination) was date stamped May 11, 2007 and he would expect one would get a response when they do put in a request like this. Ms. Brown said her point was not just this letter. This has been the whole nature of the course; that's what she was saying. Chairman Jasper said he understood and asked her to let him finish. Ms. Brown apologized, saying she was just... Chairman Jasper said he understood that this has been a battle that has been going on for her for many, many years. Ms. Brown said if someone would just do land use, there wouldn't be a battle. Chairman Jasper asked that Steve look into this and get back to the Board as to why the site plan didn't come forward. He didn't have the ZBA minutes or Planning Board minutes. It sounds like if that was the only issue, he knows that sometimes when a site plan is requested, and the offending building or item goes away, then the site plan doesn't come forward. They would find out about that. The other issues, in terms of the setbacks and whatnot. It would be helpful if Ms. Brown would document all of her various concerns. She has spoken to them, but the Board didn't have anything in writing. There is the thing about the paint, but she mentioned other things. If she wants the Board to address them all, it would be helpful if she put them all down in writing so the Board can be sure that they addressed all of the issues.

Ms. Brown said she wanted to be real clear. Zoning isn't here today; she understands that. Her issue is lack of enforcement. She wants to be real clear. Chairman Jasper said he understood that. Ms. Brown said the complaints are all the same, but it's the lack of enforcement is why they continue. Chairman Jasper said that is, to some degree, a matter for interpretation as to whether it is or isn't a

violation, and without her giving the Board the specifics, it is going to be difficult for them to give her a definitive answer beyond the answer to this letter and the answer as to why the site plan didn't come forward. If she gives them nothing else, those will be the only two answer she will get as a result of this conversation. Ms. Brown said she heard him, then said she had a question for the Board. She said on January 10th, those minutes and the tape, she has the tape, the Board voted for a full site plan. While some wanted to say it was only the building, that's not what was stated and not what was voted on and if they refer to those minutes, she didn't have them.

Chairman Jasper said he's asked Steve to look into that and he's going to review the minutes to see what the circumstances were. He will be speaking with Mr. Sullivan, who is in the audience, and she will get an answer from the Board on the two issues—why the site plan has not come forward, and what about 'this.' If nothing else, there are Fire Department regulations dealing with auto spray painting and the Fire Department gets very involved where there is spray painting. Whether it's occasional or not, that's something the Board can find out. Ms. Brown said she believed there are best safe practice measures but the state was not worried about air quality because the owner did confirm he was only doing it on occasion. She checked the file and to date... there are three bays. There was only two bays, now there are three bays. While he hasn't expanded beyond the footprint, he has expanded on the use, and that's to be determined by somebody else, but she can't seem to get answers.

Chairman Jasper said to the average person, auto repair may include auto body repair, not just auto engine repair, or mechanical repair. They will find out about that determination. Ms. Brown said, to that end, when it was auto repair, there was a small engine business in there and was removed because it did not fall under what was granted. Chairman Jasper said they'd get her a more thorough determination.

There was no one else who wished to address the Board at this time.

5. **NOMINATIONS & APPOINTMENTS**

6. **CONSENT ITEMS**

Selectman Maddox removed "A" for separate consideration.

Motion by Selectman Nadeau, seconded by Selectman Robinson, to approve consent items B-E, as noted or as appropriate, carried 5-0.

A. **Assessing Items**

- 1) Abatement applications for 137 Belknap Rd, 8 Winnhaven Dr, 9B Doveton Lane, 2 Loop Rd, 4 Alpha St, 52 Burns Hill Rd, 9 & 11 Copper Hill Rd, Map 115/Lot/001/Sub 000, Map 178/Lot 013/Subs 034, 035 & 062 w/recommendation to sign.
- 2) 2007 Prorated Tax Abatement, 21 Rena Ave, w/recommendation to sign.
- 3) 2007 Applications for Abatement, Tax-deeded Properties (Map/Lot/Sub—110/007/000; 116/035/000; 149/036/000; 163/013/000; 165/005/000; 169/023/000; 175/118/000; 190/195/000; 190/196/000; 197/040/000; 197/205/000; 202/001/000; 237/059/000; 237/060/000; 258/017/000) w/recommendation to sign.

Selectman Maddox said on the agenda, it now says the recommendation is to sign. In the past, it has been to approve or deny. They're giving out less and less information. Also, in going through the packet, in the past.. and he apologized, saying he got his packet over the weekend and Town Hall was closed on Monday and he didn't have a chance to call today with his questions.. there used to be more detailed justification for the abatements. He didn't see that in the packet. One has a \$2,500 veteran's exemption, which would mean there would have to be five veterans in the house. That kind of stuff doesn't make any sense. Pages 9 & 10 are identical. Again, in the past, he's given them much more detail. He couldn't make head nor tails of some of the math, how it got there, nine and ten are duplicates, or they appear to be duplicates, the same address for the same amount. It's not a lot of money, but it's just... he asked who the liaison was. Selectman Robinson indicated he was. Selectman Maddox said he was on vacation tomorrow, so he planned to stop in to see Mr. Michaud, and asked that these items be postponed, as there was nothing pressing, unless everyone else was comfortable with it, in which case he would abstain.

Selectman Robinson said explanations for the abatements were on the cover letters; assessed values went down. Selectman Massey said he agreed with Selectman Maddox that they should pull out the property at 9B Doveton Lane. He's not aware that a veteran's tax credit is \$2,500. He thought it was \$300. Selectman Robinson said it went to \$500 this year. Selectman Massey said unless there are five veterans living there, that figure was wrong. They should pull that one out for sure. Selectman Nadeau said that one was a disabled veteran's tax credit, which may be the reason for the larger amount. Mr. Malizia confirmed that the tax credit for a disabled veteran was \$2,000.

Motion by Selectman Robinson to approve the assessing abatements, A, 1-3, seconded by Selectman Massey.

Chairman Jasper said he would be abstaining from voting on the abatements because Schoolhouse #9 was owned by the Jasper family, so there was a conflict of interest. Selectman Nadeau said pages 9 & 10 carried the same address. Chairman Jasper said it looks like it is just a duplicate page and probably just copied twice. Selectman Robinson said he'd amend his motion to except page nine. Selectman Massey said they was page 12. Chairman Jasper said no, it was page 9. It was only one abatement and it appears that it was just copied twice by accident, so it wasn't necessary to do anything.

Vote: Motion carried 3-1. Selectman Maddox voted in opposition; Selectman Jasper abstained.

B. Water/Sewer Items (there were none)

C. Licenses & Permits

- 1) Hawker & Peddler Permit for Weir Tree Farms to sell Christmas Trees at Hudson Mall, 12/1–22/07
- 2) Outdoor Gathering Permit for Chili Fiesta on June 7, 2008 at the Hills House Field on Derry Road
- 3) Raffle Permit by Alvirne HS Friends of Music for June 7, 2008, various prizes
- 4) Hudson Chamber of Commerce Charitable Foundation, 12/5/07 at Kings Court—money, silent auction, various items.
- 5) GFWC Hudson Junior Woman's Club on Dec. 1 at Memorial School Craft Fair—donated items and 50/50 cash raffle.
- 6) Request by Rivier College to conduct fundraising activities at Wal-Mart on Nov. 17 & 24 and at Sam's Club on Nov 25
- 7) Request by Cub Scout Pack 46, Tyngsboro, to conduct fundraising activities on November 18 at Sam's Club.
- 8) Request by the Hudson Litchfield Bears to conduct fundraising activities at Dunkin' Donuts on Nov 17 & 18 and at Stop & Shop on Nov. 17, 18 & 21

D. Acceptance of Minutes

- 1) Board of Selectmen's Meeting of October 17, 2007 (Budget Presentations)
- 2) Board of Selectmen's Meeting of October 19, 2007 (Budget Presentations)
- 3) Board of Selectmen's Meeting of October 20, 2007 (Budget Presentations)
- 4) Board of Selectmen's Meeting of October 23, 2007
- 5) Board of Selectmen's Workshop Meeting of November 6, 2007

E. Calendar

- 11/14 5:00 Water Utility in BOS Mtg. Rm.
- 11/14 7:00 Hudson Senior Council on Aging, BOS Mtg. Rm.
- 11/14 7:00 Planning Board in CD Mtg. Rm.
- 11/15 7:00 ZBA in CD Mtg. Rm.
- 11/15 7:30 Budget Committee in BOS Mtg. Rm.
- 11/19 6:30 School Board in BOS Mtg. Rm.
- 11/19 7:00 Conservation Commission in CD Mtg. Rm.
- 11/20 7:00 Budget Committee in BOS Mtg. Rm.
- 11/20 7:00 Cable Committee in CD Mtg. Rm.
- 11/21 7:00 Library Trustees in BOS Mtg. Rm.
- 11/22 Thanksgiving Holiday—Town Hall Closed
- 11/23 Thanksgiving Holiday—Town Hall Closed
- 11/26 7:00 Budget Committee in BOS Mtg. Rm.
- 11/26 7:00 Recycling Committee in CD Mtg. Rm.
- 11/27 7:00 Board of Selectmen in BOS Mtg. Rm.
- 11/28 7:00 Budget Committee in BOS Mtg. Rm.
- 11/29 1:00 Trustees of the Trust Funds in BOS Mtg. Rm.
- 11/29 3:00 Swearing-in Ceremony at Hudson Police Department
- 11/29 7:00 Budget Committee in BOS Mtg. Rm.
- 11/29 7:30 ZBA in CD Mtg. Rm.

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on October 23, 2007:

1. Motion by Selectman Massey, seconded by Selectman Robinson, to hire Adele Goyette as part-time Water Utility Clerk at a starting rate of \$13.92 per hour, Step 1 of the Admin & Support contract, 30 hours per week, effective 11/4/07, as recommended by the Finance Director, carried 5-0.
2. Motion by Selectman Maddox, seconded by Selectman Robinson, to adjourn at 9:29 p.m., carried 5-0.

B. Senior Building Addition

Selectman Massey recognized the Senior Building Addition Committee—Priscilla Clegg, Lucille Boucher and Jim Stafford-Rogers, as well the architect, Lee Berard from Berard-Martel, and consultant, Mike Castagna. Selectman Massey said on June 26, the Board unanimously supported going out to an architect with the design criteria that the building would have the ability to hold 100 people in the assembly hall and a maximum of 50 in the remainder. There would be a game room, a lounge, two offices, a kitchen and two bathrooms. They met with the architect in early September, passed those requirements on to them. They came back with what they estimated would be the required footprint for that. From that point on, they met on a regular basis, every week, beginning the first of October and they looked at several alternatives. The three they finally looked at was a stand-alone with a portico entrance into the existing building and a flat roof, a stand-alone with an entryway into the existing building with a peaked roof, and an attached peaked roof. The committee unanimously recommended going with the flat roof detached for the principle reasons of cost and long term maintenance and operating costs. What they have before them is the proposal, which is alternative number one. He turned the floor over to Mr. Berard for a description of the property and what it would contain.

Mr. Berard said Mike Castagna was a recognized NH consultant, working with various municipalities, helping with the technical side, assessing the different construction methodologies; in this case, three of them, to deliver the most cost-effective building. They were given the directive by the committee, which included the constraints of the site, even down to the utilities buried under the site and in which manner a building could be put together in place so that these encumbrances would be least costly. They started with a wish for a certain head count in the assembly room and then the laundry list of the various rooms that would also serve as the facility. When he started designing, he started with an actual seat at a table that grew into how many tables and seats in a scenario where food may be served, where a movie may be shown at the same

time—whatever possible uses this assembly room would fall to. Then they went from room to room to appraise the different requirements for the size of the kitchen, the size of the bathrooms, and would up with a square footage that made the most sense from a pure use and utility standpoint and arrived at just a tad over 4,000 ft. After looking at the square footage count for this, they tried to figure out what the least expensive way to build this was. The site plan is built around the constraints of the site leading to the most opportune place for this addition, also allowing for parking and other uses for the Community Center different times of the year. There is bus pickups, parking and a lot of things going on that led to the building being placed on the side (he indicated where) of the Center. The floor plan is using conventional technology to come up with a very straightforward, most cost effective layout. The building allows for a panelized construction approach, very time-effective and cost-effective. They are talking about winter conditions and shortening those conditions, so they attacked this from the point of view of how the costing would go together.

One option they looked at is attaching the building right to the existing Community Center, but there are numerous construction assemblies that they would have to be involved in. Because there is a sloping room coming down, it's very difficult to think they would have a flat room on a new building that would be directly attached because of the outflow coming off a sloped roof on to a flat room, they are causing snow load issues that would mean the sloped roof on the Community Center would have to be reinforced. Now they are getting into tearing apart a 55-year old construction and that would be a no-no. They would need to build the new building, joining to the existing building, they would have to pour a concrete foundation wall parallel to the existing foundation wall to stay away from undermining the existing foundation wall, then build either a full block wall or a structural steel wall for the new joint wall to attach to the existing building. They'd be building double everything in order to mate the building to the existing building. They have a cost breakdown that comes from what happens if they tried to do that. The next reason for going to a flat roof if, in fact, they pull the building away, and make it a much cleaner construction exercise. The next consideration was putting a ridged roof on the now pulled away building, and the effect that has. That appeared to cause a bunch of site encumbrances. They've got six pieces of equipment to run the HVAC system properly when they have assembly spaces—kitchen, bathroom evacuator and all the other components. If they don't put them on the roof, they are on the ground around the building and they have ballards, vandal proofing fences, and number of eating up of very valuable site and the parking configuration they were given to work with really gets hurt by those items. The other thing they didn't like was the weather falling off the roof around a building that has a lot of entries and a lot of people pulling up very close for the part of the community that needs all the help they can get when the weather is bad. This made no sense for safety reasons. The site encumbrances, and on top of that, extra cost. Not only would they need to put a sprinkler system on the main floor, they would then have to sprinkle the attic area, a large, enclosed area. There are a lot of costs and reasons why this fails the test, as well.

They then wound up with going to the flat roof design so they can put kitchen evacuators, HVAC equipment and all form of site equipment that would normally be coming out of the sides of the building, or on the ground around the building, up on top of the roof. The weather on top of the roof, the water and what-not would be brought to internal drains, down to a central collector and then run off the site. They've worked with the Town Engineer to help them clarify where the utilities were, so the building has been nestled right in between the underground utilities. There is one sewer line they have to disturb, but that's about it. He deferred to Michael to talk about costs.

Mr. Castagna said the cost was pretty straightforward with the most cost effective scheme that was ultimately chosen, and the most practical from a safety standpoint of the people that were going to use this. He was the program manager for the City of Manchester when they built their senior center a couple of years ago. That building happens to be a 15,000 sq. ft. facility, but it's a wood structure on a historical building, the old West Side Library. Many similar, other than the sq. footage. That building was \$270 a sq. ft. There are many similarities from the function room, the full blown commercial kitchen and the travel entrances, handicapped accessibility, etc. One of the things that was driving the price was it's only 4,000 sq. ft. The buying value on certain items is less. Whether it's a 15,000 sq. ft. building or 4,000 sq. ft., the commercial kitchen will cost over \$100,000. The entrances and utility entrances will cost the same amount of money, regardless of the size. Those are the kinds of things that skew the cost per sq. ft. They asked the question when was this going to be built, and the consensus was when all the dust is settled and all the votes are in and they go out to bid and design it and what now. They will be into the winter months, building this thing, so they built in winter conditions because they will end up paying for them. They basically encompassed everything that is going to touch this building, from a cost standpoint, including things that maybe the town is going to provide. Maybe the town will provide some site work. Maybe there is landscaping, paving, and those kinds of things that could offset cost or save money, yet when they are going through a vote like this, and not sure if that is going to be the case, they've still got to account for those costs. They've also put in a contingency for things they don't even know. Once they open up the ground, plus the fact the other building has been there for over 50 years, there are always surprises, and they only get one crack at this, from a voting standpoint, and you better have all the money in there. Come time to build it and they save money, great, but you can't go over, so you've got one shot. That's the approach he took, hence the budget that is before them.

Selectman Massey said when the committee gave the architect the instructions as to the fit-up of the building, the general rule was that the mechanicals would be high standard, at the top of the thing for long life and easy maintenance, but all of the other items, like carpeting, tile, etc., were all middle of the pack price-wise. This building does not contain any low cost items in order to sustain its life, and the only thing included in the price on the high end are the mechanicals—the AC, the heating system, etc. He wanted to publicly thank Civil Engineer Gary Webster for his invaluable efforts. Had they not had his assistance, they would not have know where some of the utilities are, and they do require the sewer line to be relocated just to the west of the building. He also provided other help to the architect, so he wanted to thank Gary for that.

Selectman Nadeau asked how much the winter costs were. Mr. Castagna said it was a \$75,000 lump sum. That includes tenting of any structures that are unfinished, LP gas and heating equipment, any labor to block up windows or openings, do whatever to temporarily enclose the space in order to continue working. They've also got the possibility of frost removal when it gets into the ground. They've also got the possibility of winter concrete and the cost of snow and ice removal. If it's not a bad winter, they get to save some money. If they get blasted with snow and ice, it drives the cost up. Based on historical information on similar projects, he bumped it up from \$40,000 to \$75,000. When they go out to bid, nobody's going to carry winter conditions because it's such a variable. The town will get charged for whatever they spend. It will all be itemized, but he believes it will be a safe number. Mr. Berard said this assumes the worst case scenario for the way this would be constructed, which would be totally (not discernable). He contends that part of the negotiations for the final bidding contractors would be this is a panelized building, for sure, and with winter conditions they could knock out weeks of exposed construction. He contends that is a supremely conservative number, but with this kind of a process, they need to be very conservative.

Chairman Jasper complimented them on their presentation, both tonight and with the packet that was provided, since they didn't have a great deal of money to work with. They did a very nice job, whether or not he agrees with where this is going. The town certainly got a good value from Berard-Martel.

Selectman Maddox said one of the charges in the warrant article was to look at the existing building. This could be a free-standing building in another lot. He asked how much of the existing building they looked at, since there is already a commercial kitchen there, and there's already storage there. He was surprised that they built a separate building. Selectman Massey said that's not a question for the architect to answer. Chairman Jasper said he had not recognized Selectman Massey to speak and he didn't know how productive that question was going to be. This is the report they have to work with and the Board has to reach a conclusion. He has a bunch of questions and was wondering why, wherefore and whatnot, and then he came to the realization that wouldn't get them any place. This is the plan they have to work with, so he was hoping they could stay focused on the things they can deal with. This is the report and when the Board reaches a decision on what to do, it's going to be based on the report before them. He hoped he made himself clear on that.

Selectman Massey said the warrant article that passed was to determine the feasibility and cost of an addition to the Community Center. The original charge that the Building Committee gave to them was just that—an addition to the building. When they looked at the requirements of adding to the building and the operating costs that would ensue, plus all of the costs that would have to incur, not only for the construction of this addition, but to bring the existing up to ADA compliance which, at some point in time, they really need to do, but if you only have a portico between the two facilities, you don't have to address the ADA issues. So, when they came back and said here are your choices, the committee said a separate, but attached by a portico, from a cost perspective and long term operating, makes more sense. Last week, when he briefed the Board on what they were going to see tonight, he made that point. Everything they saw before them reflects what the architect was told by the committee had to be there.

Selectman Robinson said at the June 26th meeting, this Board passed by a vote of 5-0 to charge the architect to look at the west side, the left hand side of the Community Center for the purpose of the feasibility study.

Mr. Berard said the existing building has been around for 55 years. The new building is proposed to be a 50-to-100-year facility. He fears the items in the existing facility are at the very end of their life cycle. After going through that building and exploring it, there's a bee's nest in there. He didn't know what the final decision down the road is. The new facility would be a completely different facility from the old one. If any Fire Inspector were on site during their inspections, it would help shape that argument. From there, there are a lot of other issues.

Selectman Maddox asked how much the separate building was fed by different utilities, or if they were using the existing utilities off the main building? Mr. Berard said they would be coming off new junctions to new entries, separate meters.

Mr. Stafford-Rogers said to answer the question about using the existing kitchen, he toured with the architects and engineer throughout the building and they looked at all the old facilities to attach to them, because that's what they thought they were going to do to add on, utilizing that kitchen 100% for the Senior Center. They went through all of those for hours on end, discussing how much it would be and so on. They came down to the fact that it would be more costly to utilize the older kitchen and attaching that building to that thing, so they came up with the plan of a portico and a new building. It would be more dollars and a higher price to redo that kitchen to make it accessible to the new part of the building instead of putting in a completely new kitchen. Mr. Berard said the number for the kitchen was wide open and flexible. There's many ways to put together a commercial kitchen. They've got requirements for meals on wheels and other uses for the kitchen. For the sake of the proposal, in the course of design so the project could move forward, they would fine tune and arrive at as cost effective a budget as they can.

Chairman Jasper said from this point forward, it was going to be a Board discussion, so the architects would be free to leave. He referred to the April 10th meeting, when he said he saw this as an ideal situation for design build. You come up with a concept, square footage, the footprint where it's going to go, and the next phase is to design build, and that is what would go to warrant. He didn't think what they have here is a complete enough thing to go to warrant. He has several problems, but if this is going to go any further, the next thing is like what they did with the highway garage, design build, and they had a number that went to the warrant. He has a problem with the cost of this, which is a stand-alone senior center. It wasn't really where they thought they were headed. He was talking 2,300 sq. ft. He never envisioned 4,100 sq. ft. for something

approaching \$1 million. They also were losing slightly over a quarter of the parking, a huge problem. He's worked at that building for every presidential election since 1980, and there is a problem. They cannot give up a quarter of their parking spaces and run elections out of that facility. One of the things in the minutes from June 26 is they will be looking at replacing lost parking, and that was something that was not part of the proposal. He didn't think it was responsible for this Board to go forward with this without looking into that. There may or may not be room, but they need to replace the parking.

Selectman Maddox asked if this envisioned using the existing Community Center at any point. Mr. Massey said yes, but only on those occasions when the seniors believe they would need more than 100 people to get together for a specific event. Right now, he didn't think they would see that as a weekly occurrence. He's not sure they would see that as a regular occurrence, at this point. They'd have to ask them, but that never came up. At some point in time, it depends on the value that the building winds up giving to the seniors, but no. The intention, for the most part, is stand alone in the new addition and that's the reason for having the mechanicals. He didn't think the existing mechanicals would service the existing building and, secondly, by keeping it separate, you don't have to run the air conditioning in the big building during the times that it's not being used. You wouldn't have to have it at the regular heat that was required. This ceiling was only 12' or 14' high. Mr. Castagna said 10' ceiling, 16' eave.

Selectman Robinson asked if there was a reason the building was 4,000 sq. ft. and not 2,300 as Chairman Jasper envisioned. Was there something in the code that dictated that? Mr. Berard said not in the code, but the response to the uses, the population criteria that was given to them. That's how the design came together. It starts with the assembly room. That's the hub. The bathrooms and couple of offices where some services are rendered, along with (not discernable) and all those components. The best they could tighten this down, it netted out at 4,000 sq. ft., and that was squishing and squeezing. Selectman Robinson asked if it was 4 sq. ft. per person. Mr. Berard said that would be if they were all standing up and packed in like sardines. They figured the building according to the new 06 ICC Building Code Regulations in NH. They qualified the building as a municipal assembly use. In that, they then look at every room and its intended use and how to rate its occupant load. The assembly room is going to be used with tables and chairs. When they pack that up, it's 15' per head in that assembly room and they arrived with the assembly room, having been squeezed just a tad, at 92 heads, depending on which of the three or four table and chair layout options they've explored they've used to fill the assembly room. The other rooms all have their specific uses. The storage room is one person, according to the tables in the ICC Building Code, the offices and the lounge and the game room all have their particular load requirements. It adds up to approximately, at maximum capacity, according to the tables, of 162 for the whole building. That's how they came up with the population.

Selectman Massey asked the Chairman to recognize Mr. Rodgers, who had his hand raised. Chairman Jasper said at this point, the Board is having a discussion. If a Board has a question for someone, he'd allow it, but he didn't want to get into a public debate at this point. Regarding the question about the size of the building, he referred to the minutes of June 26, page 5, and read, "Chairman Jasper thought they were going about this backwards. They've got \$15,000 for a feasibility study. Feasible to do what, where? What they should be doing is asking how big a building, and where, and if it is feasible to do that. Frankly, anything is feasible with enough money. They ought to be saying, here is the footprint. Now, is it feasible, within that footprint, to accomplish the goals that the Seniors are looking to accomplish? He can see putting in a kitchen and the bathrooms. Seniors shouldn't have to walk 200' to get to the bathroom. He thinks they ought to say, look, here's what we want to study. We want to see if an addition can be put onto the side of that building, running the width of the garage, down to the block end of the building, and even if, in its first life, it isn't set up as a lounge—maybe they just get the kitchen and bathroom the first time, and have to make do with some of the other things, but then, when they get to the next phase, which is an off-site Rec Center, now you don't have to worry about having a room for 100 people; now all they need to worry about is having a lounge area." They are right where he envisioned, back in June, they would end up, with a whole separate building at \$1 million. That's the problem. If they did what their goal was, which is to move Rec off center, then they wouldn't need that 100-person room. They could use the whole big room, which is what he was talking about then. That's how he saw it then and how he sees it today.

Selectman Maddox said he agreed. What they have is a \$1 million addition on to an empty building. He didn't see the progress they've made in designing this. If anything, this should be a free-standing building on another lot because they are going to lose more parking, and there are only three handicapped spots on the drawing. He could see more parking being lost to those needs. They are going to spend \$1 million and ignore the building that's there. He thought they were going to upgrade the existing building, add on some spaces that would give them some privacy, but not have this meeting room that's driving it when they have a building three times its size next door. He understands it's the nine weeks in the summertime, but it's tough for him to imagine they're going to build this building for those nine weeks.

Selectman Massey said when they finally came to a decision that was voted 5-0, he specifically asked this Board. He didn't want them to wind up going off and doing something that the Board didn't envision them doing, and he specifically said that this is what they were going to ask the firm to do, to come up with an addition that would include an assembly room for 100, because they backed off of the 200 that Chairman Jasper thought was too much, and that it would also include a kitchen, storage room, a game room, a lounge, bathrooms and two offices. There was nothing there that said they have to fit that into the existing building. It was an addition. The feasibility to do an addition that would include those components, and he specifically mentioned to the Board that it was crazy to put down requirements that specified square footage before they knew what they wanted to do with it. On the basis of all of that, the Board accepted the initiative to go forward. If that's not what they want, he understands they may not want to do this, but make no mistake about it, what they have in front of them is exactly what this Board said the committee should go do. They may disagree with it today, but that's what they did back then. It was very clear that night; let the requirements drive the square footage. He also asked the Board to be clear on what

they were going to go do. Chairman Jasper said he disagreed with Selectman Massey's interpretation of what happened that night. Minutes before they voted, he said, "the important thing is we're looking at the long term, looking at the facility down the road, as primarily being for senior activities with the Rec, hopefully, at a future date, to be at Robinson Pond. The committee has to be on the ball, looking at the rest of these things, keeping in mind the 2,300 sq. ft. That may change. This may all fit in there, or they may say maybe a storage room isn't necessary and continue to use the back. That's something they have to look at." "If the footprint gets too big because of a storage room, they could consider other options. Maybe the other room can hold 40 people instead of 50. Things like that. Nobody every said all they need is 2,300 sq. ft. It's 2,300 sq. ft., plus the availability of Lions Hall." He thought they'd use what was existing. He talked about the office. They don't need an office because there's already an office there. He thinks the interpretation (Selectman Massey's) is different than what the minutes reflect from that evening, only moments before the vote, and this is what he was afraid they'd end up with. He was very clear in April, he was very clear in June and he was very clear in July about his anticipation and expectations.

Selectman Robinson said that's why they have motions and come to a consensus or agreement on motions. This is the motion that passed 5-0, with every member of the Board in agreement. "Selectman Robinson said he'd revise the motion so that Selectman Massey proceeds with this project, looking at the Community Center for the possibility using a feasibility study to build on to the Community Center, on the left hand side, looking at the building, the west side, for the purpose of what is listed (in the proposal) to accommodate 100 people, versus the 200 people. Selectman Maddox agreed to the revised motion, which carried 5-0." The rhetoric before that may have been a discussion and dialogue, but the motion is clear as to the charge of all five members of the Board. The feasibility study is exactly what was asked by the motion.

Motion by Selectman Massey, seconded by Selectman Robinson, to forward the following article to the Warrant: "Shall the Town of Hudson raise and appropriate the sum of \$964,902 for the design and construction of a Senior Center addition to the Hudson Community Center, and authorize the issuance of not more than \$964,902 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33), and authorize the Board of Selectmen to issue and sell such bonds or notes and to determine the rate of interest thereon; and further, raise and appropriate the sum of \$27,404.44 for the purpose of paying 2008-2009 bond issuance costs and interest on said general obligation bonds or notes; and, furthermore, to raise and appropriate the sum of \$9,700 for the operating costs of the addition for 2008-2009." (This appropriation is in addition to the Operating Budget.) (3/5 ballot vote required.)

Selectman Massey said it's a five year bond on the first year the bond is issued, the only cost you incur is the interest, so in the first year, the cost, including the operating cost, would be about two cents on the town tax rate and, in the second year, approximately nine cents.

Selectman Nadeau said as much as he was in favor of putting an addition on to Lions Hall for the Seniors, the amount of almost \$1 million for a building that they might not be using, if the hall is the Senior Center except for the nine weeks in the summer, seems to be a very big number for that short amount of time. He can't go for this amount to the warrant. He could go for a smaller number, if they took out half the size of that building and built the kitchen, the bathrooms, the lounges and maybe a small meeting room on the end, but not the storage and the other storage in the offices. If that was half the amount, he could probably go for that, but not this. The first person you usually hear complaining about the taxes is the seniors and, as much as he'd like to put the addition on for the seniors, he didn't think that type of money would be very well spent.

Selectman Maddox asked for an explanation of Selectmen Massey's comment about the five year bond because his understanding was that it would be nine cents. Selectman Massey said the warrant article would have to be revised with the right numbers. In February of fiscal year 2009, a bond interest payment of \$26,000 would have to be paid. In the following fiscal year 2010, that would be the first time to pay both the principal and the interest, so in the first year, all you're paying is the interest rate and an estimated three months of operating costs, which is approximately two cents. The following year would be the nine cents. It would be a sliding scale after that of eight, eight, eight and seven.

Selectman Robinson addressed Selectman Nadeau, saying the Seniors were consulted from Day One on this program on their new building. The Seniors were consulted at the end with the final costs of this building, with full knowledge of what it would add to their tax base and he's not sure what the vote was on that day, but when they came back for the final presentation, it had passed their Seniors group that they would accept the financial ramifications, so if he (Selectman Nadeau) was concerned about the Seniors complaining about the addition to the tax base, that may not happen on this one. Selectman Nadeau said Selectman Robinson was looking at a very small percentage of people, only about 100-150 people, and not all of the seniors in Hudson, and he (Selectman Robinson) wasn't looking at everyone else in town, either.

Selectman Jasper said he never anticipated what was before them, as evidenced by the minutes. What he thought was coming was that they were going to go right to a bond, looking at a feasibility as the next step. Back in April, he said the next step was a design-build, so he thinks this is premature at this point. There has been a determination from this that it's feasible. Now, there is a determination that needs to be made as to what is reasonable and affordable in terms of square footage. Whether the number \$235 a sq. ft. is reasonable or not. That gets determined in the design build, and whether it gets built in the winter or some other time is another thing. All they should be doing, at this point, is saying yes, it's feasible. Now we have an idea of what we are looking at in terms of scope. Over the next year, it's time to put the Town Engineer and Road Agent to work to find out what can be done in terms of parking because they cannot ignore the parking situation out there. That is the single most important thing in a democracy is the ability to vote and taking away a quarter of the parking spaces at that facility is just unconscionable. They *have* to replace those parking spots. They cannot just tell people tough luck. It's a nightmare there as it is in a presidential election and even a state election, not so much with a town election. He's seen lines

out to the Adelaide Street back when there were constitutional questions, as well, but the lines are out the door, as it is, and now they'd be telling people they can't get on the site to park. He didn't see how anybody could vote to do that. They brought it up and said it had to be looked at, and nothing addresses the parking there. Anyone who has voted there or worked there knows that they can't ignore that.

Selectman Robinson said maybe it's time to start looking at the schools to help. Chairman Jasper said that's what they used to do, but the only way to do that is to close a school down. Voting used to me at Memorial, but there's no parking there. Lots are full during the school day. They would have to close down the schools on election days to do that, so he didn't think that was feasible. The town already has its own building. If it creates its own problem, he didn't think the schools would be too sympathetic to the town. He wouldn't be to them if they created their own problem and came to the town, looking for a solution.

Selectman Nadeau said if there was a warrant article to go to design build proposal, it would be something he'd look at, but it would have to include the parking. Chairman Jasper said they would go out for the design build, and come back with the results. They wouldn't need a warrant article. Selectman Nadeau said they would if they needed the money for it. Chairman Jasper said with design build, you don't, and that is where he saw this going.

Selectman Massey said included in the price is a design build. It was estimated that it would cost approximately \$78,000 which is on the first or second page of the packet. The estimated cost of building this building was \$886,902 and the design build was \$78,000. If this Board is of a mind to take this proposal and only do the design build, he wouldn't want to throw that out as an option, but if they are going to do it, he is still looking at it on the basis of what they asked the architects to do. The \$78,000 is to do a design and cost package for creating a bid package and then reviewing and analyzing the bid responses and providing some oversight during the course of the construction.

Chairman Jasper said not to get into the debate now; they should focus on the motion.

Vote: Motion failed 2-2, with one abstention. Selectmen Massey and Robinson voted in favor; Selectman Nadeau abstained.

At 8:25 p.m., Selectman Jasper declared a recess. The meeting reconvened at 8:37.

8. **NEW BUSINESS**

A. **Liaison Reports**

Selectman Nadeau said a new program, Open Basketball, is starting November 18 for ages 18–35 at 6:00 p.m. More information is available from the Rec Department or from Tom Tollefson.

- November movie night is scheduled to show Meet the Robinsons.
- A 5th & 6th grade dance is scheduled for November 30 at the Community Center. At the last dance, there were over 400 kids.
- Jette Field II is completed and the official opening is in May 08.
- On September 1, there was a basketball clinic with the Boston Celtics. The updated fee schedule and will be brought forward at an upcoming meeting.

Selectman Massey the South End water tank is now filled to the 60' mark, five feet below the maximum. They have to bring power up to the top, install the SCADA system, which is a supervisory control and data acquisition, which controls the entire water system, telling them when to turn a pump on or off, etc., and the fencing. He viewed the tank today and it really looks beautiful. The good news for everyone around is it cannot be seen unless you are on top of it. It's not an eyesore; people won't even know it's there.

•The base coat on the west bound lane of Derry Road will be paved this week. They are working on the sub-surface right now. Over the next couple of weeks, they will be installing curbing and sidewalks in. The final base coat plus should be down before the winter is finished. They'll come back next year and put the finish coat on. It's a little rough to drive over it right now. They need to put another shim coat on it to smooth it out.

•The Board should have all gotten a copy of a letter the Town Engineer wrote to the Nashua Public Works Department, asking why the town is just now learning that projects that they were told were going to cost \$200,000 have suddenly escalated to \$300,000 within the space of a couple of weeks, with no backup. They've give the town a whole laundry list of things they didn't know about six months ago, and the message back was if they didn't give the town enough information, Nashua isn't going to get paid until the next budget cycle. The town needs an 18-month window, because that's what the budget cycle is. Hopefully, they might get some additional help with the new Mayor in Nashua. Up till now, they've only been paying lip service to the town. Hudson isn't being treated as an owner. Hopefully, knowing that they won't be paid if the town isn't told in time for it to be included in the budget. In his perspective, they are not going to go back to DRA for a second year in a row, asking for help to overspend the budget.

- On the November 27th agenda, they will have the town use of computers policy that he's been working on with the Town Administrator and IT Director for the Board's approval.

- The minor site plan committee was officially inaugurated and the first set of site plans were reviewed last Monday. One proposal was approved and one proposal was forwarded to the Planning Board for action. They have two coming up this month. It was in the best interest of the town that this Board was able to persuade the Planning Board to implement that policy. So far, so good.

Selectman Maddox said at tomorrow night's Planning Board meeting, Green Meadow will not be there, even though the posting indicates as such. They have asked for a deferral to the December 12th meeting. The Planning Board has only one meeting in November and one in December. They are seeing things really slowing down.

Selectman Robinson said in October, 29.13% of the waste stream was recycled. So far, with the new program, they've recycled 1,000 tons of recyclable trash.

- The tractor has finished opening up the roads at Bensons. It took about two weeks to trim the brush and grass along the roadways down there so that is looking very, very good.

- The Highway Department constructed a cul de sac at the end of Rangers Drive and that should help the residents with the snow removal.

- Regarding the catch basins, 12 of the 13 on Library Street have been replaced. The last one is scheduled for the day before Thanksgiving, when school is closed.

- The Christmas lights are going up on the common for the arrival of Santa on Friday after Thanksgiving. This year, the department has replaced the old lights for the two big trees with LED lights, which only use about 10% of electricity of standard lights. The big tree by the bridge used to have 900 lights; this year, there are 2,500 lights.

- The fleet is geared up and ready for snow, which the Road Agent hopes never comes.

- Nottingham West School Principal Peter Durso wrote to the Highway Department to, once again, express his gratitude to Jeff Ferrantino and his crew for their time and talent in making the playground a beautiful area for all to enjoy. They planted trees and evergreens to eventually provide shade to the arbor area. The children of the community are very grateful and the enjoyment that they gain every day will live on for a lifetime.

Selectman Jasper said he spoke with the DOT Commissioner. The letter was sent to the Commissioner, giving him the information he asked for relative to the Stop & Shop ball field. They also spoke about Benson's and the Commissioner agreed with the Board's conclusion on the language that was put in relative to the historic structures, that it meant whatever they wanted it to mean. He's never wished for a building to burn down before, but he's wishing for one to burn down now. This is turning into a nightmare and he's at the point where they can wait for the barn to collapse, which is where this is headed, at this point. It's crazy.

The Fire Department has interviewed 13 potential call firefighter candidates. The Chief had spoken with two who had left the department but are interested in coming back, which is good news. They will still have to go through the process, but it's a step in the right direction. Things are going well there.

The Budget Committee gets the budgets on Thursday night, and that process starts up, so he won't be seeing much of his family during the holiday season.

- B. Public Hearing on Proposed Amendment to Chapter 261 of the Town Code, Pawnbrokers and Secondhand Dealers**
- Chairman Jasper recognized Det. Sgt. Chuck Dyac and Det. Matt Solari. Sgt. Dyac said they would like to attach language to the existing code in that the above-described records shall be transmitted electronically in a specifically stored format, along with any other information deemed necessary by the Chief of Police, or his designee. The electronic format will be a spreadsheet, preferably Microsoft Excel, which will be e-mailed to various agencies, including NESPIN, for entry into the pawn shop data base. As the system currently exists, any secondhand pawnbroker will send the Police Department a receipt of the sale of the transaction that occurred, with a copy of a photo ID, so that will be in the records. They are a member of a group called NESPIN, which is the New England State Police Information Network, and they coordinate agencies throughout New England to be able to share and exchange information, specifically with regard to stolen goods, whether it be through robberies, burglaries or major thefts. By having this format, they can electronically send the same information they are receiving into the central data base and other agencies will be able to view what is being sold in the town of Hudson, in an attempt to solve cases where goods are being disposed of. This would benefit Hudson in that, if Hudson gets a reputation for being a popular dumping ground for stolen goods, it's going to encourage other criminal elements to filter in, as well, to try to dispose of stolen goods.

Selectman Massey asked about the items that may not have a model or serial number, he assumed those would be optional. Sgt. Dyac said pawn shops are not allowed to take items that have serial numbers obliterated or defaced. Selectman Massey asked about pawning a watch that didn't have a serial number. Sgt. Dyac said if it didn't have a serial number by design, then

that is part of the jewelry ordinance, so they would photograph that item and give it to the Police Department. If they have an idea of a suspect, or somebody that might be pawning off certain goods, there are different search criteria to use, such as a search for an individual, pawn shops, different areas, different states, etc. You can punch in a name and it will tell you how many entries have been made by an individual, so they might be able to track other items, such as jewelry and such. Selectman Massey said it would be more definitive if the last sentence said, "the electronic format will be a spreadsheet capable of being imported into Microsoft Excel," because somebody may have a spreadsheet, but the format may not be capable of being read by the Police Department's software. Chairman Jasper said the wording before them says, "preferred," so that could be worked out without changing the ordinance. Selectman Massey said it was just a nit, so it wasn't necessary to change the wording this time; maybe next time.

Selectman Robinson recalled there are four pawn shops in town. Det. Solari said there is currently one pawn shop that is required to report to the Police Department, which is Cash Converters on Derry Street. Selectman Robinson asked how much time this would save them, instead of having to visit the premises once a week like they do now. Det. Solari said the existing formal will still remain intact because they'd still need photo ID's to keep on file, as well as photocopies of jewelry or expensive goods that they provide, so it wouldn't save any time. It would just give them another avenue in which to pursue stolen property.

Selectman Maddox said, as an aside, you see more and more shops opening up that takes stuff in for e-Bay and he asked when they would fall under this. They are taking in material to be sold. Det. Solari said they've discussed this with the Chief. If they're taking in goods for storage, then they would meet the criteria of the ordinance and they would have to report to the Police Department. If they are a store which acts as a middle man, where people retain their property, and the e-Bay store would buy and sell without physically exchanging goods through the middle man, then that would not fall under the current criteria. Chairman Jasper said he had a transaction through them on e-Bay and he picked up the goods there. They were physically on the premises. Det. Solari said then they will look into that and get an answer.

Chairman Jasper opened the public hearing at 8:56 p.m. and asked if anyone in the audience wished to speak on this item. There was no response, so he closed the hearing.

Motion by Selectman Maddox, seconded by Selectman Robinson, to send this to a 2nd public hearing on 11/17/07 carried 5-0.

- C. **Public Hearing on amending Chapter 205 of the Town Code, Fees, the Community Development Dept.'s Fee Schedule**
On October 23, the Board voted to approve the fee schedule before them, and to send it to a public hearing at tonight's meeting. Community Development Director Sean Sullivan said the goal was to recapture a minimum of 75% of the cost of services that are rendered within the building division. The International Code Council recommends a 75% recapture rate, which was the goal throughout the research.

Selectman Massey asked if there was any reason why he hasn't revisited the commercial electrical and plumbing permits, based on something other than a flat fee. Mr. Sullivan said the Building Inspector had done some pretty detailed research of other communities. They thought this was a modest increase and for non-residential, there would be a building permit application fee that is also charged and if there was a slight deficiency in the electrical and/or plumbing, it would be picked up in the building permit fee.

Selectman Maddox said he thought there was a \$30 fee, but he didn't see it. Mr. Sullivan said it's on the first page on his memo, dated October 18; the two key elements, in addition to the changes on the proposed spreadsheet, were the initiation of a \$30 building permit application fee, and the institution of a \$50 foster care inspection fee. Every other fee is being modified; those two are being proposed as new. Selectman Maddox said he was bringing that up because that wasn't advertised, adding that \$30 counter application fee. He questioned whether they've gone astray. He couldn't see it anywhere. He meant to call earlier today. Mr. Sullivan said it's similar to when he submitted the budget. There was the budget that had been appropriated last year, level funded, and then there was the wish list. It's similar to that. Chairman Jasper said the \$30 building application fee was not on the schedule. Mr. Sullivan said he wanted to get the Board's input before he added it. Selectman Maddox said he thought they were very specific; it's how they got to the number of 77%. Mr. Sullivan said it's a critical element in making the numbers work.

Chairman Jasper said Mr. Sullivan was before the Board in October, and they had that discussion. He didn't think there was any objection to that, so he's surprised not to see it on there. Mr. Sullivan said if he advertised it, it would have been on there, but he's not responsible for the advertisement. He'd be happy to do that next time. Chairman Jasper said they have the ability to amend that after a public hearing, but he's not sure they want to do that, in this case—not that anybody every comes out to any of these hearings, anyhow. Selectman Maddox asked if this was the first of two public hearings. Chairman Jasper said no, this type of change only needed one public hearing. They did discuss this at the last meeting, so he thinks it is appropriate if the Board would like to amend it.

Selectman Robinson said he'd like to see this included before they send it on. They asked for it to be included, and it's not. Chairman Jasper said the change doesn't change the intent, and they talked about it, so there's no reason to send it back again. After the public hearing, they can just amend the schedule to include it. Selectman Massey said this is posted, as written here, so if somebody saw the notice, they wouldn't have seen the \$30, so they wouldn't have seen any reason to come out. That may not be a good reason, but the fact remains this wasn't properly noticed, so he supported Selectman Robinson.

Chairman Jasper suggested holding the public hearing and adopting the fee schedule before them, and then do a separate notice for the \$30. That way, they can start collecting the new fees, which has been properly noticed. Selectman Robinson said he appreciated what Chairman Jasper was saying, but it wouldn't be proper to proceed if it wasn't posted correctly and while folks don't come to the public hearings, they still deserve the opportunity to come. Chairman Jasper said he wasn't proposing they do anything other than what has been posted and noticed; adopt what is before them, then have a second public hearing later. It amounts to the same thing. They've already noticed this one.

Chairman Jasper opened the public hearing at 9:04 p.m. and asked if there was anyone in the audience that wished to speak on this. There being no response, he closed the hearing at 9:04.

Motion to adopt the fee schedule for the Community Development Department, as noticed and posted, by Selectman Nadeau, seconded by Selectman Maddox.

Selectman Maddox said he was not going to vote for the motion because they should package this together. He didn't disagree with the thought process, but in totality, it should be one package. This is going to have a \$30 fee. These are the new fees, all at once, so they a) don't confuse and b) the difference in what they are going to raise is minimal. It should be all at one time. Make the correction and do it at one time.

Chairman Jasper asked Selectman Maddox why he didn't just withdraw his second and the motion would die. Selectman Maddox said he wanted to give people the opportunity; he didn't like it when people at least discuss it, so that's why he seconded it.

Selectman Nadeau withdrew his motion; Selectman Maddox withdrew his second. Chairman Jasper said they will re-advertise the whole thing again, and that is very expensive, over \$100. This makes no sense to him.

D. Public Hearing on the Acceptance of Leor Circle and Constitution Drive as Town Streets

Chairman Jasper opened the public hearing at 9:07 and asked if anyone in the audience wished to speak on this item.

Scott Dwelley, 6 Leor Circle, spoke in favor of the Board accepting Leor Circle as a town street, especially with winter coming. He said people go down there, thinking that's a way to get out, and he wanted to know how to go about getting a sign posted, saying there was no outlet. Selectman Robinson said he'd take care of that; he'd speak to Kevin tomorrow. Selectman Massey suggested Mr. Dwelley contact the Highway Safety Committee. (Talking over each other.)

There being no further speakers, Chairman Jasper closed the public hearing at 9:09 p.m.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to accept Leor Circle and Constitution Drive as town Streets, carried 5-0.

Selectman Maddox said getting Constitution Drive accepted was a challenge and an arduous project. Hopefully, next time, they won't have to go through what they had to to service the citizens. He applauds Kevin, but sometimes he wanted to strangle him because they went around and around with this thing, between the Planning Board and the town departments. It's finally approved.

E. Acceptance of Donations to the Recreation Department from Drama Kids of Merrimack Valley (\$224.67); Princeton Technology Corporation (\$500) and Flash Photo Sports (\$500)

Motion by Selectman Nadeau, seconded by Selectman Robinson, to accept the donations with the Board's thanks and appreciation, carried 5-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau did not have anything.

Selectman Massey

Selectman Massey said with the Board's approval, he'd like to revisit the warrant article that the Board voted not to send to the warrant, which was to change from 50% to 70% the contribution out of the Land Use Change Tax to the Conservation fund. The Conservation Commission asked the Board to relook at it and instead of putting money on a percent basis, to have a warrant article that would transfer the current balance in the Land Use Change Tax account, as of June 07 into the Conservation Capital Reserve Fund, of which the voters are the agents to expend, with the express purpose of the acquisition of conservation land. Ms. Rumbaugh was present, with the proposed change to the warrant article language. The Board all indicated their being in favor of revisiting this item.

Chairman Jasper recognized the Chairman of the Conservation Commission, Sandra Rumbaugh, said the last time she was before the Board was during the budget process, at which time the Board didn't support the Commission's two warrant articles. She heard what the Board had to say, so she created a warrant article which addresses the Board's concerns. One of them was that the overseers of the conservation fund were not elected officials. This is going into an actual capital reserve,

and the governing authority is the people of Hudson, so they have the final approval. Number two, the money going into a conservation fund could potentially be used for purposes other than land. This, again, is going into a specific capital reserve, which is only for the purchase of open space, and for the costs associated with that. Third, the concern was putting money away for a rainy day, and the answer was yes and no. The handout she gave to the Board showed a priority list of areas they are looking at, and a number of those parcels have been developed. They are focusing on Musquash, Gumpus, Robinson Pond areas and Benson's park. Yes, they are putting money away for a rainy day because there are opportunities that do come up. For example, a gentleman approached her to see if the Conservation Commission is interested in purchasing a parcel that adjoins a current conservation property. It's not something you can plan for; it's what happens.

Motion by Selectman Massey, seconded by Selectman Maddox, to forward to the warrant the language that's before them, taking the unappropriated balance of the Land Use Change Tax as of June 30, 2007 of \$196,789 to the Conservation Land Capital Reserve Fund, revised as of November 13, 2007.

Selectman Maddox asked them to add that the voters are the agents to expend. Mr. Malizia said it's already on the reserve fund. Selectman Maddox said he knew that, but most people going into the ballot won't know that. Selectman Massey said they may not be able to from a legal perspective, but if they can, it makes sense to do so. Chairman Jasper said this will be vetted by the attorney, to ensure the language is correct. Selectman Maddox said they could discuss it when they speak about it so people will understand.

Vote: Motion carried 5-0.

Selectman Maddox said it was rare, but he did not have anything.

Selectman Robinson said he had something to read, but he was going to hold off for two weeks.

Selectman Jasper spoke to the vote taken earlier not to forward the warrant article for an addition to the Community Center for a Senior Center. He felt badly about what transpired because a lot of work on the part of the committee and Selectman Massey has gone into this. He didn't think it was for naught. He suspects it will be a petitioned article, but he'd rather that it wasn't, that they should try to work together. Some people may feel that's over and done with, but they've come a long way. They have a better idea and they should still move forward. He wants to look into how they handled the design build when they did the Highway garage. His recollection is there was no up front money that was necessary to do that. You decide what your square footage is, what the parameters are, and you go out and people will give you a design build, which will include their architectural costs. He thinks that's how they should proceed, but they have to address the parking and the total sq. footage needs because Selectman Maddox was right; they're building a building on to an empty building, which would not have any real future use if they were to do this. That doesn't make a lot of sense. It's still unfortunate.

Chairman Jasper announced that, with Town Hall closed Thursday and Friday of next week, agenda items must be in to the Selectmen's Office by noontime on Tuesday, the 20th, in order to prepare the agenda for the Board's meeting on the 27th.

10. **NONPUBLIC SESSION – 91-A:3 II** (None was scheduled.)

11. **ADJOURNMENT**

Motion to adjourn at 9:18 p.m. by Selectman Maddox, seconded by Selectman Robinson, carried 5-0.

Recorded by HGTV and transcribed by Priscilla Boisvert, Executive Assistant

HUDSON BOARD OF SELECTMEN

Shawn N. Jasper, Chairman

Benjamin J. Nadeau, Vice-Chairman

Kenneth J. Massey, Selectman

Richard J. Maddox, Selectman

Douglas K. Robinson, Selectman